DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

7 May 2002

Tuesday, 7 May 2002

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

Petition

The following petition was lodged for presentation, by **Ms Tucker**, *from 200 residents.*

Abortion legislation

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

- The *Health Regulation (Maternal Health Information) Repeal Bill 2001* removes valuable statutory protection from women who are considering termination of pregnancy and those who have conscientious objection to participating in abortion procedures; and
- the *Crimes (Abolition of Offence of Abortion) Bill 2001* removes all legal protection from the unborn child before birth.

Passage of these Bills would be contrary to:

- the fundamental role of government, which is to protect the lives and promote the well-being of all members of our community, particularly the most vulnerable; and
- Australia's international obligations under the International Covenant on Civil and Political Rights and the Convention of the Rights of the Child.

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

Legal Affairs—Standing Committee
Scrutiny Reports Nos 8 and 9 of 2002

MR STEFANIAK (10.32): Mr Speaker, I present the following reports:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 8, dated 1 May 2002 and Scrutiny Report No 9, dated 7 May 2002, together with copies of the extracts of the relevant minutes of proceedings and the original minutes of meetings Nos 6, 7, 8, 9 and 10.

I seek leave to move a motion authorising the publication of Scrutiny Report No 9.

Leave granted.

MR STEFANIAK: I move:

That Scrutiny Report No 9 be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny Report No 8 contains the committee's comments on five bills, 14 pieces of subordinate legislation and nine government responses. Report No 8 was provided to members out of session.

Scrutiny Report No 9 contains the committee's comments on one government response. That report is a response to the Attorney-General's response to the committee's comments on the Legislation Amendment Bill 2002.

The committee's comments relate primarily to the proposed new section 142 in the bill, which sets out the way extrinsic material is to be used by the courts. In the Attorney-General's response it was stated that the proposed section 142 reflects the current position under both the Interpretation Act 1967 and the common law.

The committee points out that there may be a difference between the way the previous section in the Interpretation Act and the proposed new section in the Legislation Amendment Bill 2002 would operate. The committee sets out in a detailed analysis the reasons why it has adopted this position and is of the opinion that the proposed new section could present a distinct change in emphasis to what was set out in the previous legislation.

The committee is also concerned that the use of certain extrinsic materials will add to the cost of litigation and points out that again this appears to signify a change of emphasis from the legislative regime that was established by section 11B (3) of the Interpretation Act 1967.

The third point raised in the committee's report relates to the courts having to make reference to documents such as the Universal Declaration of Human Rights and the implications that might have for the way in which they interpret legislation.

I commend the report to the Assembly.

MRS CROSS: I seek leave to make a statement regarding Scrutiny Report No 8.

Leave granted.

MRS CROSS: Mr Speaker, the scrutiny of bills and subordinate legislation committee commented on the Discrimination Amendment Bill 2002 in Scrutiny Report No 8, dated 1 May 2002. The committee made four points:

- the bill does not contain intent but rather focuses only on actions;
- proposed new subsection 23 (2) could never give rise to a breach of the act;
- the bill should introduce the concept of potential parenthood rather than potential pregnancy; and
- proposed new subsection 23 (2) is unnecessary to achieve the policy objective.

The committee's comments centre on the example used in the notes on clause 8 in the explanatory memorandum of a woman in a job interview being asked about her intentions or desires to become pregnant at some future time. Discrimination would then occur when the answers to such questions were used as selection criteria for the job. As currently written, the explanatory memorandum does not clearly explain and illustrate the provision in clause 8. This portion of the explanatory memorandum has subsequently been rewritten to provide a clear example. I seek leave to table a new explanatory memorandum.

Leave granted.

MRS CROSS: I present the following paper:

> Discrimination Amendment Bill 2002—Supplementary explanatory memorandum, dated 7 May 2002.

I shall speak briefly to each of the four points raised by the committee.

It would be inappropriate to include intent in this bill. The act as it currently stands is structured in such a way as to list certain characteristics in a single section. The issue of intent is thus contained in a single section. To provide for intent in sections other than section 8 of the act would be inconsistent with the way the act is structured. The notes on clause 8 in the explanatory memorandum inadvertently uses the words "An example will be an employer who in an interview intended to ask a woman", when the correct phraseology is "an employer who in an interview asks a woman". As already indicated, the explanatory memorandum has been rewritten to reflect this.

The committee considered too narrow a view of proposed subsection 23 (2). The original explanatory memorandum is unclear in the way the example is used, but the provision nonetheless stands. The committee considers that the circumstances of an interview of a prospective male employee are different because a man cannot be asked whether he has a desire to become pregnant. Therefore, it is concluded, a breach of the potential pregnancy provision could not occur.

While the comment is true in the narrow sense the committee has described, a prospective employer could legitimately ask both a man and a woman more subtle questions about planning for a family or intended changes in lifestyle.

Further, the committee did not take into account a situation where prospective employees are women and a younger woman is asked direct questions about potential pregnancy whereas an older woman is not.

Finally, proposed subsection 23 (2) would apply to all of the characteristics listed in section 7 of the act, not just to potential pregnancy.

In consultation with parliamentary counsel, I have rejected replacing "potential pregnancy" with "potential parenthood". I have done so for two reasons. Firstly, it would be extremely difficult to find a workable and sensible definition for "potential parenthood". Secondly, it would be addressing a problem that essentially does not exist. Therefore, adding "potential pregnancy" to the act is an appropriate response.

The Human Rights and Equal Opportunity Commission has extensively researched this matter over a number of years and recommended that potential pregnancy should be added to the discrimination law of all Australian jurisdictions.

I disagree that proposed subsection 23 (2) is not needed to achieve the policy objective. As noted in my response to the second point, this new subsection would apply to all of the characteristics listed in section 7. Therefore, the act is considerably strengthened by the inclusion of subsection 23 (2).

Having considered the committee's comments, and after consultation with parliamentary counsel, I believe the bill is sensible and workable as it currently stands. After receiving the scrutiny report, I had intended to delay passage of the bill but now believe this is no longer necessary. I will speak with members individually today and seek to explain any outstanding issues they may have, but I wish to indicate my interest and my intention to bring the bill forward for consideration in private members business tomorrow.

I seek leave to table my response to Scrutiny Report No 8.

Leave granted.

MRS CROSS: I present the following paper:

> Response to Scrutiny Report No 8 by Helen Cross MLA, dated 7 May 2002.

Planning and Environment—Standing Committee
Report No 3

MRS DUNNE (10.40): Mr Speaker, I present the following report:

> Planning and Environment—Standing Committee—Report No 3—Draft Variation No 119 to the Territory Plan—Heritage Places Register—Aboriginal Places in Symonston and the District of Majura, dated 3 May 2002, together with a copy of extracts from the relevant minutes of proceedings.

The report was circulated to members out of session on 3 May 2002. I move:

> That the report be noted.

Mr Speaker, it is with pleasure that I present the third report of the Standing Committee on Planning and Environment on draft variation 119. It refers to the placement on the Heritages Places Register of scarred trees at Majura, which will become item 66 on the register, and a quarry site at Symonston, which will become item 67.

The committee would have liked to complete this report some time ago and were keen to do so, but in the course of the inquiry some concerns were highlighted to the committee. We are concerned about the length of time it takes draft variations to reach the committee.

The community has an expectation that matters will be dealt with quickly and expeditiously. We increasingly find that delays in Planning and Land Management tend to truncate the time the committee has to deal with these matters and limit the time we have to advise the Assembly appropriately.

When we were looking at this draft variation relating to heritage places, we noted that the process of forming draft variations, which is in itself complex, has an added layer of complexity when we are dealing with heritage sites. This has added to the time it has taken to get the variation out of the heritage unit, out of PALM and to the committee.

In this case we have highlighted problems with the consultation that takes place beforehand. The committee has specifically made recommendations for the reference of both the heritage unit in particular and PALM in the general application of draft variations.

We found that key stakeholders had not been consulted, although there had been two consultation processes before the matter reached the committee. Both indigenous groups and business groups who had an interest in the block at Majura had not been consulted before the matter reached the committee. The committee therefore had to undertake its own consultation, and that delayed the reporting.

We found, as we have found previously, that public consultation conducted by PALM over draft variations can be a little limited. You will find at the back of every draft variation you receive a list of people to whom PALM has written. It really boils down to a list of the usual suspects. We have seen in the past that the people doing draft variations sometimes do not exercise their judgment to consult people who might be interested in the draft variation.

The problems that have arisen over the Callam Street variation are a case in point. People should have been consulted but no-one thought to consult them.

On the basis of our experience with draft variation 119, we have made specific recommendations to widen the consultation process before a draft variation reaches the committee.

Question resolved in the affirmative.

Crimes (Bushfires) Amendment Bill 2002

Debate resumed from 21 February 2002, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (10.44): Mr Speaker, we have all seen the devastating results of bushfires at some time or other during our lives. Many of us in Canberra are reminded every day of the week of the devastation caused by the bushfires in Canberra over the Christmas/New Year festive season. Those bushfires destroyed thousands of hectares of forest in the Weston Creek and Yarralumla areas, forest which in some cases took nearly 100 years to grow.

Fortunately—again I state my gratitude to the emergency services workers who fought these fires—no lives were lost and no homes were lost. But we did lose hundreds of thousands of dollars in revenue to the territory. We lost natural habitats for our native birds and animals, and we lost a very beautiful landscape. Now all we see is the scars.

These fires were lit by firebugs, people who have a fascination with, and get pleasure and excitement from, seeing fires lit and the devastation they cause. Unfortunately, our laws in the past have done little to effectively curb these firebugs. Hopefully, this new legislation will in future help deter people from lighting dangerous fires which cause so much destruction, heartache and harm to our environment.

We in Canberra were not the only ones to suffer from fires over the summer months. Many on the south coast, in the Blue Mountains and on the north coast lost so much—their homes, their possessions, their livelihood, their animals.

As a result of last summer's bushfires the federal Attorney-General wrote to all jurisdictions urging them to take a national approach to the deliberate lighting of fires and the resultant devastation and destruction. The states and territories were encouraged to adopt the approach developed by the Model Criminal Code Officers Committee which resulted in the bushfire offences contained in chapter 4 of the model criminal code finalised in January of this year.

The government, I am glad to say, has agreed to the approach and, through the introduction of section 118A, has amended the Crimes Act 1900. I am pleased that this new legislation will bring us into line with legislation passed in New South Wales. The section makes it an offence for anyone to intentionally or recklessly light a fire, add fuel to a fire, maintain a fire and/or allow the fire to spread. Further, the bill has a provision which protects persons such as emergency services workers or landowners who are conducting a controlled fire or a controlled -burn.

I was concerned whether the government was going to enact legislation complementary to legislation around the country and specifically legislation in the state that surrounds us, New South Wales. I note—perhaps it was just a bit of confusion—that in one media interview the Chief Minister seemed to be under the impression that the maximum penalty was going to be only 10 years as opposed to 15 years in New South Wales. I am delighted that the penalty provisions are the same as those I understand will be applied in New South Wales.

The new section 118A covers persons intentionally lighting bushfires, something that has been missing from our law. The opposition is very happy to support this piece of legislation.

MS TUCKER (10.48): This bill creates a clear basis for prosecuting people who light bushfires or who are reckless as to whether a fire they have lit and are in a position to put out or contain presents a substantial risk of spreading to burn vegetation on land not belonging to that person.

The proposed offence is closely based on the Model Criminal Code Officers Committee recommendations for an addition to the model criminal code which were developed after considering submissions from various groups around Australia. The proposals and discussion of issues raised in submissions are in the report on the model criminal code, chapter 4, "Damage and computer offences, amendments to chapter 2", published in January 2001.

Importantly, although this bill closely follows the bushfires at Christmas last year, the work underlying the bill was carried out well before these events and involved a considered process.

The offence does not require proof that injury or damage was likely. In cases of bushfire where there was injury or death, the committee expected that under the code specific harm provisions would apply in addition to the bushfire offence. Similarly, if property is damaged, then arson provisions may apply. Of course, the code does not strictly apply here, but this does explain the intended context of the offence.

The nature of the offence is recklessness rather than malice. In answer to the question of the Law Society of New South Wales on this point, the committee says that in current legal argument recklessness adequately represents malice and there is much less confusion over its precise definition. I have checked with the Law Society, and they were satisfied with this response. Certainly fire presents an obvious hazard in Australia, and recklessness with fire is not difficult to understand.

That said, some individuals may not be capable of grasping the significance of threat posed by a fire they have lit. This will be for the courts to assess in particular cases.

The maximum penalty is 15 years imprisonment. The committee notes that penalties for arson have been greater traditionally than penalties for other forms of destruction of property. The MCCOC conclude that this is because of the potentially uncontrollable nature of fire and, by extrapolation, the fear that surrounds out of control fires. While penalties are set in an attempt to reflect the relative seriousness of the crime, in sentencing there will be some consideration of the effectiveness in each case. For instance, in some cases it may be decided that community service with fire victims may be a far more stark and effective message of the unacceptability and consequences of fire lighting.

It is interesting that in the past there has been no specific bushfire offence and therefore no capacity to charge people for fire lighting if it has not threatened property. The Greens support the definition of the offence here. As the officers committee points out,

there is a general commonsense concept of arson and of bushfire lighting in Australia in particular as distinctive antisocial acts. So enabling prosecution of these specific acts fits this understanding.

However, the Greens also note that, of itself, creating the offence will not necessarily lead to a reduction in the incidence of bushfire lighting. There may be some deterrent effect by the heightened awareness of penalties coming from publicity surrounding this new law, but ultimately crime prevention is not achieved just by ramping up penalties or creating more specific offences.

MS DUNDAS (10.52): I rise today on behalf of the Australian Democrats to address this bill. As Mr Stefaniak and others have noted, the bushfires that raged in New South Wales and the ACT over the last Christmas break were certainly devastating. Canberrans take pride in the nature reserves and urban bushland that make Canberra the bush capital, but with that comes the risk of bushfires.

Although no lives were lost, which it must be said is part miracle and part the work of our courageous firefighters, the devastation the fires caused on the nature reserves around Canberra is still evident today, and the effect on families over the festive season cannot be underestimated.

It has come to light that many of these fires were deliberately lit, and many politicians responded with a "talk tough on firebugs" campaign. The Chief Minister noted in his presentation speech that his government is not one to agree with the notion that an increase in penalties will solve the problem. I would like to agree with him, but it is odd that in the first few sitting weeks of this new Assembly we have seen the Attorney-General introduce a bill with a 10-year sentence for people guilty of a hoax and now 15 years for someone who starts a bushfire. In neither case have wee seen extra funds allocated for programs implementing preventive measures.

It is true that people who commit crimes need to be brought to justice, but the justice system supposedly is also about rehabilitation. Despite the words of our Chief Minister, this government seems set to follow all other state governments with a "lock them up and throw away the key" attitude.

There has been some interesting academic work looking at the behaviour of people, particularly children and adolescents, who light fires, and it comes down to about four main themes. They are curiosity, a cry for help, part of general antisocial behaviour and, perhaps most concerning for some, a pathological desire for destruction. Any of these conditions may be exacerbated in people who display other mental health conditions such as feelings of distress, alienation, thought disorder and poor reality testing. Given the mental health issues, I ask the Chief Minister what real solution there was in raising the penalty. Will it see more people incarcerated because of mental illness?

Across the border in New South Wales, a state that was also devastated by bushfires over Christmas, Premier Carr was populist yet innovative in his approach. He set up a prevention task force and, when asked to describe penalties, spoke of taking young people and rubbing their noses in the ashes. He also wanted to get young people to confront burns victims in hospitals. If nothing else, Premier Carr realises that lifting jail penalties alone is not enough. With other options being explored in Western Australia

and Victoria, it is a shame that the Chief Minister is offering only an increase in the penalty.

The Australian Democrats have always supported prevention over cure. In criminal matters, jailing people who commit crimes for long periods, particularly adolescents and young adults, is not the cure. Let us move this debate away from the "lock them up and throw away the key" mentality and be a bit smarter about addressing problems. Let us look at models of best practice in other jurisdictions. In that way we will find real solutions to what can be the most devastating of problems.

MR WOOD (Minister for Urban Services and Minister for the Arts) (10.55): I rise to support this legislation, though with some regret that we have to take measures like this to prevent events that should never occur in the first place. I mention in particular the great deal of maliciousness in the background of the fires over the Christmas period.

Over the last three decades, the ACT has seen an approximate doubling of bushfires every 10 years. Much of this can be attributed to deliberate setting of fires by thoughtless or malicious members of the community. These deliberately lit fires threaten lives as well as public and private assets, and they cost significant amounts of money to control. The cost of the latest fires was considerable.

In many instances, investigations into bushfires have discovered that ignition can be attributed to a sophisticated incendiary device. Such a device often allows the perpetrator to travel a large distance from the site before the fire is detected. The task of the police in catching fire lighters is therefore extremely difficult. On the rare occasions that a person can be identified, it is important to ensure that there are sufficient provisions within legislation to take punitive action. That is what this bill is about.

Whether or not the people who have caused fires in bushland areas meant to cause harm is somewhat irrelevant, as any fire lit outside of the natural fire regime of a natural area has the potential to impact on natural values.

Fire is an important element of the Australian landscape. Natural ignitions, such as those caused by lightning, provide an opportunity for plants to regenerate from seed or new growth to sprout from tree trunks and stems. This provides new habitats for native animal species. Fire in itself is therefore not always a damaging process and in many cases is an essential natural process.

Plant species respond in different ways to fires. Some species favour regular fire whilst others need an extended fire-free period in order to set seed. When the fire frequency is altered due to deliberate fire lighting, the balance of nature is skewed towards species that regenerate quickly after fire, at the expense of less tolerant species. This can mean that species become extinct in a local area whilst others proliferate and become dominant. Many of the species that become dominant are highly flammable. The next time a fire is experienced in that area, firefighters and adjacent life and property are confronted with a much more dangerous situation than when a more natural or balanced fire regime is in place.

The unique bush capital image of Canberra is made up of numerous islands of wildlife habitat in the form of our Canberra nature park reserves, surrounded by roads or urban infrastructure. When all or most of one of these island reserves is burned by a deliberately lit fire, as occurred on Bruce Ridge and Red Hill reserves last year, it can have disastrous results on native wildlife, as there are no areas of unburned refuge left for native animals.

Some animals have to be destroyed due to the extent of their burns. In order to survive a fire, animals face the dangerous task of crossing busy arterial roads to seek new habitats in adjacent areas. Following the Christmas bushfire period last year, rangers responded to almost 200 reports of wildlife killed or stranded on our roads, largely due to the fires in Stromlo pine forest, on Red Hill and on Bruce Ridge.

Further, the cost to the ACT community of the impact of deliberately lit fires is significant. Vegetation, asset damage and property loss occurred in all areas, including 500 hectares of forest plantation, urban amenity trees and shrubs. Native woodland, combined with a high fire intensity, resulted in considerable loss of mature and immature trees. More than $2 million of commercial pine plantation was destroyed by the deliberately lit fires at Christmas time. The loss of these plantations will have an impact on the ability of ACT forests to supply timber to the ACT forest industry into the future and therefore has a significant potential to impact on jobs in the region.

We can all now see the impact of the Stromlo fire with the clearing of the burnt forest ready for replanting. The loss of these trees also has an impact on the quality of forest recreation opportunities in this area.

Mature native trees in all burnt areas had to be felled for safety reasons. Vegetation lost in the urban area and along roads resulted in 90 per cent of burnt plants being removed. Reserve fencing, horse holding paddocks, road infrastructure, including signs, and ActewAGL assets were also damaged. The total cost of the damage of those Christmas fires is estimated to be in excess of $4.5 million, not including the considerable cost of the firefighting services that were employed.

This is money that could have been used for other government services. Priceless community assets such as trees used by Aboriginal people in pre-European times were also destroyed. The cost of undertaking additional weed control in the Bruce Ridge and Red Hill reserves due to those fires will be more than $50,000. At least three local farmers suffered significant pastoral losses that affected their ability to earn a living from their properties.

Deliberately lit fires placed firefighters at risk. While the cost of fighting such fires is significant, imagine the impact on the territory if some firefighters had lost their lives in fighting those deliberately lit fires. That has occurred in other places. We must do everything we can to ensure there are strong deterrents to those irresponsible members of the community who deliberately light fires.

Ninety-five people from ACT Forests, Canberra Urban Parks and Places and Environment ACT—areas within my portfolio—and a lot more from elsewhere worked with the ACT Bushfire and Emergency Services Bureau and their volunteers successfully to bring the Christmas bushfires under control. They were instrumental in ensuring that

the general community did not experience the personal injury or property damage that interstate bushfires generated.

We must ensure that legislation in the ACT is amended to reflect the fact that punitive action will be taken in the event of a deliberately lit fire, regardless of whether the offender meant the fire to spread or not. That is how important the issue is and indicates how much this bill needs to be supported.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.04): I rise briefly to respond to some of the comments of Ms Dundas, who rightly pointed out that punitive action and penalties are not the only solution. Let me advise the Assembly that part of the crime prevention and education strategy is to educate offenders—it is particularly aimed at young people—in the impacts of fires. I assure the Assembly that the government is working on more than one front in addressing the problem of bushfires.

At the reception for the volunteers I said that as part of our process of addressing this problem we would enter an educative phase. That is in relation to potential offenders, but it is also in relation to early detection of fires, harm minimisation and early reporting. In response to what Ms Dundas said, let me assure the Assembly that the government will be taking positive as well as punitive action in relation to this problem.

MR HARGREAVES (11.06): I think this chamber fully supports the stiffening of penalties for people who light bushfires. We only have to travel along the Tuggeranong Parkway to see the devastating effect of bushfires. There is a big difference between someone being a goose and chucking a cigarette out the window of a car and somebody deliberately lighting fires. There is a fine line between someone who has a mental condition—I do not like using that phrase, but I will—which manifests itself in pyromania and someone who mischievously lights a fire out of revenge or a desire to be a bit spectacular. We need to stiffen up the penalties. I think it is a top idea.

For what I consider to be an absolute crime we are now creating a full-on offence. In the past, you could get done for being a fool, putting people in danger or destroying property. But the lighting of fires is starting to become a bit of a habit. We saw half our pine forests go up in flames over Christmas.

With all of the graphic TV pictures of bushfires close to homes, what happened less than a month later? There were three fires over one weekend. One of them was controlled burning by ACT Forests on the Friday. On the Sunday there was another controlled fire by ACT Forests. But the fire on the Saturday was a deliberately lit bushfire. It seems to be the same people, in which case an offence has to be created to keep them in check. Alternatively, there is some copycat stuff going on and we need to be a bit tougher about that.

When we spoke about bushfires just after Christmas, for the benefit of the house I outlined some history. I neglected at that time to give credit to the person who put all the information on the ACT Volunteer Brigades Association website, Pat Barling. I would like to have the record show that we appreciate his work. He drew from John Gale's *Canberra: History of and legends relating to the Federal Capital Territory of the*

Commonwealth of Australia, Lyall Gillespie's *Canberra 1820-1913*, Bush Fire Council annual reports, bushfire organisation files and *Canberra Times* articles.

Making the lighting of a bushfire a full-on crime gives credit to those people who give voluntarily of their time to fight bushfires. How frustrating it must be for the people who respond to bushfires when the lighting of such fires is not regarded by our community to be significant enough to be an offence in its own right. I am pleased to see this legislation.

To stiffen penalties you do not necessarily have to jack up the amount. You can just jack up the profile. You can say that we regard this as a specific offence. I think we said the same sorts of things when the former minister brought in road rage legislation. We disagreed on the detail, but we did not disagree on the principle. We believed that the prevalence of road rage warranted it being an offence in its own right. It was just the administration of it that we disagreed on.

I commend this bill to the chamber. I commend anything which will stop the deliberate lighting of fires. I urge all members to examine the report the Committee on Legal Affairs, looking into fireworks, received from WorkCover. It has been authorised for publication, so it is on the public record. That report gives evidence that bushfires have been deliberately lit with fireworks being used as incendiary devices.

Mr Speaker, this is not a simple issue; it is a serious one. I commend the bill to the Assembly.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.12), in reply: I thank members for their contributions to the debate. As has been indicated during the debate, this bill creates the new offence of deliberately lighting a bushfire.

Mr Stefaniak quite rightly pointed out that the catalyst for the development of the legislation was not so much the fact that we had particularly serious fires in Canberra last Christmas but that the states and territories, through the Standing Committee of Attorneys-General, have been working for some time—it seems like forever—on a model criminal code. Through that process, the states and territories and the Commonwealth have agreed on model criminal code provisions in relation to bushfires.

As Mr Stefaniak indicated in his speech, the federal Attorney-General, Mr Williams, wrote to each of the jurisdictions in Australia after the devastating fires in New South Wales and the ACT and indicated to them the Commonwealth's desire to see a national approach to bushfire legislation. We responded to that approach from the Commonwealth.

There was some misunderstanding from the crossbench about exactly what it is proposed this legislation will do. This is a new offence. This was not a knee-jerk response to demands or a desire to jack up penalties. In fact, Ms Dundas, the penalties have not been increased. You are wrong.

The bill is based on a genuine belief that the Crimes Act provision on arson does not apply, as a matter of fact, to bushfires. The fact situations are different. Section 117 of the Crimes Act applies to arson. This goes to the nub of the issue we are discussing here. The arson provisions in the Crimes Act do not allow us to fit within their description the lighting of a fire without intent to cause damage.

An issue referred to by prosecutors and by courts was that in the lighting of a fire, particularly by a young person, it is difficult for a court to find and difficult for the prosecution to prove that the fire was intentionally lit to cause damage.

Section 117 (1) of the Crimes Act, the provision in relation to arson, which up until now we have been forced to rely on in relation to bushfires, provides for imprisonment for 15 years. Section 117 (2), which relates a person who destroys or damages by means of fire or explosive any property with intent to endanger life, has a penalty of imprisonment for 25 years. Section 117 (3) reads:

> A person who dishonestly, with a view to gain for himself or herself or another person, destroys or damages by means of fire or explosive any property is guilty of an offence punishable, on conviction, by imprisonment for 20 years.

I said explicitly when I introduced this bill that this government was not interested in entering into a law and order war. We did not increase the penalties. In fact, the bushfire offence provision, which is part and parcel of this bill, does not increase the penalty. To some extent, it decreases it. The penalty is 15 years imprisonment. That is the punishment that was settled on through the criminal code negotiations of the Standing Committee of Attorneys-General, a process which involves every state and territory in Australia, plus the Commonwealth. We adopted the criminal code recommendation of 15 years as an appropriate penalty for this offence. It is important to understand that and not just throw around willy-nilly accusations that we have entered into some redneck law and order "beat 'em up, lock 'em up, throw the key away" battle with anybody. We quite explicitly have not. I resent the unfounded and wrong accusation that that is what we are doing through this legislation. We are explicitly not doing that.

We have created a new offence of lighting a bushfire, because the proof determinants are very different from those for arson. Kids who light bushfires often do not know why they do it. They are perhaps responding to some strange or unknown psychological need. We accept that. I went into some detail about that in my presentation speech. We acknowledged that.

I acknowledged in my speech that there were very good reasons for not ratcheting up the penalties. Fifteen years is a very significant penalty in anybody's language. We did not think it necessary to increase the penalties for arson set out in the Crimes Act. But the Bushfire Act 1936 does not deal with fires that are lit and get away. It deals with leaving a fire unattended and provides for a penalty of six months. It does not go the next step of dealing with people who deliberately light, say, grass or bush, reckless as to whether or not the fire may get away and, in getting away, may cause enormous property damage or even loss of life.

Some of us have been involved with bushfires over the years. I was a member of a bush fire brigade in my youth. I understand Mr Smyth is currently associated with a brigade. Mr Smyth would know first hand, as I do, of volunteer firefighters who have lost their lives fighting bushfires recklessly set. This is no laughing business. The fire in the ACT, we understand, caused $6 million worth of property damage. There is an argument to be had about what is an appropriate penalty for a fire that it is suspected was deliberately lit and cost this community perhaps $6 million, let alone the trauma, let alone the disruption to lives, let alone the threat to life.

This is serious business. These are serious offences, and they need to be dealt with seriously. But this is not some law and order lottery that we have entered into here. The penalties have not been ratcheted up. We have been restrained. We have taken the advice of the Standing Committee of Attorneys-General. We have adopted the model criminal code provision in relation to bushfires. We have adopted the penalties that were set out through the consultative process with every state and territory, and we have settled on an agreed penalty of 15 years.

This legislation is necessary. This is not about ratcheting up penalties. This is about finding an appropriate offence for the deliberate or reckless setting of bushfires. The fact situation is difficult. The proof requirements are extremely difficult in relation to the lighting of bushfires.

What is the intention when somebody sets a bushfire? Did they actually intend for it to escape? Did the person who lit the fire that burnt out Stromlo Forest at Christmas intend for it to get into Stromlo Forest? They probably did not. It probably did not enter their minds. That is the difficulty with these offences.

They lit the fire thinking that it would create a bit of smoke, a bit of fun and a bit of flare, to satisfy some need they were seeking to express. They thought the fire brigade or the volunteer bushfire fighters would come roaring down and put it out before it escaped across the sheep paddock.

That is not what happened. The wind whipped it up and it got into the forest, and it did $6 million worth of damage. But it is quite likely that the person who lit that fire, if that fire was deliberately lit did not for one minute contemplate that it would escape into the forest.

That is the difficulty, as Mr Stefaniak, an ex-prosecutor, would know. The criminal law requires a mental element to be associated with the act. It requires mens rea to be associated with the actus reus, and the mens rea is often not there in relation to bushfire offences. The intention was not to cause Stromlo Forest to burn down. The intention was something else.

The law needs to respond to those gaps in the law. This bill fills a gap in the law in the punishment of people who set fire to things. I resent the suggestion that was made and I regret that the feeling was developed that this was just a redneck knee-jerk response trying to be tough on crime, when that is not the philosophical approach this government takes.

We will be tough with crime where toughness is required. Toughness to the tune of at least a 15-year sentence to match the minimum sentences that apply in relation to the offence of arson was appropriate to the bushfire offence. Anybody who suggests that it is not appropriate that the maximum penalty for deliberately setting a bushfire should not equate to the minimum penalty for arson has very skewed values of crime and punishment and the place in law of penalties.

Of course, penalties are always difficult. There always is an element of subjectivity in our approach to them. Probably none of us will ever agree on what may be an appropriate penalty for an offence. That is why in this instance the government had regard to the position adopted by the Standing Committee of Attorneys-General through the negotiations for a model criminal code and settled on the penalty which every state and territory plus the Commonwealth felt was appropriate for this offence. We did what the challenge just made to us said that we did not do. We looked at the accepted attitude and view in every state and territory plus the Commonwealth of Australia. That is what we settled on.

I thank those members who support this legislation. I regret the level of misunderstanding that has led some to speak against it.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Gaming Machine (Cap) Amendment Bill 2002

Debate resumed from 11 April 2002, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR HUMPHRIES (Leader of the Opposition) (11.24): Mr Speaker, the opposition will support this legislation. This bill provides simply for an extension of the cap on the number of gaming machines operating in the territory until 30 June 2003. The cap is due to expire on 30 June this year, 2002.

Members will recall that the cap has been in place now for a number of years, initially at the behest of Ms Tucker, who argued that a cap should be placed on the number of poker machines while a review of the operation of poker machines in the territory was conducted by the Gambling and Racing Commission.

Mr Speaker, having made the decision to impose a cap, it is logical for the territory to retain that cap until such time as the review is completed. As is the case with a great many exercises of this kind, the process of reviewing the act is taking longer than might originally have been expected. I understand that the commission is due to provide a report of some sort in the latter half of this year, and perhaps the Treasurer can update us on this. The commission has already published a discussion paper containing

a number of quite interesting options for the future use of poker machines. I look forward to having a full debate about those ideas when the time comes.

In the meantime, until that report is on the table, until there has been debate in this place, and until the community has had a chance to have its say on the matter, it would be inappropriate to relax the cap that is already in place. Therefore a further extension of the cap at 5,200 machines by 12 months is entirely appropriate, and it has the support of the Liberal opposition.

MS TUCKER (11.26): We, of course, support the extension of the cap on the number of poker machines in the ACT. When I introduced this cap, it was to stop the number of machines increasing beyond the number that existing licence owners were apparently dependent upon, while we did the work required to understand the impacts, the best ways to regulate, and how to prevent harm occurring.

The Gambling and Racing Commission is in the midst of that work, and currently it is looking at questions such as what kinds of organisations should be allowed to have gaming machines. It is looking at international, national and local research on the impacts of such machines, and on what problem gamblers themselves say would help them. So there is a process in place, and it makes sense to retain the cap until these questions are resolved. It is the "do no harm" philosophy.

In 1999, the Productivity Commission found that the ACT had the highest number of gaming machines per head of population in Australia. Research into problem gambling in the ACT last year found that a high proportion of people with gambling problems earn a low income: 46 per cent of problem gamblers earn less than $25,000 a year. Obviously, losing money on gambling has a greater impact on low income earners, because they have less to lose in the first place, so it is still a serious issue for our community. Recently, Lifeline expanded its capacity to counsel people with gambling problems, and I understand that that capacity is already filled.

Future options for the cap itself are also part of the Gambling and Racing Commission's current policy discussions. These discussions are at a very early stage, and I have few details as yet. The Productivity Commission's report of 1999 looked into the effectiveness of different forms of caps as longer term harm-minimisation measures, so there is a body of work out there the continued development of which the Greens fully support.

Discussions also include the appropriate regulation of the expenditure of gaming machine revenue, and categories for community contributions. It may well be that we want to lower the cap after this work has been done, and of course that always has to be an option that people will consider. With these brief comments, I record the Greens' support for this extension of the cap, and for the process in which the commission is currently engaged to grapple with the problem.

MS DUNDAS (11.29): I rise to add the support of the Australian Democrats to this extension of the cap for the number of gaming machines in the ACT. The Australian Democrats' approach to gambling is one of harm minimisation. We try to weigh up personal freedoms and public good, and normally the middle ground does indeed point to harm minimisation. I have advocated this approach in other areas, such as sexual health,

or alcohol and other drugs use. Gambling is just another issue where minimising harm is a good option.

We must recognise that gambling does occur, legally and illegally, and look to ways of minimising harm, so that the whole of society does not suffer. This is about trying to help people to control impulses that they have failed to control.

I want to remind members of the Assembly of some of the facts about gambling. Adult Canberrans lose an average of about $800 per year through legalised gambling. Second, research performed by the ACT Gambling and Racing Commission in 2000 shows that about 27 per cent of Canberrans gamble on at least a weekly basis. These gamblers are increasingly gambling more money, more often. Finally, problem gamblers make up almost 2 per cent of adult Canberrans, and 70 per cent of these problem gamblers attribute their problem to the use of gaming machines.

Although gambling is commonplace, and the vast majority of people gamble responsibly, problem gambling is a social issue that requires government and community action to curb it. It is also true that the ACT government takes about $50 million a year in taxes on gambling, so this government, like all other governments in Australia, has a vested interest in the continuation of gambling. More specifically, it has an interest in the continuation of the regulation and taxation of legalised gambling. This bill provides for a continuation of the status quo, a cap of 5,200 machines and another review.

However, the question is how much breathing time do we need. This debate has gone on and on. We have had an Assembly review in 1998. Since then, we have had a comprehensive review by the ACT Gambling and Racing Commission, the report of which was handed down in December, and we are currently in the throes of another review. The previous reviews made clear recommendations.

In supporting this bill, we must acknowledge that the cap was suggested in 1998—and, as Ms Tucker has pointed out, for some very good reasons—and that the cap has still not been reached. We do not have 5,200 machines operating in the ACT. I believe, therefore, that the cap on poker machines could be seen as a misleading solution. The biggest problem with the machines is the technological developments that have occurred in the field in the past five years. Technology driven growth is the result of policy directives to cap the raw number of machines, and this has created a huge spike in research and development spending, which has lifted gambling machines to new heights.

We have watched as technology and psychology meet in the gambling machine industry. There has been increased pressure on the gambling machine industry to produce machines that increase their turnover and entice more people to use them, so that people lose more money, more quickly. One change is the proliferation of low-bet machines. These are seductive because they potentially involve only low bets, but the size of the bets made on them is significant. The amount of money you can lose on a poker machine, despite what is set as the minimum possible bet, is actually quite astonishing. The setting of a maximum stake on machines is one harm minimisation proposal that makes eminent sense.

The focus must be shifted from the cap on the number of machines to counteracting the technological changes in the industry. Suggestions could include changes to venues, such as removing ATM machines from gaming venues, or the installation of large wall clocks to remind people that time is passing. Another solution that I am very interested in, for health as well as social reasons, is banning smoking in gambling venues, so that smokers have to stop and leave their poker machines to have a cigarette. We know that a number of people who have gaming addictions also have cigarette addictions.

Other suggestions are changing the gambling machines so that, when you have a big win, you are not offered a double or nothing bet, or that the machine should spit out the money, so that you have to put it back in if you want to continue gambling. Even the removal of note acceptors could help, because the physical task of taking time to put coins into the machine can cut down the time that gamblers have to lose money.

Gambling is depicted in TV advertising, as part of a normalising process that encourages people not to see gambling as harmful, but to treat it as a minor aberration, a small problem. In fact, there is even one ad that says, "Everyone's a winner," although it is quite clear that this is not the case. There are over 5,000 Canberrans for whom gambling is a real problem.

This cap on machines is only one small step and, as I said, it can be a misleading solution. I do not want the Assembly to be debating a similar bill, an extension of time for the cap, for three years in a row. I hope that this government will move forward with some of the recommendations from earlier reports, and do so in a timely fashion.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.35), in reply: I thank members for their support for this bill. It allows merely for an extension of the previous cap, as has been stated. Mr Humphries did mention the inquiry and the length of time it is taking. It certainly is taking a long time, but I have had briefings on it and, although it is quite a complex and wide-reaching inquiry, I do expect the results to be before the Assembly before the end of this calendar year.

I want to pick up one point, and I think Ms Dundas alluded to this matter quite accurately: this is essentially a measure in prohibition, and prohibition is not, to my mind, a real answer to problem gambling, problem drinking or problem anything. I have to say that there is now, and will be in the future, some pressure against this particular cap. That pressure will rise because there is a developing area in Gungahlin, with the population increasing out there at a rapid rate, and those people will want the same facilities that other areas of Canberra enjoy. I do not think we want to create a situation where there is virtually geographic prohibition, or there are dry zones across Canberra, merely because we have this quite arbitrary process.

Ms Tucker was correct when she stated that we have not reached this particular cap, but it may be that we will in a year or so.

Ms Tucker: Why do you want to reach it? We do not want to reach it. I did not say that.

MR QUINLAN: Didn't you?

Ms Tucker: It is fine if we do not reach the cap.

MR QUINLAN: Well, I will say it—we have not reached this cap yet.

Ms Tucker: We are not aiming for 5,200. We do not mind if it is less. I think you said that.

Ms Dundas: I said that we have not reached the cap.

Ms Tucker: Did you say "breached" or "reached"?

MR SPEAKER: Order!

MR QUINLAN: For the record, the cap has not been reached, right? Reached.

Ms Tucker: Okay, Ms Dundas said that. I do not want it to be reached.

MR SPEAKER: And I said, "Order!"

MR QUINLAN: Let the record show that Ms Dundas said, "The cap has not been reached."

MR SPEAKER: Mr Quinlan has the floor and, if Mr Quinlan had not provoked other members, perhaps we would not have had the discussion across the chamber.

MR QUINLAN: My apologies, Mr Speaker. As I said, there will be pressure in the developing areas for the creation of clubs and for more poker machines. I can foresee that, in a reasonable period of time, there will be pressure for more machines to provide, if you like, equality between geographic areas in the territory. We may be able to rationalise numbers within the cap, and that will be considered. Larger clubs will be examined to see if they really need the full complement of machines that they have now been allocated.

Nevertheless, I think it is an arbitrary process that really, at the end of the day, is not going to achieve much in itself. I note that Ms Dundas talked about advancing technology. She has a point, but let me also remind members that problem gambling associated with poker machines emerged way back when poker machines were mechanical devices with a handle that you yanked, and they did spit out the coins and the coins did then have to be replaced in the machine individually. Nevertheless, that is when the great apocryphal stories of people going bankrupt because of poker machines really arose. I do not really think that that point carries much weight.

What we really have to ensure, in relation to problem gambling, is that we address that problem, and that the vast majority, the 99.9, or whatever, per cent of the population who do not have the problem are not subjected to prohibition because the only solutions we can think of are arbitrary solutions. Nevertheless, I thank members for their support and I predict that maybe in a year's time we might be having a slightly different debate.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Board of inquiry into disability services
Papers

Debate resumed from 19 February 2002, on motion by **Mr Stanhope**:

> That the report be noted.

MR SPEAKER: Before I call you, Mr Humphries, I want to remind members of a ruling that I gave on 20 February in relation to this matter. It goes to the issue of sub judice. I remind members of a quote from the third edition of the *House of Representatives Practice*:

> Subject to the right of the House to legislate on any matter, matters awaiting adjudication in a court of law should not be brought forward in debate, motions or questions.

My ruling on that day was as follows:

> In relation to the two matters still before the Coroner, members should restrain their comments about the cause of death of the two persons involved. In relation to the matter before the Supreme Court, I ask that members refrain from addressing issues in relation to procedural fairness of the conduct of the Gallop inquiry.

I draw that matter to members' attention, and I trust they will take it into account in their contribution to this part of the Assembly's business today.

MR HUMPHRIES (Leader of the Opposition) (11.42): Mr Speaker, I will certainly take your advice about those matters on board.

We have come back today to a very important debate in this place, a debate for which we have been waiting since well before the start of the fifth assembly, and that is the debate on the report into disability services by Justice John Gallop.

This is perhaps the most comprehensive examination of disability services ever undertaken in the ACT. Certainly, it is the most costly. The report, as members will be aware, was commissioned by the former government. The former minister for health and I signed the terms of reference for the inquiry in December of 2000. It was, of course, to be another year before the results and the final report were actually available.

Admittedly, the report was commissioned by the former government under considerable pressure in this place from other members, who believed that an inquiry of this sort was necessary, and that an inquiry of a lesser sort, such as an inquiry by a committee of this Assembly, would be inadequate for the purpose of determining questions about the

proper conduct of disability services. Given the reluctance of the Liberal Party to embark on the report initially, at least in this form, and the enthusiasm of the Labor Party of the time, there is I think some irony in the present position being taken by each of the major parties with respect to this report, and how it should be dealt with from this point on.

After there being several extensions of time and some modification to the terms of reference, the board reported in December of last year—as I have said, a year after the report was originally commissioned—having cost something in the order of $1 million. Given the length of time and the number of issues covered by the report, that delay and that cost is hardly surprising.

The board's findings and its recommendations fall into two essential categories: one was a series of findings and recommendations about the model of service provision for those with disabilities in the ACT, and the second was a series of findings and recommendations about individuals, particularly in senior administrative positions in disability services. I want to cover each of those issues in turn.

First of all, Mr Speaker, the question of the model of service provision is extensively dealt with in the report. The report finds that ACT Disability Services are inflexible, that they have inappropriate performance measures, that they are insufficiently concerned with the question of client choice within disability programs, that they are resistant to clients', and particularly clients' families', participation in the provision of services, that they have an outmoded model of service delivery in the territory, that events and developments in other states have overtaken the provision of disability services and that ACT services should be adjusted to reflect contemporary practice.

The report argues that the system is designed to suit the service provider, rather than the client of the service. It argues that the focus on the delivery of group housing, in particular, is a mistake. It says that this is, and I quote, a "one size fits all" approach to service provision, that the approach has changed in other jurisdictions, and that it should also change in the ACT.

It emphasises that what it calls a person-centred approach should be adopted, one that empowers the clients to decide what is best for them and, as a result of changes to the framework arrangements, ensures that there is the financial capacity to carry through with the chosen service. To reinforce that new model, the report suggests that a new body should be created to oversee the provision of services and the monitoring of service delivery across the territory, both in government and non-government sectors. This body might be called the ACT Disability Services Commission.

The report suggests that adopting the model used in Western Australia is the best approach to take. Recommendations include that the new commission should gradually withdraw substantially from the use of group housing in the ACT. It argues that this is a model that does not suit most clients of the service at the present time. It also argues that, gradually, a person-centred approach should be replace it, so that the emphasis on the choices made by individuals and their families should be apparent in the way in which those services are provided.

The commission, it argues, should not be under the scrutiny of the ACT Health and Community Care Services Board. Rather, it should be scrutinised by a new free-standing disability body of some sort.

It recommends, among other things, strategies to attract and retain good staff, which it emphasises are at a premium in the sector. It talks about the introduction of new programs for clients, but perhaps the essential recommendation, as far as clients are concerned, is the much wider use of individual support packages for those clients so that, in future, people are not required to take up a place in a group house or a service in a particular standardised form, but rather have the capacity to take a relatively portable sum of money to a service provider who suits their needs.

It deserves comment that that recommendation will be an expensive one to implement. Of course, ACT Disability Services provides services to a significant number of clients. The number of clients concerned is to some extent a function of the way in which the services are provided. It is arguable that, with a much higher standard of service provision and much greater flexibility, ACT Disability Services might attract other clients to take advantage of those arrangement.

In balance with that argument is the observation that, in many areas—including in disability programs—the ACT has been at the forefront of Australian practice for a long period of time. Many things that have been done in this territory were done here before they were done elsewhere, and many of the achievements that we have notched up in disability programs have been the result of intense negotiation and consultation with clients and partners in the service. They are achievements about which we can feel some pride, although, of course, the tenor of this report is rather one of concern about the lack of advancement and progress in the field of disability services, rather than pride in our achievements.

I think that all of us in this place will have spent time speaking to the families of disabled people. None of us will be insensitive to the fact that there is tremendous pressure on these people, and that the quality of life that their family members—disabled people—experience is a direct product of the amount of attention, and particularly the amount of money, which is devoted to them within this system.

I think it is fair to argue for an evolution in the quality and nature of support programs available in the ACT, and therefore I, and the Liberal Party in general, do not view with a sense of alarm the recommendations about the expenditure of greater amounts on disability programs in this territory.

In saying that, we do not underplay how much it might cost the territory to go down this path. However, we also acknowledge that the need for greater empowerment of the people concerned, and greater acknowledgment of the changes taking place elsewhere—which the territory may ignore at its peril—warrants an approach that puts the ACT again at the forefront of Australian practice.

It is important to be able to say we have done our best, with the resources available in this territory, to advance the position and the quality of life of people with a disability. The conclusion of the report notes, and I quote:

> The circumstances giving rise to this Inquiry, namely, the deaths of three persons in the care of the Disability Program within twelve months, demand the commitment by Government to implement the necessary process of fundamental change to the ACT disability sector.

I think that this injunction falls on the heads of all of us, that we all need to embrace a spirit of change and acknowledge that these issues will not be adequately dealt with without a very full response that will almost certainly have to include a commitment to spending a great deal more in this area.

As members have been told, the government is to provide its response to these recommendations during the latter part of this year, in about October. I have to express my regret that it will be such a long time before the government's response is available. It will be the better part of a year from the report being ready and the government seeing the report in December of last year—some way before the rest of us, I might point out—and the response being received in October of this year. I appreciate that discussion and consultation will be needed, but I am not sure whether those are the main causes of this delay.

There will have to be a response that is at least partly budget based, in order to pick up things that were said in this report.

The second category of findings and recommendations is the one about individuals. The report, as members know, was very critical of a number of key public servants, particularly Mr Szwarcbord, Dr Gregory, Ms Grayson, Ms McGregor and Ms Beauchamp. Some other people are also mentioned in the report. The comments on the people I have named were quite trenchant and uncompromising. It is rare to see criticism in a report of this kind, or in any kind of report from the territory, which is so direct and so pointed.

The Liberal Party has looked in detail at these recommendations, and at the things that the report says about the evidence given and the circumstances of the conduct of the inquiry. It has considered the appropriateness of the recommendations made by the board of inquiry. The view of the Liberal Party is that it would be inappropriate to take the course of action recommended by the board of inquiry with respect to these public servants.

I am aware that the content of those recommendations, as you pointed out, Mr Speaker, is presently before the ACT Supreme Court, and it is therefore not appropriate to traverse, in detail, the issues that are raised in the report which may or may not be endorsed in the course of the proceedings before the Supreme Court. However, I will make the general comment that it is my assessment, and I might say the assessment of the other ministers who served with me in the former government, that the criticisms concerned are unfair, and that in some ways there is not sufficient—

MR SPEAKER: Order! Mr Humphries, I issued a warning earlier in the proceedings about procedural fairness in the courts, and I think if you discuss the issue of fairness you go too close to those issues that might be considered by the courts.

MR HUMPHRIES: Well, Mr Speaker, I will retract my last statement and I will rephrase it in a way that I think will acknowledge the concern that we have raised. I think that a report, in these circumstances, should acknowledge constraints on the capacity of individuals within a system to effect change in that system. In particular, a report of this kind should acknowledge that individuals who are program managers must be able to conduct their work in a way that acknowledges the budget constraints on them.

People who are required to work in these settings do so within budgets. No public servant has the luxury of saying, "I prefer to live within a different and bigger budget, and I therefore choose to take a different approach." I believe that it is important, in assessing the value of the recommendations made, that we consider the question of the constraints that operate in these circumstances on public servants. *(Extension of time granted.)*

Let me say no more about the process used by the inquiry, but instead comment on the way in which the government has chosen to respond to the inquiry, in particular, the way in which it has decided to treat the public servants concerned. As members know, before the report was tabled in this place, or publicly accessible, a very strong view was expressed by the government.

In fact, the government actually announced its intention not to remove from office any public servant who was criticised in the report. It said it would keep those people in place, subject to other processes operating in respect of those people, particularly Mr Szwarcbord who, the Minister for Health argued, was a person employed by the health board, not directly by the government or the department of health.

The government took the view that the public servants concerned in this case should not face the penalty that was prescribed by the Gallop report. As I have said already in this place, it was the view of the Liberal opposition that those public servants also should not be required to face the penalty or remedy recommended by the Gallop report. However, I believe that it is not enough to merely note that fact. We should also note the enormous inconsistency of the approach taken by the government to the treatment of public servants in similar circumstances.

Let us not forget that this is not the first time public servants have been criticised in this place, including in reports of a magnitude similar to the one we have before us today. Public servants have been criticised on a number of occasions: the hospital implosion inquiry and the Bruce Stadium report are two that spring to mind. I want to remind members of what the Labor opposition, as it then was, had to say about public servants in these circumstances.

Mr Stanhope, as Opposition Leader, repeatedly attacked the handling of the release of documents and other processes associated with Bruce Stadium. In particular, he made comments that were highly critical of public servants. In the *Canberra Times*, for example, on 6 October 2000, the following report appeared:

> Labor leader Jon Stanhope said his long battle to obtain Bruce Stadium documents had left him wondering if the ACT Public Service deserved his respect. Appearing before an Assembly committee, he said he was not referring to the entire Public Service but did not resile from his criticisms. "At the bottom line, it's a sign of gross incompetence," he said.

He went on to echo criticisms made by the Auditor-General and, in particular, on this occasion and elsewhere, he had highly critical comments to make about the then head of the Department of Treasury, Mr Lilley, and Ms Ford, who was then in the Chief Minister's Department. Both of those public servants came in for trenchant and, I would go so far as to say, quite vicious criticism by the then Labor opposition. Remember there were no deaths involved in the situation at Bruce Stadium.

In that matter there was no question of forgiveness. There was no question of being able to say that public servants could be exonerated with a wave of a hand by the Chief Minister of the day. Indeed, I would ask members, particularly those who were there at the time, to consider what might have been the reaction of the Assembly as a whole if the Chief Minister of the day, Mrs Carnell, had come to this place and said,

> I choose to forgive those public servants who were criticised heavily in the report of the Auditor-General on Bruce Stadium. I choose to exonerate them. I have worked with them. I know what they are like. I know that these criticisms are unfair. I will not take it any further.

I think Mrs Carnell would have been on a slow spit-roast in this place before she could have taken off her hat.

The question is whether there is consistency in this approach. The Liberal Party has chosen to be tolerant of the circumstances in which these public servants worked in disability services, just as we understood and accepted the limitations under which public servants worked in the earlier period of time under the Liberal government. Whether we have been too tolerant is a matter for further examination of the report of the Gallop inquiry to ascertain. However, at least we have been consistent. At least we have not taken one view in government and a different view in opposition.

I think it behoves the government to explain, in the course of this debate, why it is that criticism of this sort should be acceptable and acted upon when in opposition, but immediately put to one side when in government. I ask members to consider what would have been the case if there had not been a change of government in October of last year. If it had been me standing over there, exonerating Dr Gregory, Mr Szwarcbord, Ms McGregor and others, what would the reaction have been of some members in this place? I suspect it would have been less than tolerant of my position.

I have already made mention of the fact that the response will come down in October of this year. I think that is too late. It behoves the government to speak much sooner on this matter. In particular, I regret the fact that there will not be an opportunity, presumably, for this budget, due next month, to be informed by the government's response to the Gallop report. Perhaps it will contain some extra funding in general terms, but obviously decisions about that funding will not be informed by public debate and consultation with the stakeholders, which would produce a public outcome that we could all discuss.

I want to refer to what I would call the debacle over the tabling of this report in this place. It was tabled much too late, and it was provided in a way that threw serious doubt on the government's claims to be an open and accountable government. During the last sitting period, I asked Mr Stanhope a question about the tabling of the report. I referred

to the fact that his counsel in the Supreme Court, in the proceedings to which Mr Speaker has referred, made comments about the intention of the Attorney-General, the Chief Minister, to table this report in this place.

I quote what Justice Crispin had to say in his judgment:

> Mr Walker, who appeared for the Attorney-General, supported Mr Howe's submissions. He also stressed the fact that there was no evidence that, at the time he made copies available to the plaintiffs, the Chief Minister had formed any intention to table the report.

(Further extension of time granted.) I continue:

> He informed me that since notice of the Speaker's submissions had been received only late in the afternoon of 9 April 2002, time had not permitted the preparation of any supplementary affidavits, but that he had been instructed that the Chief Minister, who was also the Attorney-General, had not formed such an intention by that time and would call evidence to that effect if necessary.

The Chief Minister's counsel in the Supreme Court was saying that, as of December 2001, the Chief Minister had formed no intention of tabling the Gallop report. Subsequently, of course, he said that he had formed that intention and that, as of 14 January, he said on ABC Radio, "I have a very strong desire to table the report." When asked about the inconsistency of these two positions, the Chief Minister said that there was effectively a change of mind: that as of December 2001 he had not formed an intention, but by 14 January 2002 he had formed an intention.

I then put to him that it is fair enough to change your mind, but what about the period preceding the election, where he said, and I quote from a report in the *Canberra Times*,

> Opposition leader Jon Stanhope called on the Government to release the report, claiming Mr Humphries planned to keep it under wraps until after the October election. "The Gallop Inquiry will cost the territory the best part of $1 million," he said. "It is important its findings are open to discussion before the election."

On another occasion, he went on to say, "It's just a pity we won't be able to see it before he goes," referring to Mr Moore. A spokesman for the Chief Minister, which Mr Stanhope was by this stage, said that Mr Stanhope remained determined to issue a report as soon as possible.

We have here an indication that the Chief Minister, or at least Jon Stanhope, intended to table the report in August of 2001, no longer had the intention to table it by December 2001 but, by the middle of January 2002, had again formed an intention to table the report. What exactly was his intention? Was the failure to want to table the report in December convenient for the Chief Minister, who wished to cooperate with other people to prevent the tabling of the report in a public way? The fact is that it was a public document. It was paid for by public money. It had been commissioned by this Assembly, and this Assembly and the public of the ACT were entitled to see it at the first available opportunity.

This confusion on the part of the Chief Minister was exacerbated by the spectacle of the Chief Minister sending counsel to the hearings on Christmas Eve, where an injunction was sought to prevent the tabling of the Gallop report and where, you would have to argue, any decent lawyer would be aware that the question of parliamentary privilege was at issue. The Chief Minister and Attorney-General instructed his counsel to say to the court that he did not oppose placing an injunction on the tabling of the report.

If the Chief Minister and Attorney-General had gone to the court and said squarely, "This report is public property. To prevent its tabling now would be a breach of parliamentary privilege. We oppose the granting of an injunction," I have no doubt that any court in this land would say, "Fair enough. The report will not receive an injunction." However, the fact that the Chief Minister and first law officer of the territory went to the Supreme Court and, in the very best construction, said nothing and did not oppose the granting of that injunction, added weight to the argument that the Supreme Court should injunct the report.

That was quite unacceptable. It was followed, in the days afterwards, by furious attempts by the Chief Minister to negotiate with the public servants concerned to make sure that the injunction would be removed by consensus. This would ensure that the Chief Minister was not embarrassed by having to go back to the court a second time, to say, "You recall, your honour, the injunction that I did not oppose last time? Now I do oppose it. Would you please lift the injunction?"

Thank goodness for his credibility that he did get agreement from those public servants and the injunction could be lifted by consensus. However, the fact remains that placing an injunction in the first place on the public release of a public report commissioned by this place was inappropriate. It was wrong. The Chief Minister should explain to this place why it was that he felt it was necessary to support the suppression of a report that he himself, just a matter of months before, had called for and had claimed ought to be made public at the first available opportunity.

This behaviour indicates that the government has struggled on this issue. This is one of the first issues this government has had to face, and it has stumbled and stumbled badly.

I will conclude by saying that it is important that we treat the entirety of this debate very seriously. With this report on the table, it is important that we now take seriously the recommendation that was made—to work with the disability sector to ensure that its views are well known.

If one thing has come out of this report, it is that the opinions of stakeholders and clients have not been sufficiently taken into account in the conduct of services today, and that the Assembly and the government, in particular, should commit themselves to embracing the spirit of these reforms. It may not mean the exact translation of each recommendation into action, but it should mean substantially honouring the spirit of this report with respect to the structure and nature of service delivery in the territory.

I look forward to that debate when the government's response to the report is on the table, but I hope it will be sooner than October of this year. I think the debate needs to happen in a context that provides for answers much sooner than that.

MS DUNDAS (12.13): In rising to speak on this motion, that the inquiry into disability services report be noted, I want to state that what must be noted particularly in this report is those who were involved, the individuals who have been, who are, and who continue to be affected by the issues that are at the core of this report. I know that we have to be careful about talking about certain individuals mentioned in this report, but those I refer to are not named in this report, and will to many remain nameless—those with a disability who live in our community, their families, their friends and their carers.

This inquiry was sparked—and we cannot forget this—because the system failed, and the system failed these people. What this report finds, and what has been demonstrated since this report has been made public, is that, if we continue to do nothing, then the system will continue to fail at the cost of lives, livelihoods and quality of life. I am pleased to see that a number of recommendations in this report talk about individual needs and person-centred approaches. This is a very positive new way of looking at the disability sector.

When the Chief Minister tabled this report in February, he said that it was time to start the healing process, and we must, without a doubt, do this. Pettiness must be put behind us. We know that this report was a long time coming; it has been caught up by politics and the courts; and there was a delay of two months before this Assembly and the community were able to see this report. However, the key now must be to avoid the defensiveness of the past. While the minister has established the Office of Disability and the Disability Reform Group, I, like Mr Humphries, eagerly await the comprehensive response to be prepared with the full resources of government that the Chief Minister has promised will occur later this year.

This new phase of reform must not be allowed to perpetuate the very power imbalances that were raised as a matter of concern by so many community groups prior to, and through the process of, the Gallop inquiry. We have to incorporate into the process a recognition that people with disabilities and their advocates have not always been enabled to participate on an equal footing, and this fundamental flaw must be addressed.

While I understand the pressures and difficulties experienced in the disability support sector, I deplore a state of affairs in which operational expedience has continually been allowed to override client's individual needs, and the rights of parents and guardians to be involved in crucial decisions. That said, the recommendations contained in the Gallop report do present a bold vision of what could be achieved in the ACT, and specific recommendations do contain many positive ideas.

In particular, I am pleased to see the recommendation that complaints mechanisms should be regularly reviewed because, as has been discussed in this Assembly when the Democrats brought forward this issue for debate, effective complaints mechanisms have an important role in empowering the users of services. In the disability sector, where clients are already vulnerable and heavily reliant on services, such complaint mechanisms are vital, and any mechanism that is then put in place must work to ensure that problems that come to light with the systems can be, and are, addressed.

I am also pleased to see recommendations 21, 22 and 23, about early intervention transition programs, and support programs for those people with disabilities over the age of 20. Children's mental and educational disabilities must be diagnosed early, so that

support and proper intervention can take place in the early developmental stages. Diagnosis services are fundamental, and the fact that, in December, we had the situation where 70 children with suspected developmental disorders were awaiting diagnosis, and that the waiting list had been closed, was deplorable. I encourage the government to pay special attention to ensuring that such a situation does not arise again.

I am also concerned that the report presents disturbing findings about the lack of sharing of information, deliberate or not, with parents and guardians. As Dr Kendrick stated in his evidence to the inquiry, "When families are asked to trust a system, where the system has not won their confidence, then they fear a reprisal." This is not a healthy or productive way for the system to operate. The situation must be rectified. It is totally contrary to the principles of openness, participation and inclusion. People throughout the system should be encouraged to exercise their right to participate. It is inexcusable for the system itself to discourage that participation.

Mr Speaker, I would like to conclude by stating that the way forward will not be facilitated if powerful figures close ranks against criticism, but by fostering a system-wide respect for the dignity and the rights of people with disabilities.

MS TUCKER (12.19): The Gallop report allowed attention to be given to the support needs of people with disabilities. While it did not look at all areas of support, it did allow the system to come under scrutiny in a way that has been needed for some time.

Regarding the inquiry process itself, I did question whether it was wise to appoint a judge to run an inquiry into disability support services, whether the legalistic approach likely to be taken by such a person would be appropriate, and whether there could be a focus on finding fault and guilty persons, as in a court, rather than finding ways forward for a complex and important social system. Let me hasten to add, though, that I do believe responsibility must be taken for the failure of a system and, in this particular situation, a critical system supporting vulnerable people. The buck does stop somewhere and that somewhere is with the ministers and senior officials charged with the responsibility of designing and managing the system.

On this issue of responsibility, the Gallop report did allege that there were guilty people, mainly senior bureaucrats. Notably, the minister seemed to escape the attention of the report. This is a serious oversight that needs to be corrected. If fairness is the intended result of the inquiry, then it has to be acknowledged that Michael Moore was the minister responsible at the time, and before him Kate Carnell—Gary Humphries very briefly in between.

As ministers for health, they were responsible for policy. The Chief Minister was responsible for the performance agreement of the chief executive officer and so was also responsible. Responsibility was, supposedly, taken: Mr Moore had a strategic plan developed in 1999, but there was no real implementation strategy, and there was no analysis of what it would take to reach the goals of that plan. There was no real leadership, and there was no real understanding of the cost of seeing that strategic plan through to fruition.

The cumbersome purchaser/provider model was also, and is also, a relevant consideration in any analysis of the effectiveness of the services in this area, and in other areas. For several years, I have asked for a full analysis of the purchaser/provider system, in terms of its benefits and costs. This call was supported by many in the community, who felt that quality was not improving, despite the claims by government. Providers were caught up in bureaucratic processes while people with disabilities and their advocates and carers were still struggling with poor-quality outcomes.

I know that the new Labor government has made a commitment to examining the purchaser/provider model, and I welcome this move as it is long overdue. While the previous government was prepared to look at the model around the edges, and produced various papers, such as *More than the sum of its parts* and others, it was never prepared to really evaluate the model. We still hear the words "client" and "consumer", which came with that whole model of competition. They are offensive to many people in the community.

We should understand why they are offensive: what is it that those words tap in people that upsets them, in this world where such terms as "competition", "consumer" and "consumer rights to choose a product", the language of the market, are now being applied to human services?

That still upsets people. We need to have a good look at what the implicit message is when we call citizens of our communities "clients" or "consumers", and ask whether that has that actually worked. It is part of an almost rigid adherence to competition, which is consistently supported by Liberal governments and often Labor governments.

Also, of course, budget decisions are made by the government of the day, so responsibility lies there too. This is obviously also something that has to be given a lot of attention. It is an extremely important factor in any analysis of services and their effectiveness in supporting those in need. Of course, we have heard the minister of the day, Mr Moore, admit on several occasions that there was unmet need in the disability sector, that the Commonwealth had failed to take adequate responsibility, and that the government was increasing its spending in the area.

However, this was still the same government that chose to spend millions on Bruce Stadium. Maybe no one died, Mr Humphries, but that was millions of dollars that could have gone to social services, and which might have prevented people dying. Millions of dollars were also spent on car races. This was the government that chose to offer corporate welfare through exemptions, concessions and incentives. This is continuing in the current government, as I understand it. I am waiting for an analysis of that.

It is not just as simple as admitting that we have unmet need in the disability sector, then throwing one's hands up in exasperation and saying, "But what can we do?" There was plenty they could have done. They had an overarching economic policy that they chose to support. That was their major policy statement. It is never as simple as the minister would have had us believe. It never is simple, of course.

On the question of the senior bureaucrats named, of course there have been allegations by them of procedural unfairness. I will not go into that. As Mr Speaker has pointed out, it is not appropriate and those allegations are being examined in the court. However,

I will make a comment on the political response to these allegations. Those bureaucrats are also seeking to stop the tabling of the report through the court. In that context, it was a distraction from the systematic and individual issues raised in the Gallop report that the senior bureaucrats adversely named in that report sought an injunction against the publication of the report, and on laying it, or any part of it, before the Assembly.

If Mr Humphries brings his bill on for debate next week, we may explore how best to grant privilege to reports from a commission of inquiry. However, it was a real concern for the Greens that the court was prepared to issue an injunction against the Chief Minister in regard to his attempt in the Assembly. It would have been interesting if the Government Solicitor had challenged that injunction, as we were not comfortable with the court seeking to affect what goes on in our parliament to this extent. It was for that reason that I was outspoken on the issue of the courts and privilege.

I was surprised to see that both the Chief Minister and the Leader of the Opposition were prepared to make a decision regarding the merit of the allegations of procedural unfairness before there was any formal examination of these allegations. Yes, there were rebuttal statements, but that is hardly a thorough examination of the whole matter.

Regardless of the result of such an examination, the questions of accountability and responsibility still have to be addressed. What is the expectation of the community? Where does ministerial responsibility in this matter lie? Mr Humphries asked, if he were on the side of government, what would we be doing? I might be moving a censure motion. I might be also doing that if Mr Moore was still here. Ministerial responsibility definitely has to be brought into this discussion.

Regarding accountability, should senior public servants take responsibility or not? I think they should, if it is clear that there have been serious failures in a system. Let me stress that I do not think community public life will benefit if recourse becomes simply revenge. Fairness is an important value that must be made central to any part of the questioning. Yes, fairness should be applied to the examination of people in responsible positions. However, equally fairness must be central in the final analysis of what is in the public interest when decisions are made about developing the findings of such an inquiry.

I have to say, there has been real concern about the fairness of the system that was the subject of the Gallop inquiry. As other members have said, there is concern about whether the system has been fair to people who are very disempowered and vulnerable in our community. Mr Stanhope and Mr Humphries apparently support the majority of the recommendations of the Gallop report, which means they agree that the system is in a seriously bad condition. Yet they seem to be willing to leave in charge those who were in charge of that planning system in the past.

The question of whether there has been procedural fairness has to be dealt with. I reserve any judgment and do not enter into that matter at this point in time. However, I find it very concerning that both sides of the house have been so willing to pre-empt the formal procedure for determining whether or not procedures were unfair.

The Gallop report presents a picture of a system that is in urgent need of reform, including a reform of culture. We must see organisational learning occurring in this public service section. I am not an expert on organisational learning, but I have done a bit of reading on it.

For me, this report has thrown up the whole issue of the culture of the public service. I have never been a public servant, so I have been trying to get a sense of how you can actually make these changes. *(Extension of time granted.)*

The whole question of organisational learning has to be taken on in a proactive way by the government, and I hope that we do actually see that occur with the new Labor government. Even if there is a process to look at the fairness or not of allegations against officials, a pretty strong argument has been developed in this report already that such major change is needed that you could not logically expect those who have been in charge of that system for so long to be the ones to actually move it forward.

However, as I said, there is ministerial responsibility here as well. We have a change of ministers now, and we have a change of government. The failings of the past government can be put behind us. I am hoping to see from this government a much more proactive and creative response to the issue of support for people with disabilities.

In his first statement of support for the senior officials, Mr Stanhope also said that he had confidence in them because the health board itself had confidence, but the board itself was mentioned in this report and criticised. I therefore do not understand why that was used as a rationale for supporting the public servants, but I look forward to hearing the response from government on that.

If we, as a society and as an Assembly, want to see the recommendations of this report implemented, then it is my view that it is very important to bring in the community in the way that Jon Stanhope has done, and to set up a consultative environment. I was interested in one of the recommendations in the report, for some kind of disability institute. While I think that is an interesting idea, it is difficult in the public service to take risks. If you have the capacity for risk-taking—such creative ideas come out from the community all the time as well—you can have small pilots and trials for different models, which are not hugely expensive and which are not going to burden the public service with risks that they feel they cannot take, or their culture does not allow them to take.

I think it is really worth being prepared to look at different ways of feeding these creative new ideas into the system. Maybe they will not all work, but people in the community themselves often come up with suggestions that have not really been given a fair go. That is just a process suggestion that may help to push forward the basic thrust of this report.

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

Sitting suspended from 12.33 to 2.30 pm.

Questions without notice

Commission of audit

MR HUMPHRIES: Mr Speaker, my question is to the Treasurer, Mr Quinlan, concerning the independent assessment of the so-called commission of audit and Mr Paul Blessington. It concerns particularly the estimated return on investments that was calculated in the commission of audit. I am sure Mr Quinlan has read the Blessington report. He will know Mr Blessington's view, which is as follows:

> The commission of audit had estimated a zero return for the year but kept the long-term estimate of a 5 per cent return. However, there is an inconsistency in this approach since, if the long-term return is 5 per cent and the revised result for 2001-02 is based on zero per cent, as per the commission's recommendation, future returns must be increased to maintain a long-term average return of 5 per cent. This has not been done.

Can you explain, minister, why you have adjusted the territory's predicted future in terms to achieve the stated target of 5 per cent? Is it because you had no faith in the zero per cent estimate in the commission of audit report being the likely outcome at the end of the year, or because you did not understand the implications of this year's return on the estimate for long-term figure?

MR QUINLAN: Probably more the latter than the former, I would have to say, Mr Humphries. I am getting Treasury officers to check that out. We are talking about return over a considerable period. There is a single figure percentage, with no decimal places—no indication that it pretends to be bindingly precise at an absolute 5 per cent.

It is possible that, this year, the overall return will be zero per cent. As you realise, with superannuation, we are talking about a very long period of time. I am not sure whether that change would have a material effect on the estimated future return through time. As far as I can divine—I am still getting advice on this startling stuff—it is not really material to the points which have been made.

MR HUMPHRIES: I have a supplementary question. Are you prepared to stake your reputation on the reliability of the so-called commission of audit?

MR QUINLAN: No. The commission of audit is a public document which is there for all to see—and it is there for Mr Blessington to see. It is there to be examined. Am I prepared to play the stupid game which seems to have infected question time, where you ask, "Are you prepared to stake your whole life on it?" You find a marginal, fractional, difference somewhere and we play "Ah, gotcha!" games. No. I am not prepared to play that.

Economic white paper

MS MacDONALD: My question is to the Deputy Chief Minister. Can the minister advise the Assembly why the government has decided to produce an economic white paper, and what the government is hoping to achieve with such a document?

MR QUINLAN: I think this is a jolly good question and within a short space of time I will find the answer. Let me inform you. A strong theme of our election commitments was the intention to give some structure to industry policy, and to create some commonsense frameworks for government efforts to improve development within the territory. The thinking behind this is not radical—well, not radical for this side of the house, I have to say. Thinking is not something of which we have seen very much, particularly in relation to industry policy in the territory in recent years.

To put it simply, the territory can only expect slow population growth in the immediate or medium-term future. It can therefore expect minimal expansion in its revenue base. It is highly unlikely that Commonwealth spending, which is still the largest single influence on growth in demand in the territory, together with our own internally generated demand, will grow to the same extent as community expectations of service.

Going back to the fantastic growth of the private sector, I wanted to pick up on something that Mr Humphries said on radio this morning. Mr Humphries, I think by now you really are aware that, as indicated by state final demand figures, the private sector has not grown significantly in the ACT in terms of the original dollar. Certainly, the delivery of government services is now carried out by a greater percentage of private sector deliverers but, at the same time, there is still a high dependence on Commonwealth funding.

I think that, at the time that self-government began, the breakup of state final demand government expenditure was about 58 per cent for the private sector and 42 per cent for the public. The percentages have now changed to about 54 and 46, respectively. There are a lot more private sector jobs out there, but they are still dependent on government expenditure and, to a very large extent, on Commonwealth government expenditure.

It is important, then, that we actually try to build a diverse economy. We are aware that, in the ACT, the gap between the advantaged and the disadvantaged in the community continues to grow. The role of government in these circumstances is to promote sensible growth and to redistribute some of the benefits. Change is inevitable and this government intends to lead the change, and not be overcome by it. We choose to lead. We choose to anticipate external change, and to initiate our own changes aimed at providing jobs for this community and maintaining the high and increasing standard of living that many of us enjoy.

White papers are about decisions, and this one will fulfil that role. It will not necessarily mean a lack of research effort, but we will be employing resources both inside and outside government to examine a set of proposed policies with the aim of growing our economy. You might want to call this another review, but we are actually going to go out to talk to as many stakeholders in the ACT community, and in the region, as we possibly can.

We have seen past industry policy that has been typified by the attitude: "Oh, just do it"—Impulse, the V8 supercar race, the quarry and whatever. The attitude was: "Just do it and, when that fails, try another one." From this point, this government intends to factor into its industry and economic planning the various influences that will affect the ACT, as anticipated not just by government but by the stakeholders in the ACT. We will identify a set of framework policies that businesses in the ACT, and planning agencies

that determine the future of those businesses, can use to sensibly predict the government's future economic strategy.

It will take time, and I expect that it will be next year before we see the actual paper, but it will provide a positive legacy for the future and for future governments—probably future Labor governments.

MS MacDONALD: Can the Deputy Chief Minister inform the Assembly whether this is the first document of its type to be introduced in the ACT?

MR QUINLAN: As a matter of fact, now that you mention it, I think it is. Unless there was something done in the early years of self-government, I think this is the first time that there has been a positive, forward-looking approach to industry development, rather than purely reactionary developments, or the grabbing hold of sexy-looking opportunities with a minimal amount of forethought.

Commission of audit

MR SMYTH: My question is to the Treasurer, Mr Quinlan. Minister, in tabling the so-called commission of audit in this place on 7 March, you said:

> I commend this report to commentators, who may later wish to give their assessments of the ACT finances. As I complained during question time, there is a paucity in this town of in-depth analysis.

Minister, Access Economics has now given its assessment of the ACT's finances in its *Budget Monitor*, which contained the following statement:

> While the mid-year review does not reveal the Government's plans, there are no grounds for believing that the Government faces the proverbial Budget black hole. The former government's relaxation of budgetary policy has not resulted in an emergence of an underlying cash deficit.

Minister, would you agree that independent commentators who have looked at the budgetary position that you inherited do not agree with claims in the so-called commission of audit that we left the ACT in a poor financial position? If not, can you name an independent commentator that agrees with your assessment? Can you advise the Assembly what the Treasury is currently forecasting the operating result for 2001-02 to be?

MR QUINLAN: My how times have changed. I can remember being in this place and Mr Humphries telling us what Access Economics did not know about the ACT economy, and challenging those figures.

This question seems to be the first round of an MPI which is to be discussed in this place today. But I will say that Access Economics uses government financial statistics—the GFS system—as opposed to accrual accounting as the measure in its summary. Over time, GFS has approached accrual accounting as other states have developed their accounting systems towards accrual accounting. But it still represents to some extent the lowest common denominator. There are, of course, significant differences.

Mr Speaker, I have got to assume from what I am hearing that the opposition now does not believe in accrual accounting, that it does not believe that we ought be funding, for example, our superannuation liabilities, because GFS does not do that—or don't you know that?

There are three elements to the GFS system. They talk about their method of either deficit or surplus, the cash surplus or deficit and net lending or borrowing. You only get to the real state if you take all of those three measures together. Net lending or borrowing does talk about the impact of what you have put aside, if you are putting anything aside, for superannuation. So you actually need to look at those three together.

The Access Economics paper does not do one thing—and I have no truck with the paper as it is because they said that this is a commentary based on GFS. This territory has gone ahead to accrual accounting. But this paper talks about only two of those measures. It talks about the net cash position over time. It does not worry whether or not that cash is encumbered—and I am not sure whether you are familiar with unencumbered cash as opposed to encumbered cash, because that is at the fundamental bottom line of our accounting these days.

You were the guys who wanted to sell Actew because we had to fund our superannuation liabilities. You want GFS as the system, which is to some extent yesterday's use or the lowest common denominator across the Australian states, because it suits. But it does not give you the true picture. In government, Liberals stood here and told us how accrual accounting gave us the true picture. So you guys have got to decide which gives you the true picture.

Mr Humphries: Name an independent authority.

MR QUINLAN: When you are desperate—

Mr Humphries: Just one—one independent authority who says you are right.

Mr Stanhope: Was this KPMG?

MR QUINLAN: I will correct that.

Mr Stanhope: They have taken their name off the report now, have they?

MR QUINLAN: Yes they did.

MR SPEAKER: Order! Mr Smyth has asked the question and Mr Quinlan is giving him an answer.

MR QUINLAN: The commission of audit was chaired by an independent, by Will Laurie. I will name Will Laurie, the independent chairman of the commission of audit, as concurring with my assessment of the ACT economy. So we are playing accountants at 40 paces—this is what you are trying to reduce it to.

We will discuss this later today and I will be happy to have that discussion. We will discuss the Access Economics report and Mr Blessington's—

Mr Stanhope: And KPMG—

MR QUINLAN: No, it is not KPMG.

Mr Stanhope: I read in the *Canberra Times* that it was KPMG.

MR QUINLAN: No. I will happily discuss it later. But at this point I am concerned. It has been said at times that the Labor government brought in a $344 million deficit in 1995-96. Let me say this much: anybody who makes that statement would be a downright liar because we were not in government in that year. Did you pick that up? The Liberals were in government. So anybody who makes that statement, unless that person is congenitally stupid and does not understand the first thing we are talking about, is a downright liar.

MR SMYTH: Mr Speaker, I have a supplementary question. Can the minister tell us when the Auditor-General's report on the commission of audit is to be finished?

MR QUINLAN: No, I am sorry, I cannot speak for the Auditor-General.

Sports bookmakers—credit betting

MS TUCKER: My question is to the minister responsible for gambling and racing, Mr Quinlan. Minister, you would be aware that I have on the notice paper a motion which in essence asks you to ensure that the Gambling and Racing Commission make it a priority to give attention to the regulations around credit provision by sports bookmakers, considering whether these rules are appropriate and whether there might be a role for the Office of Fair Trading in this. This motion, as you might recall, effectively replaced a disallowance motion on the same issue.

I understand from the office that following discussions of these two motions you contacted the Gambling and Racing Commission requesting that they make it a priority to look into sports bookmaking regulations to address the issue of credit, perhaps other things as well. Could you please tell the Assembly what you have asked the commission to do on the topic and, if there has been a response, what it was?

MR QUINLAN: I have primarily asked the Gambling and Racing Commission to provide information to assist us in the arm wrestle we are having with New South Wales. But the issue of credit betting was also brought up, and I have asked the commission to look at that. I did not put a time line on it, I am sorry. The problem is that bookmakers lay off with each other and lay off with the totalisator. In order to do that, it is necessary to have credit betting in place.

There is some problem with a blanket prohibition on credit betting. It is not a problem we can solve immediately. We might believe it is desirable that an individual punter should not be allowed to bet on credit. As I understand it from the inquiries I have made within the industry, credit betting happens very seldom and only with people who have a trusty record with bookmakers. There tends to be great difficulty at law in collecting on credit bets. The best thing I can do is get you a written response on the issue as soon as I can.

MS TUCKER: I ask a supplementary question. Could you table the instructions or correspondence to the gambling commission so that I can see what you have asked them to do?

MR QUINLAN: I cannot, because the instructions I gave were just verbal instructions. I sat down with the CEO of the Gambling and Racing Commission and said, "We have a whole list of problems, but here is one that relates to an issue before the Assembly." I understand that they will be looking at it during June. It is not something they have leapt at. I will check to see whether there has been progress on the issue. As I said, there is an inherent difficulty in trying to come up with a restriction that helps address problem gambling and the capacity of people to dig themselves into a hole they just cannot get out of and allows the system to work.

Commission of audit report—superannuation

MRS CROSS: My question is to the Treasurer. On 7 March this year you released the first report of the commission of audit. At that time you noted that the commission had determined the revised end-of-year outcome for the ACT as at 30 June 2002, based on the administration of the previous government, of a deficit of $5 million. You also said:

> This result is driven in large part by losses from superannuation investments. Pre-October investment losses accumulated a $108 million deficit.

Treasurer, we are now aware that the prediction by the commission was unduly pessimistic—indeed, as most reasonable people expected it would be. What is the current position with respect to returns on superannuation investments? What has been the trend in these returns over the past six months?

MR QUINLAN: I will get you an answer to that before the end of the day. I will get you today's assessment of what the return on our investments will be and will tell you how that shapes up against the original estimate in the 2001 budget paper. It is a flawed figure, but I will get you today's number if I can.

MRS CROSS: Mr Speaker, I have a supplementary question. Treasurer, as part of the answer you will be giving me later, can you tell me why the commission used a different basis for determining the interim outcome from superannuation investments to that which has been used by the ACT Treasury, which is based on the generally accepted longer-term approach to valuing changes in investment performance?

MR SPEAKER: Are you happy to take that on notice, Mr Quinlan?

MR QUINLAN: I am not sure that I understand the thrust of the question. If you would like to have another crack at it—

Mrs Cross: Would you like me to repeat the supplementary?

MR QUINLAN: Just explain in other words what the thrust of the question is.

Mr Humphries: The question is perfectly clear.

MR QUINLAN: But what does she mean by the question?

MR SPEAKER: Order! The minister has indicated that he will take the question on notice. Mrs Cross has asked for some supplementary information, and I think the minister was asking her to repeat the question.

MR QUINLAN: Can you ask it in a way that I can understand?

Mrs Cross: There is a technique that is usually used to calculate these things, and you have used a different technique. I would like you to explain why you have used something different. I am new here. You obviously know more than I do and can perhaps explain to me why.

MR QUINLAN: Did Hansard get that? We will try to work out what you want and give you an answer.

Griffin Centre enhancement

MS DUNDAS: Mr Speaker, my question is to the minister for community services. Minister, in last year's budget, $1.7 million was earmarked for Griffin Centre enhancement. Has any of this money been spent on the Griffin Centre or community space in the inner north?

MR CORBELL: Mr Speaker, I am not aware of the details of the allocation of that money. I will take the question on notice and get back to Ms Dundas.

Commonwealth land

MS GALLAGHER: My question is to the Minister for Planning. Given the federal government's recent actions in advertising excess Commonwealth land in the ACT for sale, can the minister inform the Assembly on the ACT government's position on this action?

MR CORBELL: I thank Ms Gallagher for the question. Unlike those opposite, this government considers this matter to be of some significance in orderly planning and the orderly release of land in the territory. It is also significant in protecting the community's land asset, whether that is in the public interest or in the interests of individual leaseholders. It was a fundamental principle at the time of self-government—and the territory's clear understanding—that the Commonwealth would return undeveloped land to the territory if that land was no longer required for a Commonwealth purpose.

In the final stages of the negotiations in the development of self-government, the Commonwealth retained certain undeveloped land parcels for its future use. These land parcels were designated national land under the relevant Commonwealth legislation. It was a very clear understanding that that land, if no longer required by the Commonwealth for its purposes, would be returned to the territory.

In this context it is important to note that land release and land availability in the territory are a unique set of circumstances, because the government controls all raw land, unlike in other jurisdictions, where there is a mix of both private and public land ownership.

What we essentially try to achieve in the territory is the release of land in such a way as to meet broader planning objectives, which of course are community objectives, to ensure appropriate location and type of residential development and construction of housing and steady, sustainable growth of retail and commercial activities. In releasing land, the territory must be vigilant to ensure it does not allow oversupply, which would impact upon Canberrans and impact upon investment.

The proposed Commonwealth land releases, whilst they are consistent with the Territory Plan, do not take account of broader territory planning or strategies. The Commonwealth must start to undertake land release in full consultation with the ACT government. That, unfortunately, has not happened to date.

The Commonwealth has recently announced the sale of a 55,000-square metre site in Tuggeranong. This is in contrast to planned land releases in the Tuggeranong town centre of only 20,000 square metres over the next five years. The Commonwealth is proposing to release in one hit nearly 10 years worth of retail land supply in the Tuggeranong town centre. What is that going to do to land values in Tuggeranong? What is that going to do for those people who have invested in commercial land in Tuggeranong? It is going to grossly distort the market.

It has been argued by the relevant Commonwealth minister that the territory has no grounds for argument or complaint, because we are simply trying to protect our own land sales, because we sell land for a profit and we are annoyed that the Commonwealth is going to sell land and take away some of that market. That is a nonsense argument. The territory releases land to meet it social, economic, planning and environmental objectives. It does so by frequently imposing on sales conditions that reduce revenue. For instance, we put in place provisions for parks, conservation areas and additional stormwater and environmental measures. These all reduce the return from any land sale. In contrast, the Commonwealth does none of that.

It is also important to note that a significant proportion of land revenues goes to the provision of infrastructure to service that land. Trunk roads, sewerage facilities and other water and electricity facilities are all paid for in one way or another by the territory, resourced from the revenues we get from land sales. The Commonwealth imposes no such conditions, and the Commonwealth does not make any provision through its land sales to pay for the infrastructure needed to service the land they are selling. Instead, the Commonwealth is simply passing that cost on to territory taxpayers. It is this government's view that the Commonwealth's completely unreasonable and uncooperative approach should no longer be tolerated.

Let me paint a picture for members. What is going to happen if the Commonwealth decides to sell land which currently makes up all of the proposed suburb of Crace? Currently the Commonwealth owns all of the land designated for the suburb of Crace. What would happen if they decided, "We are going to sell that land, because we need a bit of money"? All of a sudden the territory's planning provision would be completely thrown out of whack. It would disrupt major planning for the provision of facilities such

as schools, retail centres and new infrastructure—all works that would have to be paid for by territory taxpayers. They are the consequences we face with the Commonwealth's refusal to undertake a cooperative approach to releasing land. They impose very tight time frames with their decision to release land.

The Department of Finance is simply pursuing mechanisms to get a bit of cash in their coffers before the end of the financial year. They are not taking account of the broader planning objectives in the territory. They are not taking account of the costs they will be subsequently imposing on territory taxpayers. Most importantly, they are not taking account of the very clear understanding that if the Commonwealth no longer needs that land it should be returned to the territory to be part of the normal, planned and orderly release of land in the territory.

MS GALLAGHER: I ask a supplementary question. Can the minister outline what action the ACT government has taken in relation to the sites recently proposed for sale by the Commonwealth in Civic and Tuggeranong?

MR CORBELL: As I have already outlined, the Commonwealth's indiscriminate proposals to sell land simply to try to find some cash can and will have significant impacts on the territory's long-term plans for the development of the city. The territory will be exercising all possible options to prevent these sales from occurring, to make sure that the interests of the territory are best served and that the consequences of ad hoc sales are avoided.

We need to respond to this fire sale, which is the only way to describe it, of land in Canberra. The site in Civic is an important element in the planning for the area known as Civic West and is currently under consideration as part of the Civic West master plan. The Commonwealth has ignored this planning exercise, even though the National Capital Authority has been directly involved in the master planning exercise. You have one Commonwealth agency cooperating in planning and another Commonwealth agency selling the land. That is not an approach which this government thinks demonstrates serious goodwill on the part of the federal government.

The Commonwealth ignored the master planning issues and advised the ACT of its intention to sell the land immediately prior to its proposal to advertise the sale of the land in the press. I can inform members that the ACT government, in response to that, immediately wrote to advise the Commonwealth that the land could be subject to a variation to the Territory Plan as a result of the master planning process and that the Commonwealth should advise any prospective purchasers of that land of that possibility. As a result of those actions, the Commonwealth withdrew the advertisement for the sale of that site.

The impact of the Tuggeranong development is still being fully assessed by ACT government agencies, but until last night there had been no consultation with the territory on its planned uses. The National Capital Authority has written to Planning and Land Management providing a draft lease and other documents for the proposed sale of the site. As I have indicated, this advice was received yesterday. There has been no offer to sell the Tuggeranong land to the territory, despite the Commonwealth minister making claims to the contrary.

This government has sought a proactive and reasonable approach from the federal government. The Chief Minister has written to the Prime Minister twice in the last four months trying to achieve a satisfactory outcome on this issue. To date, the Prime Minister has not even given the territory the courtesy of a response.

It is unreasonable for the Commonwealth to sell land outside the territory's planning strategies and transfer the infrastructure cost to the territory taxpayer. The Commonwealth is inappropriately selling land which it does not need and which should be transferred to the territory.

As I have already indicated, the territory has used its planning powers in relation to the Civic site, indicating that a variation to that site was potentially to be progressed. As a result the Commonwealth withdrew that site from sale. It is unclear whether or not this will be a short-term or long-term decision.

The territory at least expects a cooperative approach from the Commonwealth when it comes to these matters, and we await an indication from the Prime Minister as to their preparedness to undertake such a cooperative approach. But in the absence of any proposal for a cooperative approach, this government will pursue all of the options available to it to protect the interests of the people of the ACT against the Commonwealth's cavalier approach to ad hoc land sales in Canberra.

2002-2003 budget consultation

MR STEFANIAK: Mr Speaker, my question is to the Treasurer. Treasurer, I refer to the document *2002-2003 Budget Consultation* that was released by your government on Maundy Thursday, 28 March. In seeking to assist people and organisations to contribute to the government's pre-budget consultation process, I would assume that you intend to provide accurate information in this document. For many people, this financial information is complex enough without the need to check the veracity of the contents.

Recognising the importance of accuracy, can you confirm, for the Assembly and the community, that, in the analysis of total territory debt in chart two, there was, at 30 June 2001, more than $250 billion of debt as a result of Actew's borrowing program initiated in 1999-2000, almost $250 billion of debt due to the Commonwealth government relating to land and capital works for housing and almost $8 billion of debt because of land and buildings utilised by ACTION?

Treasurer, if so, do you actually mean million rather than billion?

MR QUINLAN: I am starting to worry, Mr Speaker. Are we talking typos, Bill?

Mr Stefaniak: I hope so.

MR QUINLAN: Not if you follow. If they were millions and not billions, would there be a question there?

Mr Stefaniak: Are they millions or billions?

MR QUINLAN: Mr Stefaniak, in the interests of absolute accuracy, I will have the numbers checked for you.

MR STEFANIAK: I have a supplementary question. Treasurer, are you able to assure the Assembly that, in future, such important consultation documents will contain correct and accurate information?

MR QUINLAN: That has to be another no, just in case, Bill, doesn't it? I do not want to die, in two years, on another typo, do I?

Rugby world cup

MR PRATT: My question is to Mr Quinlan, as Treasurer and minister for sport. I think, in this place and throughout the community, that we are all absolutely delighted that Australia will host the 2003 rugby world cup, and that at least four of the matches will be played here in Canberra. There is not much time to prepare for the cup series.

Given that, Minister, if the Gungahlin Drive western route option is to proceed as the government has continued to indicate, can you build the western route road, and the associated works, around the fringes of Canberra Stadium, in time for the world cup? Minister, how will you avoid disrupting the world cup commitments that Canberra now has; where and how do you intend to locate the displaced car parks; and what plans do you have for spectator movement to the stadium across the western route drive?

MR CORBELL: As minister responsible for the Gungahlin Drive extension, I am happy to answer Mr Pratt's question. The government has been in close consultation with the ACT Rugby Union on this issue. I have met with Mr Mark Sinderberry and Mr Jim Ferguson about the matter. I have assured them that we will be doing absolutely everything possible to ensure that there is no disruption to any games hosted by Canberra Stadium, if games do come to Canberra as part of the world cup. I certainly look forward to a very positive program of events at Canberra Stadium for the world cup, and we are working closely with the ACT Rugby Union to ensure that disruption is avoided.

Issues related to parking are currently under consideration, as part of detailed design work currently under way for that alignment. Once those studies and engineering designs have been completed, the government will be making a statement on the matter, outlining the issues and its proposals, and there will be opportunity for public comment and comment by affected stakeholders, including the ACT Rugby Union.

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

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

Rugby world cup

MRS DUNNE: My question is to the Minister for Planning and relates to the likelihood of the rugby world cup games being held in Canberra in October and November 2003. I hope I have better luck than Mr Pratt in getting an answer.

Minister, if Labor persists with its ill-conceived plan to construct the western route of the Gungahlin Drive extension, will you be ploughing up the AIS/Canberra Stadium car parks at about the time the rugby world cup players take the field? Are you jeopardising the chances of maintaining world cup matches by turning Bruce into a construction site? Are you also jeopardising the sterling efforts of your colleague, Ms MacDonald, to get the Wallabies to come to Canberra during the world cup?

MR CORBELL: I have already answered Mrs Dunne's question.

MRS DUNNE: I will ask a supplementary question.

MR SPEAKER: It is hard to ask a question supplementary to a question that has been fully answered.

Mr Humphries: Says who?

MR SPEAKER: Says me.

Mr Humphries: Can you point to the standing order that is a foundation for that?

MR SPEAKER: If you look at standing order 117 (h) it says that a question fully answered cannot be renewed. If Mrs Dunne wants to ask a second question, she will have to get the leave of the Assembly.

Mr Humphries: She is asking a supplementary question.

MR SPEAKER: A supplementary question has to have something to do with the question fully answered. I am finding it difficult to work out how a question fully answered can have a supplementary question asked of it. The question has been fully answered. Therefore, I will not entertain another question on the subject.

Mr Cornwell: Mr Speaker, I raise a point of order on that matter. You claim that the question has been fully answered, but there have been many occasions when a question has been taken on notice and a supplementary question asked. There is no way in the world that the original question, having been taken on notice, could be regarded as being fully answered.

Mr Corbell: Mr Speaker, on the point of order: you can only have a supplementary question if you have already asked a question. That is the basis on which you ask supplementary questions. If you are unable to ask a question because the question has already been answered, it is very difficult to ask a question supplementary to an original question that has not been asked. So, Mr Speaker, I think your ruling is entirely consistent. This simply points to the failure of the opposition to get their questions in order in the first place.

MR SPEAKER: I am sure Mr Humphries, as a trained lawyer, understands that, if you have not got something, you cannot have anything supplementary to it. I am prepared to be wrestled to the ground on this. I will let Mrs Dunne ask whatever she wants to ask in the form of a supplementary question, and then we will see.

MRS DUNNE: I will ask my supplementary question. Minister, have you consulted with the ACT Rugby League, ACT Rugby Union and Australian Rugby Union about your proposal to plough up the AIS/Canberra Stadium car parks at about the same time they propose to hold world cup matches in Canberra? He has not answered that question.

MR CORBELL: Mr Speaker, I will ignore the second part of Mrs Dunne's proposition. That is her assertion; it is not the approach this government will be adopting. The government is engaging with all stakeholders and speaking with them on the issue. In case Mrs Dunne did not hear it, I have already indicated that I have had clear and fruitful discussions with Mr Mark Sinderberry and Mr Jim Ferguson—on behalf of the ACT Rugby Union—particularly in relation to the world cup issue. That meeting was certainly satisfactory from my perspective, and it is my understanding that those gentlemen were quite pleased with the response that government was able to provide on that issue.

Mental illness and substance abuse

MR CORNWELL: My question is to Mr Stanhope, the Minister for Health. Minister, I refer to a meeting held last week under the auspices of the Australian Rotary Health Research Fund to discuss mental illness, which was opened by Dr Penny Gregory of the department, who left, I might add, before the question time began. Minister, can you advise why no officer of the ACT Department of Health and Community Care was on the panel to answer questions on such matters as schizophrenia, including a possible link with marijuana smoking, raised by the more than 200 people in attendance at the meeting?

MR STANHOPE: Thank you, Mr Cornwell, for the question. Mr Cornwell, I regret that I cannot answer your specific question. I do not know whether it was the intent of the meeting that officers of the Department of Health and Community Care would be standing ready and willing to answer questions. I am not aware of that. I am sure, if that were the desire of the organisers of that particular meeting, then officers of the department would have been only too ready and willing to provide whatever assistance they could, as is always their want.

As you know, Mr Cornwell, we in the ACT are blessed with a thoroughly professional public service, a group of dedicated public servants who go out of their way to consult and to consult fully, and to offer whatever assistance they can at all times. I can only assume, Mr Cornwell, that it was not an explicit request of the organisers of that particular committee that there be an officer of the department available to participate in the question and answer session, as you suggest; otherwise an officer would have been there. If that is not the case, then I can only assume that there was some other pressing issue requiring the attention of Dr Gregory, and that she responded to that.

Implicit in your question is a criticism of the department that I would think is unwarranted.

MR CORNWELL: Minister, in the absence of any response from the department on the panel, does the government have a view on the link between schizophrenia and marijuana smoking, a matter that was raised repeatedly at the meeting, and are studies being conducted by the department on a possible link?

MR STANHOPE: It is an interesting issue that you raise, Mr Cornwell. In relation to all of those people in the community with a dual diagnosis—that is, a diagnosed mental illness and problematic drug or substance abuse or use—there are some estimates that 80 per cent of people with a mental illness have an assumed dual diagnosis of problematic substance abuse. That is a staggering figure in itself. Of course, it is a figure that does surprise me to the extent that, on an accepted definition of mental illness, 21 per cent of the people of the ACT have a mental illness of some sort. Twenty-one per cent of the people of the ACT acknowledge a clinically accepted mental illness. That is one in five people.

If one then extrapolates from the assumption that 80 per cent of people who have a diagnosed or clinical mental illness have problematic substance abuse, then we are talking about an awful lot of people. We are talking there about a problematic use of an illicit substance or of alcohol. It is a major issue. There is debate within the community, in relation to all who fit within that dual diagnosis category, about what comes first. There is a body of opinion that holds that the substance abuse—and I take the point you make about marijuana—induces psychosis or mental illness. There is a stronger body of opinion that holds that the mental illness leads to the substance abuse.

There are a group of people for whom relief is not easily found, but they do find some relief through alcohol and other drug use, which sometimes, and often tragically, leads to abuse.

Mr Cornwell: So you are conducting studies? Are you sufficiently concerned?

MR STANHOPE: I do not know whether the ACT itself has launched research into this issue and the matter of which factor comes first. It is a well-known and researched subject, Mr Cornwell, and a significant and serious subject: what comes first and what are the linkages between mental illness and substance abuse. In order to find appropriate responses to both a range of mental illnesses and substance abuse—and I applaud your interest in this subject—it is very important that we do understand the linkages. But I do not believe as some do, Mr Cornwell—and heaven forbid that they include you—the redneck view that the use of, say, marijuana leads inexorably to mental illness.

Mr Cornwell: What an extraordinary claim to make. I take no such view. I just wanted to know if you are conducting studies.

MR STANHOPE: Mr Cornwell, I have sat in this place and listened to your views on the evil of marijuana use, the evil of cannabis smoking and the extent to which the use, not necessarily the abuse, of cannabis leads absolutely inexorably to mental illness. It was a favourite theme of one of our lately departed friends from the crossbench, which I have no doubt you, and even Mr Stefaniak, gave great credence to.

It is a very serious issue. We are very well aware of it. We are dealing with it. Just last week, I launched a major new program, keeping families together, to deal with the need for government support for the families—

Mr Cornwell: Are you conducting studies or not?

MR STANHOPE: Constantly. We look and research, and we review all of these issues constantly, Mr Cornwell.

Mental health services

MR HARGREAVES: My question, through you, Mr Speaker, is to the Minister for Health, Mr Stanhope. Minister, what priority does the government place on protecting the mental health of our community? Has the government initiated any action in response to the obvious gaps in service delivery it inherited from the previous government.

MR STANHOPE: Thank you, Mr Hargreaves. It is a very important question; it is a question that has received some community comment and debate in recent weeks; a debate which was generated—and one has to acknowledge—by the death of a number of clients of Mental Health Services. It is good always that we focus on these things. But it is very distressing that the debate in this particular instance has been generated by those very tragic deaths of three clients of Mental Health Services.

There are a couple of things I need to say in relation to action that has been initiated since then. It needs to be understood that, as a result of those unexpected deaths of three people receiving assistance from Mental Health Services, the coroner will, as a matter of course, inquire into the deaths. Any comment I make in relation to the issue does need to take account of the roles and responsibility of the coroner and the need for us not to transgress. That is an inquiry which will, as a matter of course, be undertaken into the deaths of those three people.

Similarly, ACT Mental Health Services initiated, as a matter of course, as it always does, a critical incident review. This is a very significant and serious review—a review chaired by the head of Mental Health Services, Professor Cathy Owen. That is a clinically undertaken review of all aspects around the critical incident. In this instance the critical incident was that three clients of Mental Health Services died.

In addition, the ACT Department of Health and Community Care has instituted, effectively as a matter of course, as a result of those particular incidents, a review of quality processes for mental health service delivery in the ACT.

In addition, I have directed the ACT Community Health Services Complaints Commissioner, Mr Ken Patterson, to investigate in a systemic way accessibility to standards of acute mental health services and adequacy of follow-up. The Health Services Complaints Commissioner tells me that he does receive, from time to time, and on a reasonably regular basis, complaints around mental health service delivery. He is very happy to undertake an inquiry at my behest and direction into issues around accessibility and standards of acute mental health services, particularly in those times of crisis when persons realise that they are in crisis and are seeking urgent attention.

They are the range of responses that are being undertaken in relation to that particular incident.

It is also relevant to note that the most recent strategic plan for mental health service delivery in the ACT, "The future of mental health services in the ACT: moving towards 2000 and beyond", has an effective end date of June 2002; that is, next month. In light of that, I deemed it appropriate that the Department of Health and Community Care continue its consultations and consideration around the development of a new mental health strategic plan in future to actually replace that which terminates, as a matter of course, in a month or so. That is additional work that will be undertaken, certainly in the context of the development of a new strategic plan, to continue the work and the policy that informed the existing mental health strategic plan which was put in place by my predecessor, Michael Moore.

In addition, Mr Hargreaves, I should indicate that this government also recognises significant gaps in mental health service delivery. That is why we went to the last election with a promise to provide an additional $1 million for the delivery of mental health services in the ACT. We recognised that there was a significant gap, as perhaps there always will be. We recognised the seriousness of the gap that does exist in the delivery of mental health services. We promised an additional $1 million. We will deliver on that promise.

It is a matter of concern, I guess, to all governments. We respond to these things in different measures.

We promised also an additional $1 million for enhanced disability services in the ACT. We will deliver on that promise.

We promised an additional $1 million for respite care services. We will deliver on that promise, because we recognise how fundamental services around mental health disability and respite are to the capacity of those most vulnerable people in our community to participate in community life and be a part of the community.

We recognise, particularly in relation to those three areas, the significant gaps indeed that we face, and this government will respond.

MR HARGREAVES: Minister, can I therefore take it from your response that the government will honour its commitment made during last year's election campaign to inject an additional $1 million into mental health services?

MR STANHOPE: I think I did anticipate the supplementary question. Great minds think alike, Mr Hargreaves. We will most certainly honour our commitment to the community and we will honour our commitment to people in this community with a mental issue, just as we will for those with a disability or those seeking respite care.

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

Commission of audit report—superannuation

MR QUINLAN: Mr Speaker, earlier in question time Mrs Cross asked or read out a question in relation to the commission of audit report.

Mrs Cross: And you didn't have an answer to read out.

MR QUINLAN: No, I did not have an answer to read out. I refer to page 29 of that document, Mrs Cross, which you have obviously read assiduously. This is what that document says—here are the numbers. Originally it was budgeted that the government would receive $63 million in investment returns. As at 31 October the assessment was that the return, rather than being a positive 63, would be a negative 45. But the commission of audit made an assessment: "We think that things will improve"—a point that Mr Humphries has made—"so instead of a negative 45 return on investments we will incorporate into this an estimate of zero." Okay?

Mr Humphries: It's still too conservative.

MR QUINLAN: Right. As we speak the result is about a negative $20 million. So we still have a further $20 million to gain before we reach the level anticipated in here. I expect that that will happen. There is usually a little flurry at the end of a financial year as companies purchase investments and tidy up their balance sheets with their working capital. They neaten up. There is usually a little favourable upturn in those markets at the end of each financial year, so there is a good chance that we will get to the zero anticipated in this document. We may even do better; here is hoping we do. But at the present stage we are still $20 million behind the eight-ball.

Mrs Cross also asked about two methods. I think it is a bit of an overstatement to call these things methods. Are you referring to different times—the fact that we do quarterly assessments? We did an October assessment. Does anybody know exactly what the question was about?

Mrs Cross: I know what the question was about. You obviously didn't understand it so I can repeat it if you would like to hear it again.

MR QUINLAN: Yes, okay.

Mrs Cross: Is that acceptable, Mr Speaker?

MR SPEAKER: No it is not.

MR QUINLAN: Let me just say that there is in Mr Blessington's little report a reference to "You shouldn't have counted losses on superannuation because in every other year you didn't count them till December or you didn't have a tally up to December." Under my instruction, Treasury took stock at 30 October. So is this a change in method? No. It is just me asking for a stocktake at the end of government.

Mr Humphries: For what purpose?

MR QUINLAN: So we can assess where we were at at the time of handover. Startling stuff, isn't it? So we usually have a quarterly review, or a half yearly review. I asked for another review. We got an up-to-date review because I thought we would like to have it. Of course, if we had found it in December, Mr Humphries predictably would have been saying, "That new government has lost $100 million." So there has been no change in method but just one extra assessment.

Mrs Cross: Well, it is a change in method. You have changed the timing.

MR QUINLAN: If that is not what the question was about, I will take it on notice or we will talk about it later. But there was no change of method. All there was was an extra measurement. Is that hard to understand?

Paper

Mr Speaker presented the following paper:

> Privilege—Action taken by the Speaker in the Supreme Court relating to the Gallop Report—Answer to question without notice asked of the Speaker by Mr Smyth on 11 April 2002.

Distinguished visitor

MR SPEAKER: I inform members of the presence in the chamber at the Clerk's table of Mrs Uniuni, who is here on a placement from the parliament of Tuvalu for a few weeks. I issue her a warm welcome on your behalf.

Executive contracts
Papers and statement by minister

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

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
> Long term contracts:
> Wayne Ramsey, dated 11 April 2002.
> Andrew Charles Clark, dated 12 April 2002.
> Ian Primrose, dated 21 March 2002.
> Temporary contracts:
> Susanna Kiemann, dated 12 April 2002.
> Peter Ottesen, dated 5 April 2002 (extension).
> Wayne Perry, dated 19 April 2002 (extension).

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

Leave granted.

MR STANHOPE: Mr Speaker, these documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 9 April 2002. Today I present two long-term contracts, two short-term contracts and two contract variations. The details of the contracts will be circulated to members.

Papers

Mr Stanhope presented the following papers:

> Remuneration Tribunal Act, pursuant to subsection 10 (1)—Determination No 101 together with a statement relating to part-time holders of public office—ACTION Authority Board, dated 5 April 2002.

Trans-Tasman Mutual Recognition Act
Paper and statement by minister

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

> Trans-Tasman Mutual Recognition Act, pursuant to section 6A—Endorsement of Trans-Tasman Mutual Recognition Amendment Regulations 2002 (No 1), dated 31 March 2002

I ask for leave to make a statement on the endorsement of the regulations.

Leave granted.

MR STANHOPE: Mr Speaker, as the designated person under section 6A of the ACT's Trans-Tasman Mutual Recognition Act 1997, I have endorsed the proposed regulations of the Commonwealth regarding the special exemptions that apply to the Commonwealth's Trans-Tasman Mutual Recognition Arrangement 1997.

The Trans-Tasman Mutual Recognition Agreement is an arrangement between the Commonwealth, state and territory governments of Australia and the government of New Zealand. The agreement allows goods to be traded freely and enhances the freedom of individuals to work in both countries by addressing regulatory impediments to trade, such as different standards for goods and duplicative testing, certification or qualification requirements.

When the Trans-Tasman Mutual Recognition Arrangement was signed in 1997 there were six industry areas where further examination of both Australia's and New Zealand's regulatory requirements was necessary to determine whether mutual recognition was appropriate. As a result, special exemption status was given to the following sectors: automotive, consumer product, electromagnetic compatibility and radiocommunications, gas, hazardous substances, and therapeutic goods.

During the special exemption period, the relevant regulatory bodies in Australia and New Zealand have embarked on a cooperation program in each of these sectors. The reports produced by each cooperation program recommend to either introduce mutual recognition, harmonise the regulations of Australia and New Zealand, permanently exempt the regulations or roll over the special exemption status.

The 2001 cooperation reports for automotive, gas appliances, hazardous and therapeutic goods have recommended that special exemption status for these sectors be rolled over for another 12 months. The cooperation reports for the consumer goods and EMC sectors have recommended changes to the TTMRA.

The consumer goods cooperation report notes that mutual recognition has been achieved in all but three areas of the sector. As a result, the report recommends a 12-month extension of special exemption status for three regulations: sunglasses and fashion spectacles, child restraints for motor vehicles and health warnings for tobacco products. These require further consideration to move towards the harmonisation of Australian and New Zealand regulations. The TTMRA Amendment Regulations 2002 reflect this change.

The cooperation report on EMC and radiocommunications recommends an extension on the special exemption of radiocommunications products for 12 months to enable further negotiations to take place with the objective of extending harmonisation to this product sector.

The report does not seek an extension for the special exemption for EMC. The EMC schemes in both Australia and New Zealand are now harmonised to accord with the requirements of the TTMRA. The TTMRA Amendment Regulation 2002 reflect this change.

The relevant ministerial councils have agreed to the recommendations of the cooperation reports, and the Prime Minister has supported their decision. States and territories endorse the changes to TTMRA special exemptions by gazetting the regulations in their respective gazettes or, in the ACT, by notifying the instrument on the ACT Legislation Register. On behalf of the ACT, I endorsed the notifiable instrument on 31 March 2002.

Land (Planning and Environment) Act—leases
Paper and statement by minister

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): Mr Speaker, for the information of members, I present the following paper:

> Land (Planning and Environment) Act—Schedule of Lease Variations and change of use charges for the period 1 January 2002 to 31 March 2002 and Schedule of Leases granted for the period 1 January 2002 to 31 March 2002

I ask for leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value, and leases granted over public land. The schedule I now table covers leases granted for the period 1 January this year to 31 March this year. I am also tabling two other schedules relating to variations approved and change of use charges for the same period.

Mr Speaker, I also table for the benefit of members a copy of the lease granted under disallowable instrument No 228 of 1997 to the Salvation Army (New South Wales) Property Trust for block 3 section 30 Fyshwick for the purpose of extending facilities for their family store operations. Given the increasing demand on its services, the Salvation Army sought land to expand its warehouse and sorting facilities for the family shop located on block 3 section 30 Fyshwick. This required the enlargement of its existing site with the addition of the adjoining block 17 section 30 Fyshwick. Other adjoining leases were consulted with none objecting to the proposal.

Consolidation of block 17 and block 3 into one lease is required, as block 17 does not have direct access to a road or road-related area as required by legislation. Consolidation of these blocks will ensure that its legislative requirement is met. The consolidated parcel is now known as block 22 section 30 Fyshwick.

A prerequisite for the consolidation is that the two leases must be of a similar nature. The lease for block 3 allows the transfer of the land to a similar organisation, subject to ministerial consent. To be consistent with this, the lease for block 17 was assessed against the criteria specified in disallowable instrument No 228 of 1997. The commercial nature of the family store operations meets the criterion and is consistent with the industrial land use policy for section 30 Fyshwick. The Australian Valuation Office determined the value of the lease to be $1,000, and the Salvation Army was required to pay this amount.

The operations of the family store generate essential funding for the charitable works of the Salvation Army, and I recognise the need for the expansion of the existing facility. The direct grant of land to the Salvation Army is well justified.

Papers

MR WOOD (Minister for Urban Services and Minister for the Arts): Mr Speaker, for the information of members, I present the following papers:

> Financial Management Act, pursuant to section 25A—
> Quarterly departmental performance reports for the March Quarter 2001-02 for the following departments or agencies:
> ACT Workcover.
> Chief Minister's.
> Economic Development, Business, Tourism and Sport.
> Education, Youth and Family Services.
> Justice and Community Safety.
> Treasury.
> Work Safety and Labour Regulation.
> Urban Services.

The quarterly reports, with the exception of Urban Services and Justice and Community Safety, were circulated to members when the Assembly was not sitting.

Subordinate legislation
Papers

Mr Wood presented the following papers:

> Legislation Act, pursuant to section 64—
> Independent Competition and Regulatory Commission Act—Reference for investigation under section 15 and specified requirements in relation to investigation under section 16—Disallowable Instrument DI 2002 – 11 (LR, 28 March 2002).
> Justices of the Peace Act—Appointment of Justices of the Peace—Disallowable Instrument 2002 DI No 25 (LR, 25 March 2002).
> Land Titles Act and Second-hand Dealers Act—Supplementary Determination of Fees 2002—Disallowable Instrument 2002 DI 32 (LR, 18 April 2002).
> Legal Aid Act—Appointment of part-time Commissioner of the Legal Aid Commission (A.C.T.) 2002—Disallowable Instrument 2002 DI 30 (LR, 18 April 2002).
> Protection Orders Act—Protection Orders Regulations 2002—Subordinate Law 2002 No 6 (LR, 26 March 2002).
> Remand Centres Act—Instrument of appointment of Official Visitor 2002—Disallowable Instrument DI 2002-31 (LR, 18 April 2002).
> Residential Tenancies Act—Appointment of a member of the Residential Tenancies Tribunal—Disallowable Instrument No 26 of 2002 (LR, 2 April 2002).
> Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulations 2002—Subordinate Law 2002 No 7 (LR, 15 April 2002).
> Second-hand Dealers Act—Second-hand Dealers Regulations 2002—Subordinate Law 2002 No 8 (LR, 16 April 2002).

Budget
Discussion of matter of public importance

MR SPEAKER: I have received letters from Mr Hargreaves and Mr Humphries proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Humphries be submitted to the Assembly, namely:

> The robust state of the Territory Budget.

MR HUMPHRIES (Leader of the Opposition) (3.46): Mr Speaker, the matter of public importance which I put on the table today is the state of the territory's finances, the state of the territory's budget. A debate about the present position of the ACT's finances is, I think, long overdue.

Mr Quinlan and I have disagreed in this place, and outside it—most recently on the radio this morning—about the state of the territory's budget. It is true to say that Mr Quinlan has a view about that matter and I also have a definite view. However, the debate will go on, no doubt, until the end of this financial year when an assessment is made on what the outcome is for the financial year. At that point in time, I think the debate will largely

disappear, because the territory will have either a surplus of some sort, or a deficit. Some might say this is just a game played between the two major parties. In fact, Mr Quinlan described it as a silly game, and he may well think that.

If it is just a case of determining what opprobrium can be heaped on the shoulders of the former government—whether they can get payback for the $344 million tag which was attached to the Labor Party in opposition—it is indeed a matter of a game. It certainly is, and that is a matter which Mr Quinlan and I will, no doubt, bat backwards and forwards for some time to come.

However, a more important issue underlies this debate. That is whether or not the government will use the scenario placed before both the public and this Assembly of a budgetary difficult position for framing its 2002-03 budget. With that expectation, the budget could be predicted to cut expenditure to the territory and increase taxes.

Mr Speaker, that is no game. That is a serious basis on which the quality of life of the citizens of this territory can be adversely affected if the government chooses to put forward a scenario which it decides, for its own political purposes, suits its aims but which comes at a cost to the quality of life of citizens of the territory, who are affected by budget cuts or by increases in taxation.

The territory's budget is in good shape. It is in good shape compared with any other state or territory in the nation. By all reports, it is in good shape compared with the Commonwealth budget. It is certainly in good shape compared with the state of the budget six or seven years ago.

The budget is in good shape because there have been a lot of difficult decisions made in the past seven years. If you doubt me, have a look at the many press releases put out by the Labor Party over that period of time about just how bad, difficult and painful were the decisions made by the then government.

Since the now notorious commission of audit report was released about two months ago, a number of documents have been put on the table which cast serious aspersions on the credibility of that document. The Treasurer tabled the document on a Thursday afternoon—at the end of a sitting week. Mr Quinlan put it on the table with what I thought was some meekness, with an almost apologetic tone in his voice. There appeared to be a lack of conviction in the way he put that document forward for the edification of this place. With the subsequent tabling of other documents, that is hardly surprising.

The Auditor-General was the first cab off the rank. The Auditor-General found that there was a series of mathematical errors in the document released. Admittedly, that did not alter the bottom line, but it cast some doubts about the accuracy of the method used to put it together. Then, just last week, Access Economics tabled a view about the ACT budget in its *Budget Monitor* for the states and territories. This document must have been very disappointing to the ACT government. I will quote a little bit from it. It says:

> The Government has appointed a Commission of Audit to draw a 'line in the sand'. Its initial report on the state of the Territory's finances at the change of government last year does not reveal much to be concerned about.

It goes on to talk about the question of how the audit was put together. It says:

> The Government did establish a Commission of Audit in January 2002 to undertake a two-stage review of the Territory's finances. The Commission's first report on the state of the books as at 31 October 2001 was published in early March 2002. The report reveals nothing untoward about the Territory's finances.

It goes on to say, in the medium term budget outlook:

> Under the usual no-policy-change assumption, our projections for the five-year forecasting period (two years longer than the Government's) are for the State sector's underlying cash surplus to hover in the $50-60 million range, with the exception of next year when a slight deficit looks possible on the back of an increase in capital spending foreshadowed in the new Labor Government's forward estimates for the GG sector.

It goes on to point out that it expects the GG sector to register slight but stable net operating deficits over the forecasting period and says that the government trading enterprise sector is expected to record slight but stable operating surpluses. It goes on to say:

> We therefore expect the operating statement of ACT's State sector to be broadly in balance over the forecasting period …

Mr Speaker, I take the point made by the Treasurer during question time today, that there is a difference in the accounting approach being used between this and the ACT, but the underlying statement made here still stands. Whatever system of accounting is used, you are still entitled to form a view about the statement: "The report reveals nothing untoward about the territory's finances." I do not think Mr Quinlan will say in this place that the differences in approach are so dramatic that one approach will leave you comfortable and relaxed about the underlying position of the territory's financial position, whilst another puts a few dozen grey hairs on the old cranium.

That is absolutely true. Even if Mr Quinlan's commission of audit result is taken to be right—that there is a $5 million loss expected for this financial year—a budget of something like $2.2 billion in this territory, which was put out to expect a surplus of $12.3 million, coming in with a loss of minus $4.8 million, is a less than 1 per cent variation from the published budget estimate, as of May of last year. It represents, in a budget of $2.2 billion, virtually a dead-on-target result for that financial year. As I have said, my comfortable expectation is that the result will be greater than minus $4.8 million. Indeed, that seems to be the case with Access Economics as well.

That document was followed this week by the assessment of Mr Paul Blessington, an independent consultant and also a director of KPMG. Mr Quinlan has been quick to point out that Mr Blessington is not independent, whatever that means. If that is the game I can play, I note that two of the members of the commission of audit were employees of Mr Quinlan. I do not know whether that makes them independent or not, in a commission composed of three members.

Mr Quinlan: Are you denigrating public servants, Mr Humphries?

MR HUMPHRIES: Not at all, but I am saying that you could hardly call it independent, given its close proximity to the ACT government.

The report of Mr Blessington—which I think most members have seen, and which I will table in a moment—indicates very clearly that there are considerable problems in the way in which superannuation is being handled. I seek leave to table that report.

Leave granted.

MR HUMPHRIES: I present the following paper:

> State of the Territory's Finances, as at 31 October 2001—An independent analysis of the A.C.T. Commission of Audit Report, dated May 2002.

Mr Speaker, issue was taken with the way in which superannuation investments are treated. In particular, Mr Blessington says that, in looking at this matter, it is wrong of the commission of audit to take the snapshot date as 31 October 2001. At the end of question time, Mr Quinlan said he saw nothing wrong with adjusting the usual date, or providing an additional date for taking an assessment of the territory's superannuation assets return. He thought it was all right to take a snapshot as of 31 October, as opposed to relying on the assessment as of 31 December.

I make an observation about that. Why is it that the territory does not do an assessment of the superannuation returns each quarter? We had one in December and March, but not in September or October. Why? The answer is that an assessment done in September or October is too unreliable to be regarded as an accurate picture of what is happening with the territory's superannuation investments. That is why, to the best of my knowledge, the Treasury of this territory has never done an assessment at that time of year.

Mr Quinlan says it is all right to do an assessment then, because it gives you a picture of what was happening in the superannuation account at the time of the change of government. Mr Quinlan said he was trying to look at the picture of what would have happened, had a Liberal government remained in office. He was attempting to find out if there would have been a surplus or deficit under a Liberal government, had it stayed in office. That was the question he was posing to the community.

That being the case, why did he not take a figure as at 31 December? That is the date at which he would be able to assess what was happening with the tracking of our superannuation investments—presumably more accurately than 31 October. The performance of our investments was not going to change merely because there had been a change of government. I would love to think that the world markets of New York, London and Hong Kong would be shaken to the foundations by a change of government in the ACT, but I do not think that is the case.

The result was that, to have taken the figures in October rather than December, when a better picture was emerging, it was simply misleading. That is Mr Blessington's point in this report. So you can see, in the government's approach, evidence of sloppiness, carelessness and a lack of attention to detail. That was highlighted in question time today, by reference to the fact that the government's own consultation document,

released a few weeks ago—again with a somewhat apologetic approach by the Treasurer—contains such wonderful descriptions to the ACT community as Actew Corporation having a total debt of in excess of $250 billion.

Mr Quinlan laughs that off, but it is possible that some citizens, who do not understand the background as well as he does, could look at that document and take it as gospel. It was sloppy and this is not the kind of small difference that Mr Quinlan described in question time today as marginal or fractional. There could have been factional differences as well, of course, with that party. I am talking about marginal or fractional differences between one set of figures and another. There is a pretty big difference between $250 million and $250 billion.

Mr Quinlan might be engaged in lots of fancy footwork to cover up the fact that there have been a few problems with this. The fact remains that there are now three separate from government comments on the commission of audit result, and that not one of them supports the contention made by the commission of audit that the territory is basically in a black hole.

He can rationalise one or two of them but I think all three constitute quite an exercise, quite a challenge—even for Mr Quinlan. The fact is that there is no excuse for a slash and burn budget in June. The territory's finances are in good shape. The territory's budget should be delivered with an optimistic, rather than pessimistic, frame of mind behind its preparation.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (4.02): Mr Speaker, I do not think we heard anything new there.

I will dismiss the typos first. I think that, if we are going to make a federal case out of typos, we are clutching at straws. In some of the tables in the commission of audit report, there were some quite crook figures—way out in 2005 or something. Yes, that was sloppy. Words have been exchanged on that. However, as Mr Humphries points out, that did not change the bottom line. So it does not, in fact, impinge upon the topic today. Neither do the typos that have been found in the consultation document—I do not know how many.

Let me address the Access Economics report first. I did talk about this in question time, because apparently the opposition, for want of something to talk about in question time, really went through quite a number of the elements of this debate in their questions, albeit that some of them did not know what they were talking about when they asked the questions.

The Access Economics report is based on figures supplied on 2 October. They are based on the figures you supplied, or those that you developed and presented. They are the figures Treasury sent over, ahead of the ABS evaluation of government financial statistics. Those figures were fairly long in the tooth. They did not incorporate some of the major changes identified by the commission of audit.

In relation to superannuation investments, for example, at 30 October this territory was $108 million worse off than it expected to be. This was measured at 31 October. Apparently you do not measure in months that start with "O"—or something. I do not know. There did not seem to be a great deal of logic as to why you would not take a measurement in October, but you would take one in December.

I had already asked the previous government, while they were in government before the election, about the sensitivity of their figures to investment fluctuations. We had seen the government previously make windfall gains on investment and commit them and spend them. The losses made on our investments this year are not all the result of a spectacular event on 11 September.

It is quite clear that early in the previous year—a year ago—conventional wisdom was that the international markets, particularly the American equities markets, were overvalued. Those markets had already started to adjust considerably before September 11.

Before the election, I made the commitment to conduct a commission of audit. I might make a mistake here and there, but I would not be silly enough to make a commitment like that unless I was firmly convinced that we were not getting the true picture and that I would only get the true picture by producing a commission of audit after government. In politics, you do not ask a question unless you have a rough idea of the answer.

This was an exercise in saying, "We need the truth. We need an assessment of the economic position we inherited." The only time to take that was at the time we inherited it. Effectively, the new government was declared around the end of October. That seemed to be a logical time. It remains, quite clearly, the logical time for measuring the state of the economy at that point.

Of course, there may have been some difficulties and fluctuations. You will read, on page 29 of the commission of audit report, that allowance was made for that. Otherwise the commission of audit would be talking about a deficit of something like $50 million. However, a sensible estimate was made, and that estimate has so far been borne out by events. We are still $20 million worse off in the capital value of our investments and returns than is incorporated into this document. That is a serious position to be in. I do not know how, Mr Humphries, you can make light of the fact that that is not a serious loss.

Mr Humphries: It has not yet materialised.

MR QUINLAN: You budgeted for a $63 million return, and we are not going to make that. It does not matter? Well, this is a serious event.

Mr Humphries: It has not happened yet. Lighten up.

MR QUINLAN: Okay. To return to Access Economics, the basis for their assessment is GFS—government financial statistics. It does not even claim to be a set of accounts. That, as I said in question time, effectively does not take into account—particularly if you talk about only surplus, deficit and cash position—provision for accruing liabilities.

Here is an opposition which, when in government, when I first came into this place, was manic about selling off Actew. "We have to sell off Actew because we are heading towards a billion dollar unfunded superannuation liability." Was that of concern then, or was that the mask for the ideologically driven desire to privatise for its own sake?

Mr Humphries: We did sell off Actew.

MR QUINLAN: You sold half of it—you sold all the control. On one hand, there was the Humphries hypocrisy. I was going to say he was standing beside Mrs Carnell, but nobody stood beside Mrs Carnell. He was standing a little behind her, backing her up in wanting to flog off Actew because we had a superannuation liability. Now, because it suits, we are grasping at a different set of accounts, a different methodology, which ignores that problem because it paints a better picture for the day. We have adopted Australian accounting standards—AAS 31. That is how we prepare our budgets, and that is how this was prepared. That is how we will prepare the end of year statements—like with like.

No, Mr Humphries. Access is not wrong, but Access is only right to the extent that they have evaluated the position on the basis of GFS. Are you recommending that we go back to that system? I think not—because that system does not adequately provide for the future, and it allows a current government to build an almost unmanageable legacy for future generations and future governments. Access, even with their October figures, did observe that the government had loosened the purse strings, and it says it was going to make consistent all but small deficits. So they say you were in deficit, Mr Humphries.

There is a need for some maturity in how we look at the ACT's finances. Against our growing liability, we need to accrue those liabilities that will turn into cash commitments at a future time. We also need to look at our cash bottom line. I recommend that every member of this Assembly look at Mr Humphries' last budget and the cash bottom line. It is not a pretty sight. If you, as Treasury has done for us, calculate the projection of total unencumbered cash—that cash which is available to spend after you have made adequate provision for liabilities—for those expenses already incurred but not yet paid, that line puts this territory still in steep decline. This territory is yet to be in a robust financial position.

I turn to Mr Blessington. We have clarified that he was not representing KPMG when he did this particular exercise. However, he does seem to have said, "We will take most of the goodies and represent the position of the territory and its performance over a year using these figures. We will even pick up $12 million which is from a previous year. Yes, we will have that because that represents a good job being done this year." Nonsense. It is not indicative. "But we do want to leave out superannuation."

Why do we want to leave out superannuation? For the single reason that a different method was adopted. How different? Different in that we took it on a different day. That is not a different method, it is just taking stock at the end of a period. In fact, it was taking stock at the end of a government.

There is no point taking stock at any other time. If you want to do a set of accounts which have in their title "as at 31 October" and you are going to put in a balance sheet that says "as at 31 October", then you really ought to put in numbers that exist as at 31 October.

Mr Humphries: But why?

MR QUINLAN: Because that is what we got. Quite sensibly, provision was made in this report for improvement—improvement in our position. The commission of audit document puts the projected return on superannuation investments at about zero for this year—even though at 31 October the position was assessed as being far worse than that. This was not taking just the "as at October" and using it to project.

These are the most enlightened projections available to this place this financial year. They are the most up-to-date projections. The consultation document recognises an improvement. It is still not up to the zero mark. Apparently Treasury have a bottle of champagne on ice, and have their fingers crossed that they might actually get to zero and not have a negative year! To say you do not measure it, to say it is a change of method, when we have lost over $80 million—

Mr Humphries: No, we have not. It is not true. We have not lost anything yet.

MR QUINLAN: We have not lost anything yet?

Mr Humphries: No. We may not lose anything.

MR QUINLAN: It would be legitimate to measure the face value of these things at 30 June, but not at 30 October?

Mr Humphries: That is right, because accurate figures—

MR QUINLAN: That is nonsense. This is a projection that says what is expected to happen at 30 June 2003. There is a contradiction.

Mr Humphries: Is that not 2002?

MR QUINLAN: I am sorry—2002. There is a contradiction. Mr Humphries has been saying two things: everything is rosy, but Labor cannot keep its election promises. Our election promises hardly varied from yours. You were talking about fractions—$4 million or $5 million. There were only $10 million to $12 million between us at the election!

Mr Humphries: Of course it would vary.

MR QUINLAN: "We are now heading for a $58 million surplus" and "We cannot fund our election promises!" Which is right? Which do you really believe?

Mr Humphries: They are both right. The promises are going to cost more than $58 million—that is why.

MR DEPUTY SPEAKER: Order! The member's time has expired.

MS TUCKER (4.17): So far, this debate seems to be about whether the ex-Treasurer or the current Treasurer has the bigger surplus. I do not really want to argue over what the budget position might have been if the Liberals were still in power, or whether the Liberals were good economic managers. Quite clearly, the Liberals are not in government and the ALP. The Liberals might do better to look at why they are not in government rather than putting up MPIs like this.

Excuse my cynicism. I hope I am mistaken, but the ALP's initiation of a commission of audit into the state of the territory's finances seemed to be more an exercise in putting the boot in after the Liberals were down—copying the now traditional Australian practice where the new government immediately proclaims that, because of alleged mismanagement by the previous government, the state of the finances is much worse than they thought. These statements are usually used as a way of justifying why the new government cannot fund all the election promises it made to get into power. I am, therefore, much more interested in how the ALP is going to manage the ACT budget for the next three years, and live up to the aspirations of the voters who put them into power.

There are certainly some big challenges ahead for the government. There are some particular financial liabilities arising from previous business ventures that will need to be addressed. For example, the Australian International Hotel School and the V8 Supercar race. Other government business enterprises like ACT Forests and Totalcare were questionable business ventures in the first place. The future success of the Actew/AGL merger and the associated TransACT company is uncertain.

There are also the increasing social liabilities from past under-expenditure in areas such as disability services, mental health, kids at risk and education. There are also serious deficits resulting from the federal government's shocking policy on social rights which, while not strictly the responsibility of the ACT government, ethically has to be taken into account in the ACT government's deliberations, because we are, after all, talking about citizens of the ACT.

There are also increasing environmental liabilities from past neglect of the environment. Weeds and feral animals are not yet under control on public land, and the parks and conservation service is under-resourced for its role in managing half of the ACT's land. Within the urban area, Canberra is increasing its car dependency, with millions of dollars being committed to subsidise the never-ending cycle of road building, yet investment in public transport has been neglected.

The ALP has talked about introducing triple bottom line accounting in its budget, and we are yet to see how this will be implemented. For me, the priority that the Assembly should be debating is how we are going to create a sustainable society in Canberra, environmentally, socially and economically. The debate we are having today is just a sideshow, and I wish the main event would start.

MR DEPUTY SPEAKER: Before I call Mr Corbell, I would like to acknowledge the presence in the chamber of members of the Girls Brigade. Welcome to the Assembly.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (4.20): Mr Deputy Speaker, this debate is a useful one, in that it gives the government the opportunity to highlight some of the circumstances in which the previous government has left this government.

Contrary to the assertions of the Leader of the Opposition, it is very clear that there are a whole range of dilemmas left by the previous government which mean that this year's budget is in a very difficult position. This is not the result of commitments this government made before the election, but the result of liabilities left by the previous government which they conveniently chose to ignore, so as to make their own budget look healthier and more credible.

Let us go through a few of these. There is one I would like to deal with in some detail, but let us look at some of these leftover liabilities. Some of the more immediate ones include a commitment to a medical school. The previous government made a commitment to the Australian National University for a medical school. But did they put any money in the budget to fund the school? No, they did not—none whatsoever. They said, "Yes, a medical school is a great idea—we will help you build one," but there was no commitment to fund it. That is liability number one from Gary Humphries.

Liability number two is additional capital requirements from TransACT. Again, this is something they failed to take account of in their budget.

Then there were the failed business activities of the previous government. There was the Totalcare quarry, which has cost taxpayers millions of dollars. There were losses on the V8 Supercar race, going back two years, which had not been taken account of in the budget. That is money this government had to find, upon its election in October last year. There was a range of other things, including the unresolved and morale-sapping nurses dispute, and the costs associated with that.

There is one particular item to which, in this debate, I want to draw attention. This is the complete failure by those opposite to take into account the proper and full cost of paying decent wages to ACT public servants.

In 1996, the previous government embarked on its first round of enterprise bargaining. In that round, the government made it clear that any pay increases would be met from within individual agency budget allocations. This meant that if ACT government employees wanted a pay rise their agencies would have to take a funding cut. As a result, they brought themselves into an aggressive industrial dispute which created a destructive atmosphere. In fact, they invoked an eight-month dispute which involved significant industrial action. That resulted in a deal for a 10 per cent wage increase to be paid over a duration of 30 months.

Those negotiations also attempted to close-off the CSS and PSS superannuation schemes for new entrants to the ACT public service. Had this arrangement proceeded, it would have effectively closed-off the CSS and PSS schemes for new starters in the ACT government service. That is the history with their first round of bargaining.

We then came to the second, or current, round of certified agreements. On 6 April 1998, the Liberal government advised that agencies would be provided with an increase of only just over 1 per cent of their budget to cover wage increases. One per cent. Those are the figures they took account of when they decided how much they were looking to pay their employees in future years. That meant that agencies were unable to pay a fair wage outcome to the work force.

Is this just about public servants being paid more, or is it about something more important than that? It is certainly about making sure people are paid fair and reasonable amounts of money, but it is also about making sure that, as a territory, we have a public service that can attract and retain well qualified and suitable people. What did the previous government do in that regard? Nothing. They set aside a mere 1 per cent in their budget to take account of any increase in government wages.

That was an appalling decision. That decision has meant that this government is left with a massive legacy to address, if we are to make sure ACT government employees are paid rates anywhere near the rates of their counterparts in the Commonwealth. On top of that, the previous government put in place an extremely inefficient bargaining arrangement. They put in place 59 agreements for only 15,000 public servants!

Mr Humphries: Flexibility, it is called.

MR CORBELL: Flexibility—is that the argument? Let us compare it with the Commonwealth. The Commonwealth has over 100,000 officers and there are just over 100 agreements. We have 15,000 officers and 60 agreements. Is that flexibility, or simply inefficiency? Let me put it to you, Mr Deputy Speaker, that it is not flexibility, it is inefficiency. It is inefficiency because it has meant that the wage outcomes from the current round of certified agreements are extremely poor in comparison with the outcomes nationally, in both the public and private sectors. Those wage outcomes consistently receive 3 to 4 per cent per annum. ACT government employees got only around 5 per cent over three years, where their counterparts get 3 to 4 per cent per annum—three times as much.

This is a miserly position by the previous government. It is one of the key factors as to why this government has additional pressures placed on it in the budget context. Unlike those opposite, we believe we must pay employees a decent wage, and take account of the factors which influence their decisions to either stay in the ACT government service or move to another jurisdiction, particularly the Commonwealth.

If we want a good public service—a public service that is able to attract and retain effective officers with relevant qualifications and experience—to deliver good services to the people of Canberra, we need a good wages policy.

The previous government did not have any wages policy, and set aside only 1 per cent of agency budgets to accommodate any increase in wages. That was a miserly and irresponsible approach by those opposite. Coming into the next round of bargaining, this government is going to need to make some very clear and important decisions. We will need to rectify the problems and—

Mr Humphries: Spend, spend, spend!

MR CORBELL: Spend, spend, spend! Spend by paying public servants what they are worth! I am happy for you to be on the record on that, Mr Humphries.

Let me give you a comparison, Mr Humphries. The best case scenario is that some classifications in clerical staff are 10 per cent behind their counterparts in the Commonwealth. They are 10 per cent behind in what they are paid. In the worst cases, some classifications are 17 per cent behind. How can you expect this territory to attract and retain effective personnel when you do not set aside the money in the budget? That is the challenge we have.

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

MS DUNDAS (4.30): Mr Deputy Speaker, by this matter of public importance, the state of the economy is said to be robust. That has allowed the Liberal and Labor Party members of this Assembly to argue about who are the better economic managers. I look forward to the day when we discuss a matter of public importance on the robust state of the community, or the robust state of the health of our people. It is not just the state of the economy that is a measure of a government's success or failure, but today we are talking about the economy.

One question that has been raised is how the commission of audit and the independent consultant, Mr Paul Blessington, using exactly the same figures, have come up with different answers. This is not startling news. In fact, it is quite normal to ask two economists the same question and get two completely different answers.

We clearly have two agendas at work. The government wishes to paint a bleak picture so that any new programs that come out of the budget are seen as noteworthy, whilst the Liberal Party wish to say that they were excellent economic managers and that the Labor Party is wrong.

I put it to this Assembly that the community is fed up with petty bickering over the surplus or deficit. Further, I put it to you that many members of the community are more concerned about services than the bottom line of the territory on any particular date—be that the end of October or the end of December.

During the recent public consultations undertaken by this Assembly's committees regarding the budget, submissions did not speak about surplus or deficit, they spoke about needs met and unmet.

Mr Deputy Speaker, there is one constant in the budget consultation papers, the commission of audit report, and the Liberal Party report—they are all predictable and political. The Treasurer is deliberately talking-down the ACT economy to engage Mr Humphries in a petty war over the size of their surpluses. The Treasurer has taken the most conservative estimates to try to paint a bleak picture of the ACT economy, in the hope that negative talk does not discourage investment in the ACT. I trust this rhetoric is seen for what it is.

Continually missing from this debate are key commitments to encouraging investment in the ACT and to helping the disadvantaged in our community, so that all Canberrans can enjoy the level of services and quality of life they deserve. The real questions are not being asked. Are Canberrans getting the services they deserve? Can we afford better?

So please note, Treasurer, and the immediate past Treasurer, that these are the real questions Canberrans want answered. When it comes to budget surpluses and deficits, size does not always matter—it is how you use it that counts.

MR SMYTH (4.33): Ms Dundas spoke about the things that concerned Canberrans and, on some of those things, she was right, Mr Deputy Speaker. When we came to office in 1995 the key concern was jobs. In looking at what has been achieved in the past six years, I think it is important to start with where we were, and where we got to.

In 1995, when we came into office, unemployment in this territory was at 7.1 per cent. Through our efforts, unemployment is now about 4.2 to 4.3 per cent. That is through the economic management that we put in place; it is through our encouragement of business and investment, and it is through the programs that we had. That was against the backdrop of an opposition that continually drove Canberra down by playing to the negative and never looking to the positive. What we did—here I tempt the wrath of the Treasurer—was make up for their $344 million operating loss. That figure is well documented and well sheeted-home to the previous Labor government.

There were other things people need to remember which confronted us in 1995. One of those was the state of the land market—the land market run by the then government. For four successive years, the government, as land developers, had flooded the market in a vain attempt to balance their budgets, of which they were incapable.

I raise the spectre of that happening again, but hope it does not happen again. For the first two years that we were in government, we did not sell a block of land, or if we did, we sold very few. From my memory, we did not sell any land. The market was in a poor state because of the economic mismanagement of the previous Labor government.

What do we have now? We have a positioning strategy that says, "We have promised some things that we now realise we cannot afford to deliver on. We need to blame somebody, because we will not own up and say that our estimates in the lead-up to the election were incorrect."

A classic case of that is for the Labor Party to get back into land development. Their incoming government brief says approximately $75 million a year for two years, to build up a stock of land before you get any return. I will be very interested to see if that $75 million appears in the budget. If it does, it will take us straight back into deficit and it will be the Labor government and their policies that do that.

I think we have just heard the first pre-budget leak—that there is a big pay rise coming for ACT public servants. The unfortunate side of government is that you have a limited pot of money on which to live and you have to allocate to make sure that you have a balance of programs across a balance of areas, to deliver the maximum good effect for the maximum number of Canberrans.

That is what we did. We did it through sensible financial management. We did it through better accounting systems than had ever been in place before. We did it through being open and honest, by tabling more reports and having more involvement with the community, in the process, than ever before.

In this motion today we say that the territory budget is in a very robust state, and I believe that we do have that budget. I think one of the measures we should look at is, how does the business community see us? How do they judge their level of confidence in the context of the economy as it now stands?

I go to the latest March expectation survey from the ACT Chamber of Commerce. It is very pleasing to read this, because it speaks of the national economic performance. This is a report of chambers of commerce all around the country. It brings their data together to give the national expectation.

The national position is that a large percentage of surveyed businesses—46 per cent—expect the national economy to remain at its current level in the July quarter. Eighteen per cent expect it to weaken, and 36 per cent of the surveyed firms expect the national economy to strengthen in the coming quarter. That is for all of Australia.

With the ACT comparison, an overwhelming majority of ACT businesses—83 per cent—expect the local economy to remain constant or increase in strength in the July quarter. That is 83 per cent against 46 per cent. Twenty-nine per cent expect it to strengthen. No surveyed business describes their expectations for the ACT economy in the coming quarter as much weaker.

A government should be proud of having that sort of confidence in the economy they manage. Rightly, the existing government can stand up and claim credit for it. However, they cannot claim credit for it because we have heard today, the shameful—I think—announcement that they do not have a business policy, an industry policy or a growth policy, and will not have one until some time early next year. We will go 15 months without any ideas from this government on how to foster a stronger economy! They ought to be ashamed that it will take that long to put together a clear plan and vision for what will happen in the ACT.

We had the shameful appearance of the Treasurer in this two-bit play as the boy who cried wolf. There he is, hunting for a deficit. He hopes desperately that he will have a deficit so he can blame us because his government cannot keep their under-funded over-promises. Mr Deputy Speaker, I think it is important for that to be on the record.

Continuing through this survey from the Chamber of Commerce, in the ACT 75 per cent of surveyed businesses reported no fall in general business conditions in the April quarter, and 36 per cent experienced a rise in general business conditions. Encouragingly, 91 per cent of surveyed businesses expect no fall in general business conditions in the July quarter, and 59 per cent expect an increase.

That is not because of the government, because the government is not doing anything. When being interviewed as the Chief Minister elect, Mr Stanhope promised that there would be no five or six-month hiatus period. Well, he has kept that promise. On industry policy, there is going to be a 15-month hiatus period because they are bereft of ideas.

After 6½ years in opposition, of doing no work, of simply dragging down—speaking down—the ACT economy, they have absolutely no idea of what it is to foster and encourage growth in the ACT.

The Chief Minister gave a speech to the chamber of commerce the other day. He said that spending on research and development grants would be maintained, as would incentives for business expansion and relocation to the ACT. I want to focus on that point, because they were critical of us in government for exactly that. How dare you have incentives for people who come to the ACT?

What do we do? Their only policy, the only thing he really said in a 46-minute speech at the chamber that brought not a single question from the audience—because I think most of us had gone to sleep—was that spending on research and development grants would be maintained, as would incentives for business expansion and relocation to the ACT. Didn't Labor criticise us for concentrating our resources on attracting firms that would ultimately come to the ACT and create jobs? Mr Deputy Speaker, if we want to grow the economy so we can deliver more and better services, and pay for increases in service delivery for people with mental health problems or disabilities and those who have young families, growing businesses or sporting aspirations, we must have a base upon which to draw, to enable that money to be spent.

We created that base. We managed to increase the revenue to cover the debts we were left with in order to expand our policies and honour our promises to deliver more and better services to the people of the ACT. That is why, in the last budget, we looked into what we wanted to do. I think this should be the first thing in any budget in this country.

We said we wanted to specifically target poverty, so we created a poverty task force to address the issues affecting the poor in the ACT. We put in place early intervention strategies to break the cycle, and make sure that we did not create problems for the future. What do we get from those opposite? Nothing but criticism. "It was ad hoc, it was a hotchpotch. You have spent too much. How dare you clean out the cupboard?—because we won't be able to keep our promises."

You went to the election in the full knowledge of the state of the budget. The Treasury made those figures available. I do not believe that any attempt to change, rehash, grow or shrink the figures washes with the public. I think Ms Dundas said exactly that—that the public are sick of this argument, because we are in a very robust budget.

The question is, what will those opposite do to keep it there? The answer is, they do not know, and they won't tell us. They will not tell us until some time next year. What are you going to do to foster industry? What are you going to do to grow business? What are you going to do to increase employment, which is the greatest bulwark against poverty? Give somebody a job!

In our time in government, we took unemployment from 7.1 per cent to 4.2 per cent, and we are proud of that. We are proud of the robust economy we created. We hope that those opposite will stop the hiatus and get on with running the territory.

MR DEPUTY SPEAKER: Order! The member's time has expired. The discussion has concluded.

Administration and Procedure—Standing Committee
Membership

MR WOOD (Minister for Urban Services and Minister for the Arts) (4.44): Mr Deputy Speaker, pursuant to standing order 223, I move:

> That Mr Hargreaves be discharged from attending the Standing Committee on Administration and Procedure during his absence on parliamentary business between 11 May and 27 May 2002 and that Ms MacDonald be appointed in his place.

Question resolved in the affirmative.

Board of inquiry into disability services
Papers

Debate resumed.

MR WOOD (Minister for Urban Services and Minister for the Arts) (4.45): Mr Deputy Speaker, this is unquestionably one of the most significant reports to come before the Assembly. It compares, in different respects, with the Bruce Stadium report and the hospital implosion report in being a very weighty document requiring a large amount of time to work through and to present.

Mr Humphries mentioned that it had been commissioned under pressure. He was underplaying it somewhat: it was commissioned under very considerable pressure. He noted that the avenue of an Assembly committee undertaking that work was not considered. As chair, at the time, of the relevant committee, I can say that it was deemed—on my part, at any rate—to be an exercise beyond the time and the resources that that committee had. In the event, with the very large number of witnesses and the extensive hearings, I think my view was correct.

Mr Humphries said that it is ironic that it is now the Labor Party as a government that has to respond to the report. I would suggest that it is fortunate that we are here to respond to it. One thing missed by Mr Humphries—and I believe missed in the Gallop report—is the very large number of problems that it raised. Given what the media is today, it was inevitable that the focus immediately went onto the bureaucrats who had been named. That is what most of the debate has been on, has it not?

I believe the community would have been well informed if some of those problems had also been well examined in the accounts that the bureaucrats gave. Gallop divided those problems into two sorts: the generic ones—or the systemic ones, if you like—and the problems raised by particular people who came to his committee. At both those levels the concerns were truly alarming.

It has generally been said that the Gallop report was commissioned because of the three deaths in group homes. I contest that point of view; I do not agree with it entirely. They were certainly a significant factor, but we were getting accounts of very much more than that. If it had only been the three deaths, a simple—or complex—coroner's inquiry

would have been appropriate. That might have been enough if it were only a case of three deaths, but much more than that was involved in the background that required a broad inquiry before and in addition to those coroner's reports.

In fact, those reports have not come down yet, and we could not have waited for that length of time to take some action in this area. The coroner's reports will be more specific to those deaths, but this report is hardly about them at all. Yes, they are mentioned, but it is about so much more. It is important that the report be done and now be considered.

The response of the Labor Party is generally none. Mr Stanhope has outlined the procedures we have for the future, which Mr Humphries thinks are too long. But like everything this government does, what we are doing here is considered and thorough. That is a very important point. Mr Stanhope has one somewhat related report coming down very shortly and a very knowledgeable person in the area of service provision looking at how the ACT government ought now to respond to the recommendations of Gallop, which need to be examined. You cannot simply pick them up and say, "We're going to do this." The way ahead has to be worked out in greater detail. Labor has shown that it is very serious about attending to these problems.

Ms Dundas came immediately to our focus. Her first words were: a response in terms of the people in the disability area—most of them nameless, I think she said. That is something that has not particularly been expressed through all this debate. One or two of the parents have been out there in front of the cameras, and that is excellent. But we have overlooked the basic reason for this and the people who are at the heart of it. The system certainly failed them.

Ms Tucker raised a point that I was going to raise: I do not know if the report even mentioned the name of the former health minister. There is no concept of ministerial responsibility in the report, as Ms Tucker suggested. That is interesting. One of the reasons I became even more adamant about the need for such a report was that there was inadequate public acknowledgment of the problem. I believed, on the evidence I saw—I will not use the word cover-up; I do not think that was the case—that there was a clear reluctance to admit publicly that there were problems. That is one of the reasons I became more and more concerned.

Mr Moore and I had an argument one day about whether there should be a media release on one of the deaths. That is always an awkward thing to do. If you have read the report, you will have noticed that my submission was based on this question: when there is an untoward incident in a group home, how is that knowledge made available? I believe it was not made available.

A whole range of incidents, including the three deaths, only became public knowledge through word of mouth amongst parents and workers in that community. I do not think that is good enough. In the end I have come to think that a report ought to be made to the Assembly's Health Committee, a copy of that report also going to the commissioner for health complaints.

Finally, I want to raise one point that was not considered in the report, which I believe was an omission—that is, that the real difficulties of working in this area were not taken into account. I think these would be the hardest jobs in Canberra, requiring the most dedicated people, and I had expected that my support for the report would bring this aspect out.

The report is often critical of people working in the area; I believe it should have taken more into account how difficult it is to work in it. There were certainly omissions and problems, but there should have been an acknowledgment of the very large number of people who have been working in disability services for a long time and who are absolutely dedicated to their work, in the most difficult of circumstances. The report would have been more balanced if it had indicated that and given respect to all the people who have put a lot of effort into caring for the disabled.

MS GALLAGHER (4.54): I wanted to make a few comments on the Gallop report. I spent eight years working in the disability sector: four years as a support worker providing hands-on support to people with a disability and four years as an advocate with an organisation called People First ACT.

People First is an unusual organisation in that it is very small and it is the only one of its kind in the ACT where the work it does is solely as an advocate of people who have an intellectual disability—not their parents, not the staff, not the service provider. Looking at the many different groups in our community, I would argue that those people are probably the most disadvantaged.

Back in 1986, when the federal Labor government brought in the Disability Services Act, People First heralded a new approach to the treatment of people with disabilities in our community. Disability standards were followed up as part of that legislation, and later came the Disability Discrimination Act. Great legislative change was made to protect the human rights of people with a disability and to ensure that quality services would be provided to them.

At the same time this legislative change was made, for many people with a disability life went on pretty much unchanged. In relation to the disability program, which is the focus of the Gallop report, the closure of Bruce Hostel and, several years later, the John Knight Hostel meant that many people who had lived in a large institution were moved into small suburban houses within the Canberra community. The reality for many of those people was that, while their institution had been closed, life was still very institutionalised within those group homes. There have been significant problems over many years, and I have seen things that I hope people never have to see.

Disability service provision, like any human service provision, has always been fraught with difficulty. Providing services to people who may not be able to articulate what services they would like is difficult; balancing a person's dignity of risk with duty of care issues is extremely difficult; making decisions about other people's lives—usually very difficult and personal decisions—is very difficult; and balancing the needs of individuals and individuals' advocates with their families' needs, the service's needs and the service's ability to provide a service is also difficult.

While we acknowledge all that, we can also agree that, at the same time, it is achievable. One of the most positive things for me, as a former worker in this area who had long advocated the need for an inquiry like this, is that we can move on from here and some healing can go on for the families and people who were involved in some of the stuff mentioned in the Gallop report.

The initiatives being undertaken now are pointing disability services in the ACT in the right direction. Importantly, this is being done in consultation with the key stakeholders and, most importantly, the individual service users themselves. There has to be a better way to do things in disability services. Other members have commented on the amount of time it has taken for this government to respond to Gallop—that time in September. But if they understood the complexity of the issues facing the service users, their families and the providers, they would not think that ten months is a long time, considering the systemic issues that we are dealing with and the amount of time they have been around.

Taking time right now for the reform process, holding those consultations and asking the right questions before the government finalises a response is an appropriate thing to do, considering the sensitivity and the complexities of the issues involved. Also, what has always been a problem for any government is that the human services industry is by its nature very expensive. There is no advice on the costings for the recommendations of Gallop, and there is no mechanism for proceeding with them, so that is going to be really difficult.

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

MS GALLAGHER: Another speaker raised the issue of having effective complaint mechanisms and the ability for people to complain. That is a good point. I would also like to put on the record that you can have all the complaint mechanisms in the world, but people who use the disability program or other disability services often cannot use a complaints mechanism because it is a written document. It is more complex than just rectifying policies; it is working out a way to make sure that the people we are providing the service to are able to access what those policies offer and access those mechanisms. That is all I have to say.

MRS CROSS (5.01): I would like to commend Ms Gallagher for the eight years she spent in the industry. As a former supporter on the periphery of the industry and also a recipient of those services for some time, I value people such as Ms Gallagher.

What can be learned from this inquiry is the difference between the two major parties in their attitude to public servants. The Liberal Party has always valued the work of public servants and kept them outside the political process. Canberra's public servants are dedicated individuals who perform often thankless tasks. The days of the faceless public servant have gone to some extent, but that concept remains.

The Liberals not only defended their attitude to public servants in the face of criticism while in government, but strengthened it. Labor, on the other hand, despite all their rhetoric and feigned passion, have not been consistent on this point. During debates while in opposition, they continually carried out personal attacks on public servants.

They did this both in the Assembly under privilege and in the media. This was unacceptable and rather disappointing.

For public servants to do their jobs effectively, they need the confidence of their minister and a working environment where they are not being constantly undermined in public. In years past, Labor did not provide this. Their constant sniping at public servants is on the public record.

In this report, strong specific criticism has been made of several public servants who have been named. The Liberals, in accord with their consistent stand, do not agree with the recommendation that these public servants should lose their jobs. Labor, the Johnny-come-lately party, after years of bagging public servants from opposition, have suddenly also sprung to their defence. This is such shallow behaviour on a government's part.

This report shows the need for improvement in the way disability services are delivered to the Canberra community. The Liberals accept that. However, we do not consider this report to be a bible that must be followed to the letter. Where the current system is not working well and achieving the intended results, changes obviously need to be made. Vision and commitment need to be renewed. There are decisions to be made. It is a role for the Assembly as a whole, not just an individual member or a single party.

One of the important decisions that need to be made is one not to attack the public servants involved in service delivery. In considering this report, let us not pretend that providing appropriate disability services is an easy job. The process of de-institutionalisation began in 1991 in the ACT and took several years to complete. It was a very difficult task to replace a system of institutionalised care with one that is centred on residential group houses. Mistakes have been made and some aspects of policy have proven to be inadequate, but these can be changed. The ongoing task for this Assembly is to achieve meaningful change for the better care and quality of life of these clients, not to attack individuals.

I find it extraordinary that the health minister has been absent for most of this debate, which could indicate his indifference to the ACT health system as a whole and disability services in particular.

MR SMYTH (5.05): I think Ms Dundas got it right when she said, "Let's talk about the nameless ones," and I am pleased to hear Bill Wood say the same. It is those who are least able to look after and defend themselves and how to go about delivering services for them that we should be focussing on here. I go back to this current financial year's budget, in which we put in place programs to assist those trapped in poverty, to break cycles of harm and to make sure that all Canberrans have the sort of lifestyle they deserve. Part of this current year's budget was another 8 per cent increase in the funding of disability services.

It is very easy to say, "You did not care; you did not do anything. That is why we had to have an inquiry." But it is important that people understand the things that were happening under the previous government. There was a 42 per cent increase in disability funding between 1997-98 and this financial year. I welcome the government's commitment to their extra million dollars for disability services, but I would lay down

this challenge to them: let's see, at the end of your first three years, whether funding will have grown by 30 per cent, as it did under us in the last couple of years.

The issue of responding to the Gallop report is very important. When Mr Wood was talking about whether there should be an inquiry of this nature, whether it should go to the health committee or whether we should wait until the coroner's inquiry delivers its findings, the issue of urgency and immediate need was constantly raised. When in opposition, those opposite were saying that this had to happen "now" because it was about where people live "now". I find it interesting that they now think it okay to wait nine months before responding to the recommendations in the Gallop report. That says a couple of things.

Firstly, if we wait until September for the response and the consultation that will contribute to that response, how can we have meaningful additions in the coming budget that cannot therefore be considered ad hoc? That is a criticism they made of us in our last budget. Secondly, if we have to wait until December for the consultation and report to be delivered, how can money get into the budget that would meet the scope of the need that Gallop speaks about in his report?

I compare that to the way we responded when important reports were delivered—for instance, when the coroner's inquiry on the hospital implosion was delivered. We accepted those recommendations, many of which had already been met or were being met. We met them, we agreed to implement our responses as soon as we could and we set up a review process to make sure that actually happened. We did not wait nine months.

Indeed, when an inquiry was made on Friday 3 August last year into one of the deaths—which contributed to this inquiry—a number of recommendations were made. I will read from our responses to them, which were either under way or had been accepted and gotten under way in a very quick manner. Indeed, by 7 August—in the time from 3 August to 7 August—the then minister was able to say, "We accept what you've said. These are the bits that we're already doing, and this is what we'll do to implement the rest."

It is important that governments respond quickly and effectively and that they allay the community's fear. We have heard on the radio that workers in this industry believe the current government will sweep this under the carpet. It is the workers in the industry who are already saying that. As I said, I will read from the responses we made to the recommendations.

In response to recommendation 1—review to identify inappropriate work practices—the disability program has already introduced individual risk assessments for every client, which leads to the examination of work practices to address the identified risks. This investment—in relation to potential risk for clients and providing ongoing risk management training, education and support of staff in areas of client safety—was $180,000 per year.

Responding to recommendation 2—review of individual plans to ensure instructions are clear—the disability program has already commenced a project to improve the individual planning system to result in better-quality plans for individual service and also

substantially improve communication between staff and management. This review will encompass an examination of the language used, to ensure that it is unambiguous, and will be supported by additional training for staff.

In response to recommendation 3—review of management structures to ensure training, support and supervision—the disability program has commenced the development of a training curriculum for support managers and team leaders. The program has increased the number of front-line managers—with the addition of $370,000 per annum. A program education officer has been appointed to the human resources development team. So it goes on.

Responding to recommendation 4—review of staffing to ensure long-term staff are properly trained—the disability program has already introduced performance development planning for all staff and a proposal is being considered, through the quality improvement committee, for the establishment of a continuous learning program.

Recommendation 5 was for a review of training processes. The provision of services to people with a disability occurs in a complex and changing environment, in which safety must be balanced with promoting independence and normalisation. Since the death of three clients, the program has taken clear and decisive action to ensure that this balance is more carefully calibrated for safety. That includes reviewing and modifying training in the area to make sure that it happens.

On top of those, the disability program developed a treatment summary sheet, so that every external agency practitioner providing a treatment to a disability program client is required to provide a record of every treatment. All accommodation support services houses were fitted with hot water temperature regulators, and a number of sensor alarms were installed, particularly for where staff sleep over. The program also introduced payment of an additional half-hour allowance to casual staff so that you could have a handover. They enforced the quality improvement framework so that a team of staff from all levels, using continuous improvement principles, can work to improve communications and recording systems. They increased the recruitment effort, from recruiting four times a year to continuously advertising for new staff, and they tightened the training and reporting requirement for staff sourced through casual employment agencies.

It is important to have that on record so that we can show that, where we were confronted with dilemmas or need, we took it seriously. A 40 per cent funding increase in the last four years showed this, and a program aimed at continuously improving the situation in which people with a disability lived and staff worked was taken very seriously by the department. That is in stark contrast to what would appear to be a double standard of Labor: they said that the three deaths in disability services, plus constant complaints, led to the need for this inquiry.

The health committee at that time, of which Mr Wood was chair, turned down the option of conducting that inquiry themselves. We were not afraid of the inquiry. We simply said that, to get the process right, we should let the coroner finish his inquiries so that there would be no crossover. What we predicted has actually happened and, I think, vindicated our position of the day.

I will take the example of what is currently happening in mental health. Since becoming opposition spokesperson for mental health, many people have talked to me about the unmet need there.

Mr Stanhope: While you were in government—the need you did not meet. Seven years you were in there. How embarrassing. Seven years of neglect!

MR SMYTH: At the same time, unfortunately, we have had the three recent deaths. We said we would wait and see what the coroner said, and we are being consistent in this. What we have yet to see from the government is how they will do this. The Chief Minister interrupts and says, "Seven years of neglect." Again, it was making up for their $344 million operating loss that allowed us to put in place programs.

Mr Stanhope: How much did you spend on Bruce Stadium?

MR SMYTH: As we came into surplus, we put money into the services the people of Canberra required. The Chief Minister asks how much we put into Bruce. Bruce is not recurrent money, Chief Minister. You are showing your ignorance here. If what you are saying is that you would turn capital into recurrent money, then you ought to speak to your Treasurer. I am sure he would not like that concept.

We have a very important report in front of us. The Chief Minister makes the jibe: seven years of neglect. What I have shown is not seven years of neglect; what I have shown is a party that set up an agenda in 1996 that was running forward and was to take us to about 2002. The Chief Minister himself acknowledges that it is now time to review that agenda. *(Extension of time granted.)*

What we have seen is a program of continuous improvement, as I have outlined. This is just a brief summary of what was done in that time. It was, as the Leader of the Opposition said this morning, a disability service that for much of our period in government led the way, was innovative and was instrumental in improving the conditions for those under its care. Then we as the government backed it up with the finance to do it.

I lay down this challenge to the Chief Minister: will he stand up now and guarantee a 40 per cent growth in disability funding over the next four years—maybe 30 per cent over three years—for the life of this government?

Mr Stanhope: If we have to pick up the slack—the big hole that Amanda Vanstone and Peter Costello are about to leave—a $1.2 million cover by the Liberals.

MR DEPUTY SPEAKER: Order, Mr Stanhope! You will have the chance to respond shortly.

MR SMYTH: The Chief Minister talks about Amanda Vanstone. It is quite clear that what he has got is caught up in his own federal party's rumour mongering about a federal budget. As Amanda Vanstone said yesterday, we have a federal government that has put substantial extra funds into the disability sector and given them to the states and territories for expenditure. At the same time, Labor is rumour mongering about what may or may not happen in the budget.

It is important to look at our record, but that is not all. As is clearly indicated by what went on and the funding we made available over that time, we had a clear commitment to improving the lot of those with a disability in the ACT, particularly those in the care of the government. We would have continued to do that.

The challenge for the Chief Minister is for him to say that he will increase disability funding at the rate of 10 per cent a year, as we did. I look forward to hearing it because it is something we would all endorse. Perhaps he will be courageous and say 15 per cent; he might really gather his courage and say 20 per cent. But my fear is that it will take too long and that when it comes it will be too little.

MR STANHOPE (Chief Minister, Attorney General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.17), in reply: Mr Smyth has just implored us to look at the Liberals' record on disability services, and that is precisely what John Gallop did. John Gallop looked at the Liberal Party's record on the delivery of disability services and found it to be appalling. It is a particularly damning report of their stewardship of the health portfolio and of disability services. Mr Smyth asked us to look at the Liberals' record; that is what John Gallop did. He looked hard, and he found the record a disgrace. Then he delivered a 600-700 page report on the Liberal Party's record.

Mr Smyth: You ignore the jibe, Chief Minister, because you know you will not do better.

MR STANHOPE: Mr Smyth lays down a challenge to this government in relation to disability services. The challenge is to repair seven years of neglect, damage and lack of care and concern on the part of the Liberal Party for people with a disability. The 500 pages of criticism contained within the Gallop report, with all the recommendations for change—that is the challenge. The challenge facing this government is to repair the mess that the Liberal Party left us, and that is the challenge we are prepared to accept. Of course, it is one of the reasons the Liberal Party were rejected at the last election. You failed, and this community knows you failed. You just won't accept it yourselves.

I heard Mr Humphries when he came back from Bungendore say, "What are we going to do? We're going to get out there and listen. We have been rejected. The community passed judgment on us. The community found us wanting. The community found us not to be in touch with its requirements or needs." Mr Humphries came back and admitted it.

Listening to your debate today, one wonders what it was that you talked about there and how heartfelt were Mr Humphries' on-the-sleeve remarks: "We did not listen; we lost touch. We did not actually care for the people of Canberra. We did not implement the disability program appropriately." We knew it was all hollow and meaningless and, you have illustrated that today.

It is not something I normally do, but I will touch on Mrs Cross' final insult. The rhetorical flourish at the end of her speech was to attack me for not being here throughout the entire debate today. Having said that, Mrs Cross stood up and left the chamber. That highlights the hypocrisy not just of Mrs Cross but of the Liberals. Throwing the barb at me, "He wasn't even here for the entire debate," Mrs Cross then flounces out of the chamber not to be seen again. What appalling hypocrisy, Mrs Cross.

I do not even know if she is still in the building. She has clearly left the chamber; she has probably left the building. This is the height of Mrs Cross' concern for people with a disability. Mrs Cross, if you think that you can get the numbers on your side of the house for the impending leadership challenge, you won't get it this way. We know your party room is completely fractured; we know you are in dire straits; we know, Mrs Cross, that you have got some scores to settle; and we know you are looking for the numbers. You won't get them this way.

And you won't get them, Mrs Cross, by attacking your leader in the way that you did in the speech that you gave. Suggesting that at no stage of the debate on the Gallop report have you or the Liberal Party poured scorn or doubt on the integrity or capacity of public servants is a joke. There is not a public servant in Canberra who does not know that you abandoned them completely for what you anticipated would be short-term political gain. Your approach from the outset was to castigate me and blame a group of public servants for daring to pursue a legal remedy in relation to what they regarded as unfounded allegations. You attacked them mercilessly, you attacked them completely and you attacked them publicly. Every public servant in the ACT public service knows that you did. They tell me so.

Mrs Cross, contradicting your leader and his personal attacks on those public servants, will not get you anywhere. You will not get the numbers by showing that degree of disloyalty to your leader, contradicting him absolutely in the way that you did in your speech.

We need to go back to some of the fundamentals of the Gallop report. The Gallop report is a significant report, and we take its recommendations seriously. But it is a report on the Liberal government. Of course, none of them have accepted responsibility for this. The hallmark of their stewardship of the ACT was never to take responsibility.

Mr Corbell: Not, not, not responsible.

MR STANHOPE: As Mr Corbell says, "Not, not, not responsible." You refused to accept any responsibility for your stewardship of the health portfolio or the delivery of disability services to the people of Canberra. That is what Gallop focused on; that is what it is all about.

I have tried, in this debate, to look forward. It is important that we look forward. I was not interested in looking back; I was not interested in pointing a finger. But you were determined to politicise the issue from the outset. I have no interest in or desire for that. You know this, and the record will show it. When this report was released, my determination was to take the issue forward and depoliticise it.

We all battle with issues of care for the disabled and are concerned to ensure that vulnerable people within our community receive appropriate levels of care. To that extent we all have consistent aims. There are circumstances that will occur, whoever is in government, that we would wish were otherwise. We have seen that in disability service delivery, we have seen the tragic deaths of people in the care of the disability services program and we have seen the distressing and tragic deaths of people who were clients of mental health.

There is nothing to be gained from making politics out of those deaths; there is nothing to be gained from pointing the finger in relation to the circumstances of those deaths. Those are issues for the coroner, and they should be left there. But we have an obligation to put in place programs, policies and administrative structures that ensure we deliver the best possible outcomes. Gallop points the way.

But it is appropriate—and I cannot believe anybody is questioning this—that the recommendations which Justice Gallop made in relation to disability services be tested with experts in the field, such as Anne Cross, and with the sector. I would venture to say that there is not a single member of that broadly based Disability Reform Group I appointed who in any way begrudges the time taken by the Office of Disability, by Anne Cross or by themselves.

Mr Humphries: They are in the loop. That is why.

MR STANHOPE: So they are in the loop? Mr Humphries now condemns them in the same way he did the public servants. The Disability Reform Group, the 15 people working assiduously on their review of the recommendations, are in the loop, so their judgment is not to be trusted, says Mr Humphries. They are not objective, they are in the loop and they do not have the capacity to look at what service delivery models are best.

That is just outrageous. It is the community we are talking about. We have 15 people in the group who, through their organisations or individually, are at the heart of the delivery of disability services to people in this community, and you do not believe they have the capacity to look objectively at the recommendations. That is just outrageous. There is not a single member of that group who begrudges the time that is being taken to ensure that the community agrees with and supports the responses that government will make.

It was in that context that I also asked Mick Reid, an immediate past director-general of the New South Wales Department of Health, to look at the structures that we have in the ACT generally. It is quite obvious from the discussion and inquiries that have been held over the years about those structures that there are a range of views on whether or not we are well served by them. I expect to receive that report this week, certainly imminently, and I intend to respond to it within a very short space of time. The report is also informed by a submission from the Disability Reform Group on the Gallop recommendations in relation to an appropriate structure for the delivery of disability services.

We will be making major decisions about the delivery of disability services a la Gallop recommendations within a number of weeks. The opposition is constantly putting out the hocus-pocus of no response before September, and I have just heard Mr Smyth say December. That is utter nonsense. The Disability Reform Group propose to provide periodic reports to me. *(Extension of time granted.)* It will be providing me with reports from time to time in relation to the recommendations, and it is the government's intention to deal with those as they are received.

In relation to the ridiculous challenge implying that we are not in a position to support any of the recommendations—because it is not being made, and it could be in the budget context—as I have said time and time again, the Labor Party recognised long ago the level of unmet need in a whole range of sectors. We recognised that before the election

and went to the election on a promise of an additional $1 million minimum for disability services. That is a promise we will keep.

Mr Smyth: That is actually less than we delivered.

MR STANHOPE: You had no intention of delivering an additional $1 million; you argued against it. We promised an additional $1 million over and above the budget allocation for next year. That was our promise, and we will deliver on it to disability services. It is arrant nonsense that we are considering this in isolation—outside the scope of the budget circle. We are not.

There is an additional $1 million there to meet the need in areas we know can be better facilitated for people with a disability. We have responded to that need. We campaigned on it, and the people of Canberra responded to our recognition of the needs of these groups in our community. That is our commitment.

Look at the commitment of the federal Liberals. There is a communique, jointly signed by the states and territories and the Commonwealth, delivered when Mr Moore was minister for health, in which the federal Liberal government promised him—contrary to what is being said today by Amanda Vanstone and supported by Mr Smyth—that they would commit certain levels of base funding and certain levels of growth. That is now being trashed by Senator Vanstone and Peter Costello. Those are the facts. That is what has happened over the last couple of weeks.

Senator Vanstone will not commit to that communique. I was at a disability services ministers meeting in which she explicitly would not commit to the communique or that commitment. Peter Costello revealed in documents released in April that that commitment will not be kept. This is not scaremongering; these are the facts. The federal Liberals have committed themselves to reducing funding to the states and territories for disability services. That is what they have done, and that was the deal struck.

Mr Humphries: Were the Labor governments doing this?

MR STANHOPE: Well, some of them were. They were half-and-half at that stage. It is since then that the wheels have dropped off for you and the whole community has realised how crook you were. Yes, this is a significant broken promise for a group of people who deserve to have those promises and commitments kept. It was a serious commitment. The states and territories entered into it; Michael Moore, on your behalf, entered into it; Amanda Vanstone and Peter Costello have broken it. Those are the facts. It is explicit. It is in writing. There is no doubt about it.

This issue is being progressed appropriately, and I conclude on this point. I responded to the Gallop report by establishing an Office of Disability, by appointing Anne Cross, a noted Australian expert on the delivery of disability services who is almost universally respected in Australia. I have not heard a voice of criticism about my establishing the Disability Reform Group. It is accepted by the sector here in toto; they all accept the wisdom of that move. That group will inform the government's response, as it should, and we will act on those recommendations. That is what we have done.

There have been issues of the role and rights of public servants and the recommendations that were made by Justice Gallop in relation to senior public servants. These individuals have pursued avenues open to them under the law, and I will always support the right of individuals to pursue legal avenues open to them. I will certainly defend the right of public servants to pursue their rights. I have not in any way sought to influence the courts, and it would not be appropriate for me to do so. I have not sought to influence the courts' consideration of those issues. I have simply acted in my role as Minister for Health in some respects and as Attorney-General in others.

But do not forget that, at the end of the day, the Gallop report is a report on the Liberal Party, and it is not a pretty report. We have picked up the mess, we are fixing the mess and we are doing it in an appropriate way.

Question resolved in the affirmative.

Questions without notice

Griffin Centre—enhancement

MR CORBELL: Mr Speaker, in question time today Ms Dundas asked me a question about the $1.7 million allocated for the Griffin Centre replacement and whether any of this funding has been spent to date. I can now provide an answer to Ms Dundas' question.

Queensland Investment Corporation is contracted to replace the Griffin Centre as part of the redevelopment of section 56 in Civic. The previous government provided $1.7 million additional for some additional space in the new centre—and that equates to around half a million dollars—and about $1.2 million for fitout. Because building work is yet to commence on this site, none of this money has been expended to date.

Personal explanation

MR CORNWELL: Mr Speaker, I seek leave to make a statement under standing order 46.

Leave granted.

MR CORNWELL: Thank you. Mr Speaker, during question time today, I asked the Minister for Health:

> Does the government have a view on the link between schizophrenia and marijuana smoking, as this was raised at the meeting, and are studies being conducted by your department into such a … link?

Mr Stanhope gave a lengthy considered response but eventually strayed by accusing me of having espoused a redneck view that marijuana use leads to mental illness. Mr Speaker, I think Mr Stanhope has mistaken me for someone else. I have not made such claims about marijuana. Perhaps the most telling point in my favour is that, as you would be aware, I was the chair of this Assembly for the last 6½ years and I did not have the opportunity to engage in debate on this or most other matters.

Adjournment
Mr Richard Refshauge

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.35): Mr Speaker, I move:

> That the Assembly do now adjourn.

Mr Speaker, I rise to thank the retiring chair of the ACT Cultural Council, Richard Refshauge, for his long and valuable service to the council, indeed to all in the ACT. I am confident that former ministers will agree with my sentiments. As the then minister, I appointed Mr Refshauge to the council in 1992, and subsequently to the position of chair in 1994.

During all those years Mr Refshauge has been a very dedicated, effective and enthusiastic chair. However, he has been active in the arts for much longer than that. As a student he is recorded as holding a spear in some Shakespearean production, though I expect he achieved more on the stage than that. I know that he has performed well on the stage of life. I was interested to find that the ACT division of the one-time Arts Council of Australia records that at the annual general meeting on 24 September 1970 Richard Refshauge was appointed co-convenor of the theatre committee. This same document indicates a very impressive list of events, exhibitions and performances arranged by the council. I expect that Mr Refshauge would have needed some serious credentials to be appointed, so it is clear that he has been actively committed to the arts and to the whole community for a very long time. In a letter to me, he writes:

> I am immodest enough to believe I have helped make a difference, strengthening the arts in Canberra and giving it an important profile in the community.

Well, he is really modest. He has done more than help—his depth of experience, his commitment, knowledge, organisational skills and passion for the arts have very definitely made a great difference. On behalf of the ACT community and all in this Assembly, thank you, Richard.

Mr Richard Refshauge

MR HUMPHRIES (Leader of the Opposition) (5.38): Mr Speaker, I rise to associate myself with the sentiments expressed by the Minister for the Arts about Richard Refshauge. I don't recall which of us actually appointed Mr Refshauge originally.

Mr Wood: I did.

MR HUMPHRIES: It was Mr Wood. Certainly I reappointed him I think in 1995 and I had no hesitation in doing so because he was an outstanding chair of the ACT Cultural Council. He know a great deal about the arts in the ACT. He is an enormous consumer of the arts, often still seen at openings of exhibitions, at theatre productions, at concerts and so on, and is always knowledgeable on virtually every aspect of the arts you might care to discuss with him.

I think that indicates the most important quality one would expect of a position of that kind, and that is a genuine enthusiasm for the work. No doubt there are some people who at least in part see their appointment to positions on boards and committees in the ACT as a way of adding another notch to the belt, as a matter of prestige or status. But there is no doubt that the status, whatever it might be, that attaches to the chairmanship of the ACT Cultural Council is more than offset by the enormous amount of hard work which goes into managing the process of deciding on which grants should go to which of the many sometimes fractious arts organisations and artists who bid for funding from that body. It requires enormous presence of mind to be able to handle that process, and I have to say that Richard Refshauge never faltered in his determination to be both fair and judicious about the way in which that role was exercised.

Mr Wood made reference to Richard Refshauge's early interest in the theatre. I recall having a discussion with his brother, Andrew Refshauge, the Deputy Premier of New South Wales, about Richard's early interest in theatre, and Andrew, with a roll of his eyes, made reference to the fact that he was often asked as a child to take part in Richard's home amateur theatre productions or school amateur theatre productions. He obviously was not quite so keen on that process as his brother was, but nonetheless he took part because, as we all know, Richard Refshauge is quite a persuasive person.

Mr Speaker, I just want to say that I do not know the new chair of the Cultural Council, but I understand that Mr Templeman is a very worthy successor to Richard Refshauge. I think it is worth saying that Mr Smyth, who is a former arts minister, and I had great pleasure in working with Mr Refshauge. We hope that the government finds a new role for Richard Refshauge which properly exploits his enormous enthusiasm and talent in the field of public service.

Commonwealth Parliamentary Association

MR CORNWELL (5.41): Mr Speaker, as members would be aware, the ACT has a member on the Commonwealth Parliamentary Association's executive committee. The opportunity for CPA branches to fill such a position does not come up often. Ms Tucker, who is our representative on the CPA executive committee, recently attended a meeting of the executive in Kiribati from 29 April to 6 May. As we now have a member on the executive who attends executive meetings, I am interested to know if it is possible for this branch to receive reports on the state of the Commonwealth Parliamentary Association. I am sure this it would be of interest to CPA members of the ACT branch.

I note also that there are three committees of the CPA executive and that a member of the Australian delegation of three is on each committee. Would it also be possible for our representative, Ms Tucker, to give this branch a report on what is going on in the executive committee of which she is a member?

Commonwealth Parliamentary Association

MS TUCKER (5.43): I have come into the chamber because, if I heard correctly, Mr Cornwell said that he would like to see some kind of report from the CPA executive.

Mr Cornwell: Yes.

MS TUCKER: You could have asked me—you didn't have to do it during the adjournment debate.

Mr Cornwell: Well, I thought other members may be interested.

MS TUCKER: I am quite happy to do so but I will not do it right at this minute. My expectation would be that I would automatically give that report to the meeting of the CPA branch.

Mr Cornwell: We had one last week.

MS TUCKER: But I was away last week.

Mr Cornwell: I know.

MS TUCKER: I would have thought that would automatically happen at the next branch meeting, and I would have thought that was appropriate. Are you asking that it be done in the Assembly?

Mr Cornwell: Not necessarily. I am just curious to know when we—

MS TUCKER: Okay, fine, I am quite delighted to do that. This has been a very interesting experience, I have to say. I am very inspired by the potential of the Commonwealth Parliamentary Association to be a vehicle for fostering debate amongst countries of the Commonwealth. Obviously this is something that Mr Cornwell has been involved in in the past. He has already shown that he values that organisation. I am very happy and proud to be associated with the organisation and I will enjoy discussing its progress with members of the Assembly.

Question resolved in the affirmative.

The Assembly adjourned at 5.45 pm.