DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

5 June 2002

Wednesday, 5 June 2002

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Maternal Health Legislation Amendment Bill 2002

Mrs Dunne, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MRS DUNNE (10.33): I move:

> That this bill be agreed to in principle.

In rising to present the Maternal Health Legislation Amendment Bill, I aim to amend the Health Regulations (Maternal Health Information) Act 1998, and the Crimes Act 1900, to provide extra protections for women who contemplate an abortion.

As you know, Mr Speaker, abortion is the most divisive issue dealt with in this Assembly. Members divide on pro or anti-abortion lines to become adversaries. It is a matter of great regret that there is no meeting of the minds and no attempt at convergence.

What we see instead is the grim process of gainsaying—a harsh and brutal rejection of each other's views and the hurling of abuse, thinly disguised as parliamentary debate. I cannot help feeling that we dismay not only ourselves but our electorates when we do this, because, in truth, we are failing as legislators in a very real sense.

My earnest and sincere desire is to try to help turn that around. Part of that turnaround is the bill. Good faith to me means, among other things, a search for commonality, a genuine attempt to identify affinities and accentuating the positives.

If politics is indeed the art of the possible, then I believe it behoves us to search diligently for an outcome that reflects that. This is especially so when dealing, as we are here, not with an abstract issue that can be contemplated with academic disinterest, but an issue that is, in a very real sense, about people and even life itself. These are responsibilities we do not take lightly. Our deliberations need to affirm that commitment.

This bill seeks to provide added protections for a woman who finds herself faced with a difficult pregnancy. Opponents of the Health Regulation (Maternal Information) Act 1998, argue that abortion is just another medical procedure and that it is unfair or unnecessary to apply special rules, such as informed consent provisions or cooling-off

periods. They would presumably take the same view of coercion or arms-length counselling.

Let me be perfectly clear, Mr Speaker. Abortion is not just another medical procedure—it is not a medical procedure at all. Medicine is concerned with the diagnosis, treatment and prevention of disease. Pregnancy, as the mothers amongst us have often been told, is not a disease. Nor is there any disease for which abortion is a cure.

The reasons people have abortions, whatever we think of their validity, lie clearly outside the field of medicine. Medical technology is used, but as a technological solution to a social problem. The decision about whether that solution is the right answer to the patient's social, psychological and financial situation is not one that an abortion provider is qualified to make, and certainly not in the circumstances of a typical abortion clinic.

In a classic elective procedure, the patient is referred by a doctor or another specialist. Case notes are provided, the doctor familiarises himself with the background and condition, and a decision is made about treatment on the basis of the risks and benefits of various courses of action, including the possibility of no action if the risks exceed the benefits. None of this applies to abortion. No expert physicians have made the diagnosis and chosen the appropriate course of action from a range of possible treatments.

An abortion is not carried out by a surgeon with many years of training and additional qualifications. The abortion clinic offers a practical procedure. Its financial successes, which can be considerable, depend on providing that procedure to as many patients as possible. Because there is no disease, there is no requirement for the troublesome and time-consuming process of diagnosis or referral, to ensure the treatment is really necessary and helpful, given the patient's medical and psychological history, and family circumstances.

We are talking here about the opposite of holistic medicine and the antithesis of family medicine. The first time the abortionist sees the patient may be on the operating table. The patient is not even an individual in isolation—she is reduced to the status of an inconveniently occupied womb in isolation. None of the rest of her matters—not the head, and certainly not the heart. If the patient elects to keep the baby or give it up for adoption, the clinic does not receive a fee. It is totally geared-up for one thing. Seeking independent advice from an abortion clinic on whether it would be a good idea to have a baby is like asking a car dealer whether you would be better off with a bicycle.

Part 2 of the bill I present today seeks to ensure that a woman contemplating an abortion obtains truly independent advice about her options. This part amends the Health Regulations (Maternal Health Information) Act 1998 to ensure that the person providing advice to a woman contemplating abortion is not, or not associated with, an abortion provider. By this amendment, I want to ensure that a woman contemplating an abortion is not pressured to have an abortion by someone who stands to make money out of the process.

Since the Heath Regulations (Maternal Health) Information Act was passed in 1998, there have been other debates. In Tasmania, for instance, the strong view translated into legislation was that there should be separation between the abortion counsellor and the

abortion provider. The bill today gives members in this place an opportunity to safeguard the women of our community, by ensuring they are not pressured into making a decision they may later regret, that may not be in their best interests.

Although I was not a member of this place at the time of the passage of that bill, I observed its passage at close quarters and supported it. The great thing about that legislation was the strong support it received across the board. During that debate, I was particularly struck by the contribution of the then Chief Minister, Kate Carnell, when she spoke so eloquently about the need for information to make a real choice. Mrs Carnell said:

> I believe that real choice is about having a full suite of information. I am pro-choice but I believe that choice is available to women or, for that matter, anybody else in our community only when they know what that choice entails and what the breadth of that choice is.

What this bill aims to do is extend the suite of information. The provisions laid out in the bill are simple. They aim to ensure that women faced with a difficult pregnancy can avoid the pressure they sometimes feel when making decisions on how to deal with their pregnancy. The bill amends the current sections 7 and 8 of the act to ensure that anyone who provides information to a woman about an abortion is not associated with a provider of abortion.

This means that anyone who performs, or assists with, abortions—or their employees—would not be eligible to provide statutory information under the act. This means that a person or an entity who stands to make money out of a woman's decision does not exert undue influence in the decision-making process. The amendment goes on to further delineate who might give that sort of information to a woman.

Under section 8 of the act, a woman must be told of the medical risks of termination of pregnancy and of carrying the pregnancy to term. She must also be told of any risks specific to herself, any medical risks associated with the type of procedure proposed and the probable gestational age of the foetus at the time the abortion would be performed. Under my amendments, this information will continue to be provided by a doctor.

Also under section 8, a woman needs to receive counselling about a variety of non-medical issues such as helping agencies that may be available to assist a woman facing a difficult pregnancy. It is my belief, and the belief of many others, that this assistance is best given by specialist counsellors. In both cases, neither the doctor nor the specialist counsellor can be associated with the abortion provider.

Moving on to the Crimes Act: part 3 of this bill amends the Crimes Act to reduce the penalties a woman might face if she undergoes an unlawful abortion. It also creates a new offence—the offence of coercing a woman to have an abortion.

It may come as a surprise, Mr Speaker, but we are on common ground over the view that a woman should not face a major jail sentence because she has had an abortion. That is why I am proposing to amend section 44 of the Crimes Act to reduce the maximum penalty from 10 years imprisonment to one month imprisonment. This move should send

a strong message that, while we as a community consider that it is wrong in many circumstances to have an abortion, we are not about locking up women who feel they have no option. Women who have abortions are victims who are often confronted with no alternatives. The decisions are mostly painful, and imprisonment would be another bitter blow from an uncaring community.

This bill also creates the new offence of coercing a woman to have an abortion. If this amendment succeeds, we will be opening a new era for women to act without fear of coercion. All the literature about abortion shows us that women who feel pressured into making a decision to have an abortion have a much higher likelihood of being adversely affected. The experience of post-abortion grief counsellors is that their caseloads have a high proportion of women who feel that they were forced to have an abortion. The abortion clinic is not the only party who stands to gain if a woman chooses to have an abortion.

In 1998 when Mrs Carnell spoke about the suite of information and the breadth of choice, I am sure she would not have considered it appropriate for the choice to be limited by a range of coercions a woman might experience in these circumstances. Anyone who has ever spent time talking to people about abortion will have heard stories about women who were bullied into opting for abortion. These women had no choice.

Those members who took time to dip into the book that I know that they all received, Melinda Tankard Reist's moving book, *Giving Sorrow Words*, would have come across a barrage of incidents that amounted to coercion. I will refer to a couple of incidents.

Elizabeth was young and was told to leave home until she solved her problem. In her account she writes:

> I was under enormous pressure and with no job, no family support, in fact the reverse, it was tough. I was literally told to leave home and come back when I'd "sorted myself out"; which was a horrifying proposition. I was given a small brown case to pack, driven to the bus stop late one night and told "good-bye".

Beatrice was driven by an unsympathetic and faithless husband. She writes:

> I was married, 38 years old, and my marriage was on the rocks … and I fell pregnant. My husband … made it clear he didn't want any more children, he would rather pay maintenance. I was in shock, confused ... All I ever wanted was a couple of kids and be a good wife and mother. I booked into a motel, saw the doctor … I cried and cried, all alone … There was no counselling before the operation. I am not blaming the staff, although in my case it would have been good to have some "ears" and advice, because I will regret [the decision I made] to my dying day. I don't use the word "choice" because at that time whatever the circumstances, when you are cornered there does not seem to be a choice. I look at my husband as the "judge" … Had I been younger, employed in my profession, I have no doubt that I would have sent him packing. But that was not the case …

One woman I spoke to—I will call her Cecilia—went to a clinic in Sydney to have an abortion. She was feeling nervous and unhappy, as I am sure most women in these circumstances do—and her boyfriend went along for support. Just before the procedure,

Cecilia told the doctor she had had second thoughts and did not want to go ahead. The doctor told her it was too late to go back, because she had already signed the consent form. Cecilia began to struggle. The doctor told those assisting him to hold her down. She called for help and, even then, was able to escape only after her boyfriend forced his way into the operating room and fought his way out, with Cecilia in tow.

I know the discovery that you are pregnant is a highly emotional experience, even when the child is wanted and welcome. Women in this emotional state look for support and stability, and are highly vulnerable to emotional blackmail, or worse. In these circumstances, the power balance in a relationship—the parent, the partner or the doctor—can in no way be described as equal. Women are making decisions which many of them will regret and which will affect them for the rest of their lives. These decisions are being made when they are in a highly emotional state, subject to far from subtle pressures from powerful players—by virtue of status or relationship—who have vested interests in the outcome of the decision. In this situation, women need all the protection they can get.

This amendment seeks to put an end to the situation where a woman is told that if she does not have an abortion, her husband or boyfriend will leave her and she will be without support. No longer can parents get away with threatening their daughters to turn them out of house and home unless they "get rid of it". No longer can an abortionist attempt to have a patient held down when she has second thoughts. All these would become offences under the Crimes Act.

Mr Speaker, even if you succeed in repealing the provisions in the Crimes Act relating to abortion, the crime of coercing someone to have an abortion will still stand. There are many things in life which are legal until one uses force to bring them about. It is legal for adults to have sex, but not to obtain it by force. It is legal to give someone money, but not to force them to give money to you. So even if it ceased to be a crime to perform an abortion, it could still be a crime to force a woman into it, by use of either physical or psychological means.

This bill aims to reinforce the protections we offer to women at an extremely vulnerable time. It aims to ensure they have a full range of options, and that they make their decision without pressure being afforded by friends, family or the provider of a service who stands to make money out of their decision. Its success would be a measure of the extent of our civil society. I commend the bill to the Assembly.

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

Discrimination Amendment Bill 2002

Debate resumed from 15 May 2002, on motion by **Mrs Cross**:

> That this bill be agreed to in principle.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.48): Mr Speaker, as I have previously indicated, the government supports the principle that discrimination on the basis of

potential pregnancy—that is, discrimination against a woman on the basis that at some future time she may become, or intends to become, pregnant—is not acceptable.

It is the government's view that these amendments are unnecessary, because discrimination on the grounds of potential pregnancy is already covered by the Discrimination Act. However, the fact that this bill has been put forward suggests that there does seem to be some level of misconception within the community about the fact.

The advice I have from my department is that it really is, as a matter of law, quite clear that potential pregnancy is already covered under the Discrimination Act, and that, in a strictly legal, technical sense, this amendment is totally unnecessary. However, accepting that there is some confusion about the legal effect and efficacy of the Discrimination Act, it is useful to clarify that discrimination on the basis of potential pregnancy is in fact unlawful in the ACT.

So the government's position essentially is that this amendment, as a matter of law, is totally unnecessary, but as a result of the need to perhaps clear up some misconceptions, or perceptions, about the effect and extent of the legislation, the government does support an amendment to the bill to put beyond doubt, in the mind of the community, that discrimination on the grounds of potential pregnancy is totally unacceptable. So we support the principle behind the bill.

There certainly are a number of concerns about the form of the amendments to give effect to the principle in the bill introduced by Mrs Cross. I understand there have been significant discussions between my office, my department and Mrs Cross' office. As a result of those discussions, a range of amendments will be moved by Mrs Cross to clear up the problems and difficulties inherent in her initial bill.

The concerns with the bill as presented go to its current form. That is an issue around the application of a technical, statutory interpretation argument, and the effect the application of a technical, statutory interpretation argument will have on the effect of narrowing the protection currently offered by the act.

The advice of the department of justice is that, if the bill as presented is implemented, the current protections afforded to women will be narrowed—they will be lessened. The argument propounded by the department of justice in relation to that runs along the lines—a line familiar to all lawyers and I assume legislators—that an express reference to one matter indicates an extension to exclude other matters.

As Mr Stefaniak would know very well, it is a basic tenet of interpretation that, if you include an express reference to a matter in a provision in an act and do not refer to other matters, the intention of the legislature is to restrict the matters to that one matter or to those named matters. That is an accepted rule of interpretation and is the attitude and view the department of justice takes to Mrs Cross' amended bill. So, including potential pregnancy as an attribute, along with pregnancy, raises the presumption that, in this Assembly, the legislature did not intend that other potential attributes would be covered by the act. That is the danger of the provision. By including only one attribute—namely, potential pregnancy—along with pregnancy, Mrs Cross' bill has raised the presumption

that the Assembly does not intend that any other potential attributes would be covered by the act.

On that basis, discrimination on other grounds—for instance, on the basis of potential status as a parent or carer, discrimination on the basis of potential marital status, or discrimination on the basis of potential impairment—would be excluded from the operation of the act. It was never the intention, when the Discrimination Act was introduced, that the definition would not cover discrimination on the basis of other potential attributes. So there is a danger in legislating in this way.

Mrs Cross determined that it is important to clarify that potential pregnancy is included within pregnancy—all the legal advice suggests that is the case—so an amendment has been introduced to do what the legislation already does. The amendment in fact creates more harm than good. It creates a significant reading-down of the protections in the act, and we find that women would lose out quite significantly if Mrs Cross' bill is passed. That would be unfortunate. It is totally unnecessary because the legislation, from a legal point of view, is fine as it is.

I say that by way of ensuring that the bill as introduced does not receive the support—I hope—of the Assembly, and that Mrs Cross does go ahead with amendments that have been negotiated with the government as a result of advice which we have been able to give her about the real shortcomings and short-sightedness of her piece of legislation.

We have concerns in relation to proposed new sections 23 (2) and 33A. These amendments are entirely unnecessary because the matters these new provisions were intended to cover are already appropriately provided for in the act. Once again, we have a bill that is seriously ill conceived. In relation to provisions 23 (2) and 33A, I have been advised—I guess I am foreshadowing my hope that Mrs Cross does proceed to vote against her own amendments—that they are not only unnecessary but dangerous. I understand Mrs Cross will be voting against her own bill in that regard.

The Legal Affairs Committee, in its scrutiny report on the bill, has made suggestions in relation to using broader concepts of potential parenthood—of potential status as a parent or carer. As I noted earlier, there are a number of situations where an attribute may be only potential. A better approach may be to make an even broader amendment, to clarify that the act generally covers potential attributes insofar as extending the protection that attributes can, in fact, be potential. That is a significant question—a much bigger question.

Now that the issues have been raised through this amending bill of Mrs Cross, in relation to the clarification of personal attributes, the government will be looking at those issues around an amendment, even broader than that which has been suggested. It may be that, as a result of that review, further amendments to the Discrimination Act will be necessary. The government will be looking at that possibility.

Mr Speaker, the government supports what Mrs Cross is seeking to achieve—namely, an understanding within the community that discrimination on the grounds of potential pregnancy is completely unacceptable. None of us would gainsay that. The legislation already does that. These amendments, from a legal point of view, are totally

unnecessary—and we do legislate far too much. I believe there would have been other ways of achieving this outcome, essentially through education—education that should be pursued by the Discrimination Commissioner.

I am not sure this is the most appropriate way of raising the profile of an issue of discrimination—namely, potential pregnancy. I understand the Discrimination Commissioner has received only four complaints on this ground in the last three years. So it is not exactly a burning issue out there in the community, but it certainly is something that is of concern to all of us. The legislation is quite adequate. The purpose of the amendment is simply to raise the profile of an issue within the community. Rather than rushing in and introducing amendments of this sort, probably a better way would be to ensure that all employers understand that discrimination on the grounds of potential pregnancy is totally unacceptable.

As this bill, as amended down by Mrs Cross as a result of advice from the department of justice, does no more than clarify what the law is, an education program might have been a better way to go. It probably would have been better to say, "Look, there seems to be some confusion amongst employers in Canberra about the need not to discriminate against a woman on the basis that she may potentially become pregnant," rather than rushing in and amending a law that did not need to be amended.

MS TUCKER (10.58): The Greens will be supporting this bill. I believe it is important to make discrimination positions very clear.

In 1999, the former federal Sex Discrimination Commissioner, Susan Halliday, investigated pregnancy and potential pregnancy discrimination in the workplace. The report was titled *Pregnant and Productive*. I do not think Mr Stanhope was quite right in what he said. I understood that report recommended that this sort of amendment should be made, to make it quite clear.

Mr Stanhope: That is the Commonwealth, not the ACT.

MS TUCKER: I would have thought it applied to any law dealing with this matter.

Mr Stanhope: Our law is different from theirs. It has a completely different construction.

MS TUCKER: It does not seem as if anyone has a strenuous objection to this. I do not think Mr Stanhope is not supporting it.

Mr Stanhope: We are.

MS TUCKER: You are supporting it?

Mr Stanhope: The point you made was in relation to a Commonwealth act, not the ACT act.

MS TUCKER: Mr Stanhope says the point I made is wrong because it was related to the Commonwealth act. If that is the case, I am happy to accept it, although I would have thought the principle was fine in a territory law.

In the process of developing this amendment, Mrs Cross has worked well with members. A few changes have occurred to her original proposal as a result of that consultation. It has been a good process and one that I hope we see more of in this Assembly. If we put our heads together, we can often come up with a good outcome. The Chief Minister and his department were cooperative in allowing that process to occur.

In introducing the report she produced, the federal Sex Discrimination Commissioner said:

> Across the board there was a positive response to the inquiry with the vast majority of contributors questioning how, as a society that acknowledges both women's right to work and the economic contribution they make, we can better manage the reality of pregnant workers.

Later in illustrating the problem, Ms Halliday writes:

> The inquiry revealed that stereotyping the capacities and inclinations of female job applicants who were pregnant or who had the potential to become pregnant in the future affected their ability to obtain work or gain promotion. It was also a reason for denial of training.

Potential pregnancy is about the perception that a woman will go off and get pregnant and therefore should not be treated seriously as a worker or potential worker, regardless of her intentions, and, more fundamentally, regardless of the agreement we have reached as a society that pregnancy is not a reason to refuse work. As Ms Halliday pointed out, the inquiry touched on the deeper question of how best to implement this. Making discrimination law clear is one step, but it also involves a transformation of workplaces and work culture.

The previous government's family-friendly workplace proposal is an example of the types of changes that would help. Shorter standard working hours is another. I will not go any further into this today. However, I wanted to flag that this is one part of ensuring a more inclusive society that will ultimately benefit all of us, through drawing on the experiences and knowledge of pregnant women, mothers and fathers. Workplace engagement on terms that fit is one way that, as a society, we are moving away from the model of divided solo private life for mother and children, and public life for men.

Getting back to the ACT's Discrimination Act: I am pleased that, through careful work on this amendment, the integrity of the act has been retained. I would also like to thank Rosemary Follett for her advice on this issue.

Our Discrimination Act operates in a balanced, case-by-case manner, allowing for (2) (1) (b)—that is, the active clause—does not apply to a condition or requirement that is reasonable in the circumstances. In determining whether a condition or requirement is reasonable in the circumstances, the matters to be taken into account include the nature and extent of the resultant disadvantage, the feasibility of overcoming or mitigating the disadvantage and whether the disadvantage is disproportionate to the result sought by the person who imposes, or proposes to impose, the condition or requirement.

This clause, I am confident, incorporates all the work that the earlier proposals on this bill sought to cover, and we are pleased to support the change.

MS DUNDAS (11.03): The Australian Democrats will be supporting the bill in principle. We believe that the refining of the bill that has taken place was done in a positive way. Mr Stanhope's comments this morning run contrary to the positive spirit of discussion that has taken place over a huge problem in our society with regard to discrimination.

Discrimination and prejudice are a continuing problem in our society. Canberrans continue to be discriminated against every day—in their workplaces, in their homes and in public. Prejudicial attitudes held by some in our community are often deep rooted and very difficult to change. However, these are contemptible attitudes which need to be addressed by all sectors of the community, including business, community organisations, families and government. I believe we need to talk more about discrimination—not just here in the Assembly, but in our schools and workplaces, and with our families, friends and colleagues. This bill is one small step in that direction.

As Mrs Cross has previously mentioned, our current discrimination laws cover both pregnancy and breastfeeding but do not specifically mention potential pregnancy. The concept of potential pregnancy is an important one. It is based on the idea that discrimination can occur, based not only on a person's actual personal characteristics, but on the basis of a person's possible future or perceived attributes. I believe this is an important point to be made, as discrimination takes many forms. Our legislation should take into account this social reality.

In our social structure, women continue to miss out on opportunities. They are paid less, they control far less of the wealth and they do far more unpaid work. They are under-represented in business, media, academia, the judiciary and sport. They are under-represented in our parliaments, and even in this Assembly. Both the current Labor and the immediate former Liberal governments had cabinets composed entirely of men.

Much of this stems from the entrenched idea that women are somehow less able to handle responsibility than men. Women are constantly characterised by their reproductive functions and their responsibilities as carers and homemakers. Women's biological differences continue to be used as a weapon against them. So I support these changes in the law, to reflect our aspirations for an equal society and provide a means of redressing discrimination.

However, just writing law is not going to create social change. We need to educate ourselves and continue to push for the wider social changes necessary to prevent discrimination, and not use our legal system to punish the few cases that make it anywhere near court.

Inequity against women does exist in our world. It is something for which we all need to take responsibility. We must challenge discrimination in all its forms, wherever it is seen. We must stand up and fight.

Government has a clear role in providing the impetus and support for continuing social change. A well-resourced discrimination commissioner and human rights office would be a good start. Continuing public education programs and school initiatives would also be welcomed. When it comes to discrimination, simply changing laws will not fix the problem. There needs to be the political will and public funding to ensure these laws are enforced and, better still, ways to prevent discrimination from occurring in the first place.

MR STEFANIAK (11.06): Mr Speaker, firstly I commend my colleague Mrs Cross for bringing this bill on. It certainly extends the Discrimination Act. I particularly commend her on the way she went about it. There has been extensive consultation in relation to this—I see Mr Humphries nodding his head. I can recall there being a large number of us when Mrs Cross convened the meeting several months ago. Mr Humphries and I were there, with various business community representatives and other groups in relation to a number of issues—and this issue was on the agenda.

You would have thought some of the business groups might have been somewhat concerned about this, but they were supportive of it. I commend Mrs Cross again for the way she went about consulting with the business community, probably allaying some fears and getting a good consensus going with that community. That also occurred with groups in this Assembly, as Mrs Cross worked through the bill.

I come to the scrutiny of bills report which the Chief Minister briefly outlined. I believe that what has happened is far better than what could have happened. I can appreciate the problems. Even the Chief Minister alluded to them in his reply, in saying that things like potential parenthood are for another day. That was mentioned in the scrutiny of bills report simply to be helpful, and to see if that was something in which the mover of the bill might be interested. To Mrs Cross' credit, she took that on board, got further advice, looked at it and ultimately—and quite sensibly—came up with the conclusion that that is incredibly difficult to define. Indeed she was advised accordingly, she told me, by Parliamentary Counsel. So we have the bill before us today, which obviously has support.

I understand there are a number of amendments, which I am advised are agreed to. However, after listening to the Chief Minister, I am not too sure.

Mr Stanhope: They were suggested by us, so yes we do agree to them. They are our amendments!

MR STEFANIAK: Were they? That was a bit of an outburst, Chief Minister! I thought you were being a bit churlish there, but I am glad you have qualified that by saying there does seem to be agreement. That is a good thing. It shows that the parties in this place can work together. It indicates the amount of consultation that has gone towards getting this bill this far today—and obviously it is now law.

I understand it is going to be a first in Australia, and I look forward to seeing positive applications as a result of it. I again commend my colleague Mrs Cross for bringing the bill forward today. I will be interested to see if other states follow it—and, indeed, when they follow it.

MR HUMPHRIES (Leader of the Opposition) (11.09): I want to briefly add support for this legislation. We all look to enter the political process to become involved in a process like the making of laws for this territory by being members of this house in order to make a difference. We see contributions towards building a better legal framework, creating an end to wrongs, anomalies in the law and expanding the position of the citizens of our community as a way of making a mark in our public lives.

Mrs Cross has chosen to use the opportunity of amending the Discrimination Act as a way of making her mark in this place. Our job, as members of this place, is to keep our ears to the ground and look out for problems that may occur in the way in which our laws operate and our community functions. By doing so, by looking out for such problems in the ACT's case, Mrs Cross has identified a weakness in the discrimination legislation and has chosen to bring forward legislation in this way.

The Chief Minister's comments have been expressed as being in support of this legislation, but it sounded like they are also somewhat filled with pique.

Mr Stanhope: We will support the final amendment.

MR HUMPHRIES: That is wonderful to hear.

Mr Stanhope: We are not supporting this bill—that is the point I am making. We will support the amendments that are going to be introduced.

MR HUMPHRIES: It is great to hear that. I am pleased to see that you are so effusively supportive of an expansion of the rights of women in our community.

Mr Stanhope: It does not expand them! Did you not listen to what I said?

MR HUMPHRIES: If we are not expanding the rights of women, I do not know why we are passing the legislation.

Mr Stanhope: Good point! That is what I was saying, Gary!

MR HUMPHRIES: If you do not think that it is—

MR SPEAKER: Order! Mr Humphries, direct your comments though the chair.

MR HUMPHRIES: Mr Speaker, this legislation has been drafted for the purpose of making sure it is going to improve the rights of women. I am supporting it here today because I believe that is the effect of the legislation. I think the arguments that it fulfils no purpose are quite false.

Mr Stanhope: I did not say that. It does not change the law.

MR HUMPHRIES: If it fulfils the purpose, Mr Speaker, then it is worth passing today. It is worth passing with, I would submit, a little more grace than the Chief Minister has chosen to display with respect to this matter. Obviously he is piqued by the fact that

Mrs Cross has brought this forward—he sees himself as somehow being the guardian of the Discrimination Act. He may recall the incident in the last Assembly, I think it was—

Mr Stanhope: We are supporting this, Mr Humphries.

MR HUMPHRIES: You are supporting it now? That is great to see.

Mr Stanhope: We are supporting the end result, if the amendments are introduced.

MR HUMPHRIES: I thought you said, a moment ago, you were opposing the bill. Work out what you are going to do, Mr Stanhope, then decide, and come forward in this place and do it. Whatever it is, I am not vacillating. I know my position is going to be to support this legislation.

Mr Stanhope will recall there was a question about the rights of women who were breast-feeding. The then government—I, as the then minister—announced that we were going to legislate to protect against discrimination women who were breast-feeding. Mr Stanhope then made an announcement. He said, "I want to do the same thing. I will bring my bill on first and produce the bill in this place to do just that."

Mr Stanhope: It was already drafted!

MR HUMPHRIES: That is very good to see! However, I did not show the least bit of pique, resentment, bitterness or lack of graciousness in supporting your bill when it came forward. I said, "Yes, I announce my support for this." You happened to have brought your bill forward first. I said, "Good on you, Jon Stanhope!"—and I gave you backing for that.

Mr Stanhope: Garbage. You never said that at all.

MR HUMPHRIES: Have a look at the *Hansard*, Mr Stanhope, to see exactly what was said, both in public and in the *Hansard*. I said, "I support this without qualification."

MR SPEAKER: Mr Humphries, if you confine your comments to this particular piece of legislation, we might avoid the cross-chamber discussion.

MR HUMPHRIES: If one has protection from interjection, Mr Speaker, it might be easier to do that. The fact is that, when a similar situation arose before, this had complete and unqualified support from the Liberal Party. It is a pity we cannot see that from the Labor government today.

We know women are discriminated against in these circumstances. Unfortunately, it is often in business situations that this occurs—when women seek access to housing loans, employment or other services where a potential perception may arise that pregnancy in the future will somehow detract from their capacity to fulfil certain legal obligations in business arrangements.

However, we believe that the capacity of women to discharge obligations is no less than that of men, even in these circumstances. We therefore feel that there is no basis for allowing a business proprietor—or anybody else for that matter—to say that a woman should have less entitlement to make those contractual arrangements than anybody else. We say that kind of discrimination should be illegal—hence the amendment before the house today. I commend the amendment to the house.

I think it is important that we consider, on a continuous basis, how the rights of our citizens might be expanded and improved. We consider how we can make sure the status of women in this territory is improved, by virtue of the things we do in here. Despite the great progress made in recent years to expand the status of women, it is important that we not allow any chinks in that armour to remain for long on the statute book.

I therefore commend Mrs Cross for the very judicious and careful way in which she has gone about making sure this legislation has been brought to the house. I hope it will be passed with alacrity by the house, as a way of improving that status.

MS MacDONALD (11.15): I rise to speak in support of the spirit of this amendment. Many people know that, for five years, I worked for the Australian Services Union—the clerical branch. A lot of people do not know much about that union, but its membership is predominantly female. I would say that over 90 per cent of its membership would be female. Within the ACT, it has membership in areas such as ACTTAB; it used to have membership at Ansett, and we have lots of predominantly female clerical workers around the country.

In my time with the union, I came across many women who suffered discrimination on the basis that they may become pregnant, or were already pregnant. That may have been with a pay differential or failing to get a pay increase, or it may have meant that they were overlooked for a position because they were a woman and therefore were considered to be not necessarily up to the task, in comparison to a male.

Sometimes it was because women were unable to stay back late because of family responsibilities. Their employers would say, "Even though I do not pay them overtime, I would rather have somebody who can stay back until six, seven or eight o'clock at night. I need the person to be here to get the job done"—without looking at the fact that many women are much more efficient in their work and take less time to do the job than men do.

Mr Speaker, I have a card in my possession. I am a hoarder, and this card is one thing I value. It belonged to a member of mine when I was working for the union. She was not in the ACT, from memory. She lived in Albury—an area I covered. This card came from a lady with whom, although I never met her face to face, I had many conversations over the phone. Basically, I was giving her a lot of support because she was receiving discrimination from her employer on the basis that she was pregnant, and she was not prepared to stay back until six, seven or eight o'clock at night because she wanted to go home to her husband.

As a result of the discrimination she received, this lady suffered adverse health effects. I am pleased to say I was able to help and guide her through that situation. In the end, she had a healthy child, although she suffered gestational diabetes as a result of the stress.

This amendment is good, in that it raises the profile that discrimination against women, on the basis that they may become pregnant or are pregnant already, is wrong. That is the spirit of this. We are highlighting the fact that women provide a valuable resource to our work force, as well as a valuable resource to our community, through having children. I commend the amendment.

MRS CROSS (11.19), in reply: Mr Speaker, from now on, I will look adoringly at you when I speak—and only at you.

MR SPEAKER: I am impressed. You never fail to impress me!

MRS CROSS: Mr Speaker, thank you so much. You have sweetened what started off as a sour morning.

MR SPEAKER: We have got to stop this!

MRS CROSS: I thank members for their support of this bill. I am glad you are sitting there. That is all that I can say at this moment.

Mr Speaker, in arguing the merits of this bill over the past few weeks, I have thought often about how the fortunes of women have fluctuated over time. Most people these days believe we live in enlightened times and that Australia is one of the world's leaders, if not leading the world, in some respects, in the acceptance and tolerance of differences. We might even be tempted to think women in this country are doing pretty well, and that they enjoy true equality and opportunity.

That is not so. There have been times when women ruled the world—not just any women but even Greek women. For example, Cleopatra was a Greek woman who ruled the kingdom of Egypt. She was a member of the Ptolemy family. While there were notable queens in ancient times—Boadicea, Iceni, and Nefertiti, to name a few—by this century, there have been numerous examples of dynamic women leaders.

Consider those nations that currently have, or have recently had, women prime ministers or leaders: Great Britain, India, the Philippines, Pakistan, Israel, Indonesia, Bangladesh, Sri Lanka and New Zealand. It also seems that, when a nation gets itself into serious distress, it turns to a woman to bring it out of the mire.

Mr Speaker, in case you were wondering what this has to do with potential pregnancy, the link is that there is a common perception that Australian women are already more than equal on all fronts, when this is not true. We think we already live in an advanced society, but in some respects we do not. Women are yet to fully shed the shackles of pregnancy discrimination, let alone progress into the upper echelons of leadership. Women are yet to be assured they can compete for a job, find a place to live, or approach a financial institution on merit without having their child-bearing ability brought into the

equation. Discrimination against women on the grounds of pregnancy has no place in Australian society today.

The Discrimination Act already refers to an existing pregnancy and breast-feeding, but does not include potential pregnancy—that is, the expressed desire or a perceived expectation that a woman may become pregnant.

When I first raised the need for this legislation in February, comment was made in some quarters that it was unnecessary, or would be a serious impost on business. There was a perception that the law was already good enough on this front. However, subsequent discussions with the Parliamentary Counsel, the Discrimination Commissioner, the department of justice, and departmental officials dispelled that perception completely.

It is obvious to me that the Chief Minister is in denial of this fact and probably wishes he had come up with this idea himself. The law, as it currently stands, lacks strength and clarity on the pregnancy front. This bill will take care of that.

Pregnancy discrimination complaints have doubled each year for the past two years. The numbers quoted earlier by the Chief Minister were incorrect. There were not four complaints, there were eight. They are only the reported numbers. There are probably ten times that out in the community who do not come forward.

While the reported numbers of complaints may not be all that high, it is nonetheless a disturbing trend. From conversations with the legal fraternity and the Discrimination Commissioner, I understand that the number of women who eventually come forward to make a formal complaint constitute a very small percentage of those who have strong grounds to do so. Most women prefer to shrug their shoulders and get on with life, as women have done so often over the years. They do so because they are afraid of being labelled troublemakers.

Mr Speaker, other than providing clarity in the law, an important part of my reason for bringing this legislation forward today is to raise awareness of discrimination issues generally and assist community education. It is time to send a message. The relationship between an employer and staff is one of mutual rights and responsibilities. A successful relationship is only possible where those rights are mutually recognised and acted upon.

At the moment, women who apply for jobs may be asked if they intend to have a child in the future, and that information may be used to determine whether they get the job. That is not equal opportunity. Equal opportunity is especially important for women in the areas of business, employment and in gaining access to housing. Non-discriminatory employment selection processes are essential. They need to be fair and transparent. Irrelevant questions about pregnancy and pregnancy testing should be prohibited as part of the job interview process. This bill will achieve that purpose.

This bill has, as its starting point, a 1999 report by the Australian Human Rights and Equal Opportunity Commission entitled *Pregnant and Productive. It's a right, not a privilege, to work while pregnant*. That report examined pregnancy discrimination issues and contained 46 recommendations. This proposed legislation addresses one of those recommendations. Discrimination in any form, because of individual, personal

attributes, has no place in our society. It is not intelligent and serves no useful purpose in modern day Australia.

Laws such as our Discrimination Act are, sadly, still required to ensure equal opportunity in life for all Australians. That is why it is so important that the law is clear, that it applies sensibly and is not allowed to stagnate. Potential pregnancy discrimination can and does exist in various forms. While this is most likely to occur in the workplace—say in a job interview—it can apply equally in the housing rental market or when dealing with a financial institution. Discrimination in each of those situations is unacceptable.

Women who are encouraged by society to have children should be in a position to view the privilege of being able to have a child as exactly that—a privilege—rather than something for which they are penalised.

Just as an aside, last night, as I was visiting my local fish and chip shop proprietor—Harry, from Fisher King in Mawson—we touched on the subject of staffing and staff that he may have had who have become pregnant while working in his business. In the past four to five years, four or five of his staff have become pregnant. He had no problem with that—he welcomed it. They were able to train their successors and, in fact, most of them came back and worked in his business. It did not have any negative impact on his business. In fact, it created an air of cooperation of mutual benefit to the business and the woman having the child.

Mr Speaker, over the years our form of society has, step by step, improved itself. It has become more inclusive, and we have worked at removing, bit by bit, the barriers that custom and convention have allowed to separate, or discriminate against, some members of society. This legislation is a further step along the path toward fairness and completeness, and the liberation that provides opportunity for the exercise of the talents of the individual. It is a descendent of the great legislative acts in New Zealand and Australia that led the world in giving the vote to women. It is therefore fitting that this bill should enter the world here, in the nation's capital. This is an Australian first and, if successful, will raise the bar on pregnancy discrimination to a new and appropriate level.

For those involved, it has been quite a journey to get the bill to this point today. I thank members for their cooperation and input. I also thank, in particular, my adviser, David Moore. As a result of discussions, there are a number of amendments I will move in the detail stage, to somewhat reshape the bill. I again thank members for their support and, in particular, the crossbenchers, Kerrie Tucker and Roslyn Dundas from the Greens and Democrats. I believe the act, as amended, will provide a workable, sensible and effective bill.

I end by commenting on some of the things raised by the Chief Minister. When I asked the Parliamentary Counsel to draft a law on my behalf to implement this bill in principle, this is what they came up with. The same drafter who wrote the bill was asked to write the amendment, and he did so. Had he written the bill with the amendment in place, no amendment would have been necessary. So, despite the fact that I am very grateful to the Parliamentary Counsel, if they had perhaps made the recommendations that the government put to us, we would not be in this situation.

The Chief Minister states that the bill is unnecessary, and he states that there could be misconceptions. Certainly, in the act it is unclear whether there could be misconceptions, so he contradicts himself.

Contrary to what the Chief Minister said this morning, Rosemary Follett, the Discrimination Commissioner, has assured me that this bill is needed. As a matter of fact, she welcomed it. I have this in writing and would be happy to table her letter to the Assembly confirming this.

Once again, I thank the members in this chamber for their support, and I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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

Clause 4.

MRS CROSS (11.31): I move amendment No 1 circulated in my name *[see schedule 1 at page 1983]*.

Mr Speaker, this amendment is the result of the good working relationship that was enjoyed by members and their staff who worked on this bill. I would like once again to pay tribute to my adviser, David Moore, and thank the office of Kerrie Tucker and the office of Roslyn Dundas for their support. As Mrs Tucker said earlier, it was a very good example of cooperation between offices and I would like to see more of it. Thank you, Mrs Tucker, for your help as well.

The amendment changes the structure of the bill by taking the definition of potential pregnancy out of the list of attributes in section 7 of the act and establishes it as a stand-alone definition. I understand that the Discrimination Commissioner and departmental officials prefer this approach, as it would make the final result more workable. This is a sensible change and I thank members for their patience and cooperation.

I might mention at this point that, after discussion with members and officials, I will be voting for the withdrawal of clauses 6 to 9 of the bill. It has turned out that they are not necessary to achieve the intended result and for having a discrimination provision that is the most user-friendly for the commissioner. The principle for providing any required exemption, such as on the ground of occupational health and safety, is already broadly contained in section 8 of the act and a further specific definition is not required. Once again, I thank members for their patience and support.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6 negatived.

Clause 7 negatived.

Clause 8 negatived.

Clause 9 negatived.

Title agreed to.

Bill, as amended, agreed to.

Drink spiking

MS GALLAGHER (11.36): I move:

> That this Assembly:
> (1) notes the alarming problem of drink spiking in the ACT, which is a threat to the personal safety of young Canberrans, particularly women, and often leads to further crime such as theft, assault and rape;
> (2) congratulates the work of the Australian Federal Police in Canberra, in leading the nation in dealing with this problem; and
> (3) calls on the relevant Ministers to coordinate consultations between community networks and organisations, related businesses, the education and health sectors, and the Australian Federal Police, in order to commence work on policies and initiatives to tackle drink spiking, and to provide a framework for a regulated reporting regime.

Mr Speaker, this is a pressing issue that I am bringing before the Assembly. Drink spiking is an often unreported crime that has repercussions for the health and safety of hundreds of Canberrans and it must be addressed in a wider context than law enforcement. Drink spiking is the term given to the adding of a substance or drug, either illicit or prescription, to the drink of an unsuspecting person to cause reduced alertness or other behavioural changes, with the intent of committing a further crime against that person, usually either sexual assault or theft. Drink spiking is a disgraceful, predatory crime that reports indicate is prominent.

I raise this issue now because it has come to my attention, both through media reports and via talks with the Australian Federal Police—in particular, Detective Sergeant David Sharpe of the territory investigations group—that drink spiking in ACT clubs and local venues is a prevalent and yet not very well known occurrence. As recently as last month, a federal policewoman was a victim of drink spiking whilst at a conference in the United States.

Drink spiking is not a problem that is isolated to Canberra, but is one that touches the lives of Canberrans with alarming frequency and often tragic consequences. It has become obvious that a prosecution-based approach towards drink spiking or drug rape is

not the most effective one, primarily because people, both as victims and in victim support services, do not know enough about drink spiking to avoid it, report it when it occurs or even recognise that it has happened. The aim of my motion is to bring this abhorrent crime to the attention of the Assembly and the community and to bring the community together to work on ways of educating the population and those most at risk about drink spiking. I hope that this motion will be a further step in creating some real and lasting solutions to this sad problem.

Anecdotal evidence would suggest that every weekend in Canberra 30 people have their drinks spiked, but there are few hard figures. There are many reasons why that is so. Drink spiking often occurs in large, noisy and crowded clubs where drinks are left unattended by people on the dance floor or are purchased by strangers. In such circumstances, it is often very hard to verify or even remember the events leading up to the drinks being spiked. If alcohol is involved, it is likely that the victim will claim that they had too much to drink. If a victim of drink spiking does not even know to suspect such a crime, they may never even contemplate that they have been the victim of a drink spiker.

If the victim wakes up disoriented in a strange place, they may not comprehend that they have been sexually assaulted and may put the whole experience down to a big night out. If the victim does recognise that they have been assaulted, they may be very reluctant to report it. Rape victims are generally reluctant to report rape, date rape victims more so, and victims under the influence of drugs or alcohol are even less likely to report what has happened. Feelings of blame and shame often contribute to this reluctance, especially if the victim can justify it by explaining that they had one too many, or if they are afraid that their report is going to be met with accusations of being too drunk to know what happened or, worse, having asked for it.

On the occasions that the crime resulting from drink spiking is reported, the victim's memory is affected by the drugs and they can rarely remember their attacker or the exact circumstances, so no-one is ever prosecuted. Often workers in victim support services are unable to verify whether drink spiking has taken place or it does not cross their minds to ask. Often blood tests and urine analyses are ineffective in confirming reports of drink spiking because of delays in reporting or testing. If support services do receive a report of drink spiking, there is no official procedure for reporting that to the AFP, especially if the victim does not go on to press charges. If the victim does press charges, the crime that is recorded is usually assault or theft, not the drink spiking, and because of the difficulty in proving drink spiking and the availability of the often legal drugs used, it is difficult to specifically prosecute the crime.

As you can see, Mr Speaker, there are many factors that work together to obscure the truth about drink spiking in the ACT, but there are some facts that we do know. We know that liquor licensing and other agencies have had over 60 email reports of drink spiking. We know that prescription drugs, as well as illegal drugs, are used and that they tend to be either sedatives or stimulants. We know that both women and men are the victims of drink spiking and that victims tend to be nightclub patrons and dance party-goers. We know that the ACT is not the only region that suffers from the problem of drink spiking and we know that something must be done.

It is unacceptable that such a cowardly act should go relatively unnoticed by our community and it is my hope that, with this motion, we will be able to initiate further action. I would like to see this Assembly working with the Australian Federal Police and continuing on from the hard work of Operation Skeet, which has already done so much to raise the issue of drink spiking with ACT club operators and patrons. Operation Skeet seeks to use a multi-agency approach to heighten public awareness of the increase in drink spiking, whilst at the same time investigating and gathering intelligence regarding the incidence of drinks drugging in Canberra and implementing education programs throughout the ACT. Operation Skeet is also aimed at the production and distribution of ecstasy, so the focus is also on illicit drug taking and selling, not only drink spiking. It is usually the ecstasy-related activities of the police, such as drug raids, that receive the media attention.

The time has come to focus specifically on drink spiking: what it is, how to avoid it, when to report it and how to stop it. The Australian Federal Police in Canberra have already commenced organising community, social and industry groups to work together to target approaches to drink spiking. However, I feel that it would also be appropriate if the role of coordinating this round-table approach was an independent one. That role should reflect particularly the importance of education in this issue and the need for an independent centralised reporting mechanism that can assist in intelligence collection and ultimately the prosecution and prevention of drink spiking.

The Federal Police have recognised the value of taking a multifaceted approach to drink spiking and it is time for the Assembly to lend its support to this approach and for the government to provide leadership on this issue. Drink spiking is not just a criminal matter; it is also an education issue, a health and community matter and a matter which ultimately impacts on the quality of life of Canberra citizens. It is incumbent upon this government, as the body best able to facilitate cross-community and cross-service cooperation, to do all it can to bring the major stakeholders together and deliver to Canberrans an environment in which they are empowered by their knowledge of potential dangers and how to avoid them, and ultimately deliver a safer environment in which the men and women of the ACT are able to lead sociable and social lives free from fear and worry that their drink may have been tampered with or laced with drugs.

We must recognise that traditional policing methods are not suited to reducing the incidence of drink spiking. Education is emerging as the best way of dealing with this crime as education can increase community awareness and change attitudes so that people are aware of what to look out for and more willing to report incidents. Changes in attitude also make it easier for the police to gather information about drink spiking, which helps to target approaches to the problem. Education can also be aimed at support services, such as GPs and sexual health clinics, so that they know what to look for and how to report it.

By working together, the community can come up with innovative and helpful solutions to tackle the problem from different angles, while involving the community in helping to secure for Canberra a safe and healthy social environment. There are many things that can be done. For example, some countries distribute swizzle sticks that test if a drug has been added and an English company is developing a beer mat with a removable strip that can be used to test drinks. Already, poster and sticker education campaigns have been

conducted in universities and CIT campuses and over 40,000 copies of printed material have been distributed. This campaign could be expanded into clubs and secondary schools. Night-spot operators could be better trained in improving security to reduce the incidence of drink spiking, as well as in spotting and treating any victims. Dance venues could be equipped with proper medical rooms and maybe even surveillance mechanisms, such as CCTV.

GPs and others in victim support services could be trained to spot drink spiking and report it if they suspect that it had happened. Centralised reporting procedures for collecting data about drink spiking could be developed and police databases could be updated so that they can be specifically interrogated for information about drink spiking. Support services and the police could be trained about how to report drink spiking and then that information could be used by education and health bodies to develop prevention programs. Other initiatives could include free water at dance parties and nightclubs, more responsible serving of alcohol, advertising on water bottles, and posters in night spots and music and fashion stores. I think it is important that we be creative when we tackle this problem and that we use the expertise of a wide range of people and organisations—the Federal Police, who have already done so much, young people and club patrons, club and venue operators, medical and counselling services, and government departments.

It is important in addressing drink spiking in the ACT not to create an atmosphere of fear and distrust, as to do so could have a significant negative impact on people's social lives. Rather, the initiatives taken should empower people by letting them know what to look out for and how to deal with it and also by letting them know that the entire community is tackling the problem from all angles. Dance parties and nightclubs often form a significant part of the social lives of people, especially young people. If access to these sorts of events and entertainment was limited through fear or mistrust, it could have a significant impact on the lives and culture of young people and the livelihoods of those involved in that industry.

We are faced with the problem of drink spiking in our community and it is a serious one. We should address it and we should do so promptly. This motion does that with a minimum of fuss by accepting that this problem needs a broad approach and that any program to tackle drink spiking must encompass awareness raising and education as well as law enforcement and prevention. I urge all members here to show their support for the Canberra community and to show the seriousness with which we view community safety by supporting this motion and supporting the ministers as they work towards creating a safer, more aware Canberra. I commend this motion to the Assembly.

MS DUNDAS (11.47): I rise to support the motion moved by Ms Gallagher and to add some comments on the issue. Drink spiking is an issue that hit the headlines some nine months ago in Canberra. Since that time, drink-spiking messages have been sent out using the media and the club industry. Drink spiking normally occurs for the purpose of committing a second crime, most often sexual assault, drug rape or date rape. Date rape is a hideous crime that is misunderstood and often unreported. The Australian Bureau of Statistics has estimated that nearly 70 per cent of the sexual assaults on young women are committed by men known by the victims. Most of these young women do not report the crime and often blame themselves for the incidents.

Alcohol and illicit date rape drugs add confusion to the thoughts of the victim, a general disorientation and, in more extreme cases, loss of memory of the actual events. That adds to the common feelings of guilt, fear of retaliation by the offender, concerns about what peers will think and fear of the court process that is often felt by victims of sexual assault. Dinner table and pub talk about how women provoke sexual assault by what they wear or the way they act still occurs in these somewhat enlightened times and it is always confronting to me to hear this sort of talk. It is disgusting, because we live in a time when women are supposedly free and equal, but when women act with autonomy they are asking to be assaulted. The International Association of Chiefs of Police has stated that, except for homicide, rape is the most serious violation of a person's body because it deprives the victim of both physical and emotional privacy and autonomy.

There is no real way of measuring the cost of this heinous crime. Adding up the cost of police and health services, education programs and counselling is only a start. The emotional cost to the victim lasts a lifetime. In Canberra, the crime statistics for the December 2001 quarter showed that the reporting of sexual assaults was five times what it was for the same period in 2000. Whether this relates to increased incidence or increased reporting is unknown, but we can assume that for every assault reported there are four to five times as many assaults that still go unreported. Rightly, there is a lot of fear in regard to drink spiking and the use of rohypnol, liquid E or special K as the three most common illicit date rape drugs. However, alcohol has been a date rape drug of choice for many years and the hidden crime of date rape does continue.

A broader concern which I have and which was raised yet again in public hearings of the status of women committee is the increase in the number of young women who binge drink and use prescription and other chemist-purchased drugs as well as illicit drugs. It came up in the recent drugs in schools debate that, largely, binge drinking is not seen as a harmful practice by young people. Binge drinking and polydrug using are causing many young women to get wasted on a weekend, some even turning up at school, university or work on Monday still hung over or actually drunk from the weekend. This behaviour is more common and is just as harmful as drink spiking.

To combat these issues, education is needed for our young women on the dangers of excessive alcohol and other drug abuse as well as the dangers of drink spiking. We need to encourage alcohol-free venues, all-ages gigs and other forms of entertainment in the ACT that do not involve the excessive consumption of alcohol and polydrug use. In venues that do serve alcohol, we need to monitor the responsible service of alcohol. That simply means refusing to sell drinks to anyone who appears to be already suffering from having had too many. Towns like Dubbo, Armidale and Wagga have taken the step of introducing curfews on the serving of alcohol to try to curb the anti-social behaviour that often follows binge drinking. I raise that to highlight the fact that other places are taking strong action to curb the binge drinking that, unfortunately, is still so commonplace in Canberra.

I do wonder who polices the responsible serving of alcohol in the ACT and to what extent it is actually being monitored, because I can assure you that on any Friday or Saturday night there will be plenty of young people wasted due to self-inflicted alcohol abuse. This is a topic that certainly needs more discussion and more action, as well as the

issue of drink spiking. Whilst drink spiking is a serious issue and one of much concern, I believe that we must also focus on the first drug of choice for young people, alcohol.

MR STEFANIAK (11.51): The opposition will be supporting Ms Gallagher's motion. Drink spiking is something that occurs much more than people think, as Ms Gallagher and Ms Dundas have indicated. It is truly reprehensible when the intent of the spiker is to get someone so paralytic that the spiker can assault them, rob them, rape them or commit some other indiscriminate criminal act. Obviously, a number of measures need to be taken there, ranging from criminal prosecution and the courts dealing with such offences severely, through to taking whatever precautions can be put in place in licensed establishments to assist in preventing drink spiking. Education is a very important issue in this regard, and I will come to that in a minute.

Ms Gallagher notes in her motion that the alarming problem of drink spiking is a threat to the personal safety of young Canberrans. It is a problem particularly for women, but men suffer from it as well. I recall seeing in newspapers and hearing in courts over the years about drinks being spiked, leading to theft, assault and, on occasions, rape. I have been quite disturbed by the increase in drink spiking in more recent times.

It is appropriate to congratulate the Australian Federal Police on the work they do in Canberra. They lead the nation in dealing with this problem. The members of the AFP are part of a very proactive police force. They operate in a compact jurisdiction, but they certainly tend to get out and about. They know the various establishments that are trouble spots and know the people who work in those establishments and they are ideally placed to do what they can to deter, to prevent and, when all else fails, to apprehend wrongdoers in relation to this offence. That is terribly important in terms of dealing with people who maliciously set about spiking drinks. That type of activity probably will never go away; but, if we coordinate government services and ensure that there are appropriate sanctions against it, we will be going some way towards overcoming the problem.

Another problem that occurs—I am not necessarily saying that it is a bigger problem, but it can unwittingly lead to theft, assaults and possibly rape—is what happens when so-called mates think it is a bit of a lark to spike a schooner of beer of one of them with vodka or something similar. That has been going on in Australia since the introduction of alcohol and some people who are out for a good time think it is a big joke to do so, but it can lead to lots of unintended consequences. People might think that it is funny to watch someone get quite drunk a lot quicker than anyone else there, but that can lead to very serious problems arising. For example, if the so-called mates get separated during the evening, the person who is paralytic and unable to look after himself or herself could be open to assault or robbery by a third party.

Education is a very important issue there. I am glad that it has been touched on in this motion. I am not quite sure how one would go about it, but the fact that we have had some very nasty incidents as a result of deliberate drink spiking might lead us to look at finding a way of tapping into some sort of campaign by the liquor industry about stopping the type of drink spiking which is done by mates just for the sake of a joke and somehow bring home the message to people who patronise licensed premises that that is a pretty stupid thing to do. I know that Mrs Dunne has some interesting information for us about drink spiking from one of her children who works in the liquor industry.

I wonder how many members present have had their drink spiked. I have on at least two occasions that I am aware because people actually confessed to it. One was in the mid-1980s when I was just having a quiet drink after work and had to get a lift home with someone because one of the blokes present had spiked my drink. He fessed up to it about four years later. I was not terribly impressed, I can say. It was a bit of a surprise. I laughed it off at the time and just went home.

Mr Quinlan: I told you not to play rugby, Bill.

MR STEFANIAK: On another occasion—it wasn't to do with rugby union; actually, I think it was to do with soccer—someone else who was a friend thought that it would be quite funny to put a bit of vodka in my schooner of beer. I remember that one; it was quite a good night. I had the sense to get a taxi home when I thought I had had enough. This character fessed up to spiking my drink and thought that it was funny. I got home, but what would have happened otherwise? On those two occasions it happened in a sense of fun, but I am sure that quite often, even in a sense of fun, something much more serious will occur. Such incidents probably do result from football mates getting together, Mr Quinlan, but things can go wrong and there can be some sort of incident involving the person whose drink was spiked, something unintended, and problems can flow from what people thought initially was a harmless act. The consequences of drink spiking can be very serious even when people are supposedly doing so in a sense of fun.

A lot can still be done in terms of ensuring that the deliberate spiking of drinks to effect a nefarious purpose, an evil purpose, a wrongdoing purpose, is countered as much as possible and of encouraging people who think it is a lot of fun to spike a mate's drink to desist from that practice because of some of the real problems that can flow from it. The opposition will be supporting this motion and is looking forward to seeing what the government and government agencies will be doing in relation to this matter.

MRS DUNNE (11.58): Mr Speaker, this matter is of considerable concern, I am sure, for parents and others. I note that Ms Gallagher's motion talks particularly about women, but recent discussions I had with the registrar of liquor licensing indicated that men are equally vulnerable to this act. It is dangerous, it is irresponsible and on many occasions it is done not, as Mr Stefaniak portrayed, as a jolly joke, but with malicious intent. Today, we are concerned, in particular, about the people who do so with malicious intent. Men and women are almost equally the victims and there does not seem to be a particular age group that is more victimised than another.

As Mr Stefaniak said, my eldest daughter works in the liquor industry at the moment. She has told me about approval of some of the swizzle sticks and tear-off strips for coasters being held up by the Therapeutic Goods Administration. I would hope that the Therapeutic Goods Administration will see its way clear soon to allow them onto the market in Australia because they will be of assistance.

One of the most important things that I think we should be doing is encouraging the educating of our young people about the risks of drink spiking. Only recently, about three or four weeks ago, my daughter told me a story about a whole group of young girls, all aged 18, coming into a bar in which she worked on a Thursday or Friday night to

celebrate somebody's 18th birthday. They were all excited. When you are young, going to a bar to do these things and being treated like an adult is an important rite of passage. At one stage she noticed that a great swag of them had gone to another table and left their drinks behind. She went and talked to them about how it was a dangerous practice to do that and how they should always keep their drinks with them. It was a revelation to them. They had never heard of drink spiking. They had never come across the idea and it was quite novel to them. They were quite horrified that they had put themselves at risk in this way. They were quite grateful for the advice that they received. I hope that they will take note of it for the rest of their lives. But that is something that happens often.

I do know that the registrar of liquor licensing conducts seminars on the responsible consumption of alcohol for people in schools and I would encourage schools to take up the offer. All people who are involved in the raising of children should be open about the effects of alcohol. We should talk to our children about the responsible consumption of alcohol and we should encourage them to accept that responsibility. One of the things that we should talk to them about, in addition to all the health issues and those sorts of things, is the danger that they put themselves into when they go to nightclubs and places like that. Not everyone that they meet there can be relied upon to act in good faith and they need to be cautious.

I endorse Ms Gallagher's motion, I look forward to developments on the therapeutic goods side and I would encourage health departments, police and such areas to expand the coverage of the seminars on the responsible consumption of alcohol that the registrar offers.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (12.02): I congratulate Ms Gallagher on bringing forward this motion. The matter certainly is of concern to my office and to the police. I have had discussions on it directly with the Chief Police Officer, John Murray, particularly about the education phase, over a protracted period. It is an issue that will benefit from maximum exposure. In today's discussion, Ms Gallagher has advised the house of an operation in which the police have been involved, Operation Skeet. That operation goes wider than drink spiking; it goes to the so-called designer drugs that are available within nightclubs—ecstasy, the amphetamines, cannabis and even cocaine. At the same time, Operation Skeet has incorporated the problem of drink spiking.

The police have worked with relevant agencies on the problem. They even went to the stage of raiding one nightclub, sending a clear message to the industry. Beyond that point, they have met with the industry. In fact, before that raid took place, the police issued press statements and called a media conference—they could not have done more to let the world at large know that they were taking the problem seriously—and then in the wee small hours they hit a particular club, confiscated quite a quantity of drugs and let the message out amongst the industry that there would be action if some of the nightspots did not clean up their act. I think that message is still out there.

Operation Skeet has got to the educative phase, which includes a media strategy and the involvement of quite a number of groups—the sexual assault and child abuse teams, ACT Health, the education department and the ACT Hotels Association. I am very

concerned about the educative phase and the notification phase. Some concerns have been voiced as to whether the establishments themselves are taking enough due care, whether the establishments are ensuring that there is no way that their staff could be involved in this process, so the police are meeting with the industry and letting the industry know their requirements.

One of the things that I want to do—I have already spoken to the police about it—is promote the idea of getting people to contact Crime Stoppers if they feel that they may have had a drink spiked and suffered some assault but are not certain that that is the case and, because of personal embarrassment, because of the desire for anonymity no matter what, they do not want to report it. If they take the alternative and report it through Crime Stoppers, at least the intelligence base can be built and the police can take responsive action. Not only can they take action in terms of monitoring premises, even some covert monitoring, but also they can target the education process, get the notices up and, if the detection devices become available, make sure that the industry is, shall we say, encouraged to make those detection devices available.

Certainly, the part of the motion which says that there ought be a multi-agency approach to this matter is accepted. The police will be working on that. As most members know, when an issue like this one comes before the Assembly, ministers get a brief from the relevant agency. Let me say that I have a brief in front of me from the AFP and it is totally unqualified in relation to support of virtually every letter of this motion, so it has our full support.

MS TUCKER (12.08): I wish to make a brief contribution. Members have already expressed very well the main aspects of this debate. I thank Ms Gallagher for bringing it on. The point has been made clearly that there is a need to look at this problem from a couple of perspectives. The first is the question of trying to get an accurate picture of when drink spiking is occurring. It is not necessarily the case at the moment that the incidence of drink spiking and the result of the drink spiking, which could be some kind of sexual assault or robbery, will be reported. We would support what Mr Quinlan said in terms of giving people who want to report drink spiking the opportunity of doing so in an anonymous way so that an intelligence base can be the developed on where it is happening. You may end up seeing clusters in particular venues, which would obviously help the police.

Having said that, it is of concern to me still that victims of, particularly, sexual assault are often traumatised further by the legal process that follows reporting. The legal procedures are still a problem. We have had a Law Reform Commission report on that very subject, but there is still quite a long way to go there. We have to be very strong about raising that issue in this discussion, particularly in light of Mr Quinlan's suggestion that people have an anonymous avenue for reporting. As I said, it would be useful for working out where drink spiking is occurring, but it should not be seen as a reason not to try to make the actual process of reporting as supportive as possible so that people who have been sexually assaulted can go to the police and through the courts if they want.

An important point that was particularly well explained by Roslyn Dundas this morning is that alcohol has been the cause of date rape and the cause of people of all ages, young and old, becoming extremely vulnerable and finding themselves in very risky situations.

That has been the case for as long as anyone here would remember, I am quite sure. It has always been a problem. Alcohol abuse in the ACT is something that we need to be concerned about. The substance abuse task force will be addressing that issue. Hopefully, it will come up with some recommendations. Some quite interesting work is occurring and I hope that it will be brought together by that task force.

I am interested in a program which is run by a couple of gentlemen who are working with clubs in, from memory, Victoria. They are actually from the club scene—one of them was a football coach or something like that and the other one had a long employment relationship with clubs—and they understand the culture of clubs and alcohol use there. They have developed a program that encourages the management of clubs to change the culture of their clubs from being basically a watering hole. Of interest to me was that their argument to the clubs, which was found to work, was that if they reduced the focus on alcohol there they would change the nature of the clubs significantly as families would be more likely to go along to the clubs and the clubs would do better financially in the long run by having a different profile and different culture, with different people coming in. That has had a really good impact generally.

It seems to be a kind of macho thing in some sports clubs for people to get drunk or whatever, which is something that the younger people see, so the role model issue here is really important. I thought that was an interesting and quite creative response to this problem by people who understand the culture in one particular area. That is where you get quite innovative and effective responses. The substance abuse task force will be useful because it will actually give people in the community who are working or living in the middle of this problem an opportunity to say what they think would work, which is what those two gentlemen have done about the culture in clubs.

Also raised today was the question of protective behaviour and the education of people so that they will not become vulnerable in this regard by learning not to leave their drinks on a table and to stay together, not drink alone. Obviously, that is also useful and important information. Such education needs to be undertaken so that people are aware of the dangers, but I would stress that the education should be about alcohol consumption as well as drink spiking as people can become vulnerable if they drink too much. There is an opportunity to link those two issues

We need to understand why we have a situation whereby people do such a thing to each other. That would be a much harder question to address. It is about respect. It is also about understanding the responsibilities that we all have as individuals in terms of how we treat other people. In my view, that does not necessarily come from saying to a person one might think is behaving irresponsibly that they should behave differently. You can do that, but it is a matter of understanding why that person got to that point. That could come down to their early childhood if they were from families at risk. Children brought up in troubled environments, chaotic environments, could end up having less than a good social attitude, and who could blame them for that.

I think that there is a strong argument here, once again, for early intervention, for understanding that it is not surprising for people to behave in an antisocial manner if they have been brought up in a brutal way. I am sorry to say that that is a reality, quite often, for at-risk children as their environment is chaotic and they have been brutalised to

a degree. We need in this discussion to be prepared to look at those deeper and harder questions.

We have had a good opportunity today to talk about this issue. I hope that we will see some steps being taken to address not only drink spiking but also, through the substance abuse task force, the broader issues around the abuse of alcohol and other substances. Also, I hope that we will see in the coming budget from the government an attempt to deal with some of the real problems we have with making adequate intervention available for, particularly, troubled families.

MS GALLAGHER (12.17), in reply: I thank members for their support and contribution to the debate on this motion.

Question resolved in the affirmative.

Sitting suspended from 12.18 to 2.30 pm.

Questions without notice

Employment rates

MR HUMPHRIES: Mr Speaker, my question is to the Chief Minister, or at least I think it is to the Chief Minister. The government does not have a minister designated as minister for employment, so if the Chief Minister believes he is the minister for employment, then I suppose he can be the minister—

Mr Stanhope: We have a Minister for Industrial Relations.

MR HUMPHRIES: All right, in that case I will address my question to the Minister for Industrial Relations, Mr Corbell. Minister, after the recent Commonwealth budget, comments were made in a press release by the ACT Treasurer to this effect:

> It is expected that there will be increases [in Commonwealth employment] in the Australian Federal Police, the Taxation Office and Defence.
>
> However, this result is slightly tempered by a reduction in the Attorney General's Department and the Australian Bureau of Statistics—both departments operate primarily out of Canberra.

The Commonwealth budget papers show that employment is estimated to increase by around 3,380 people during 2002-2003. As many of these people will be employed in the Tax Office, the Federal Police, Defence and CSIRO, among other agencies, do you agree that the net employment effect of the federal budget on Canberra will be job growth, not job decline?

MR QUINLAN: Seeing as you are talking about the federal budget, and my comments on the federal budget, I reckon I might be the appropriate minister to answer this.

Mr Humphries: I am glad you sorted that one out.

MR SPEAKER: Order, members! A question has been asked, and somebody is about to try to answer it.

MR QUINLAN: A large slice of the federal budget was based on Mr Howard's fortress Australia, which is about what is euphemistically called border protection. Some of the numbers that you mentioned included the police.

In my discussion on the federal budget, I think I used the term "brass hats". I said we do not know exactly how many of the additional public sector employees will be stationed in Canberra. I made a jest that I thought our borders were relatively safe, that border protection would be likely to occur on the borders, and that therefore we could not say with certainty just how much of that particular growth to which you referred would occur in Canberra.

However, I did have some optimism that there would be an increase in the number of brass hats supervising that increase in employment, and I think I did express the opinion that there may well be some increase in public sector employment.

MR HUMPHRIES: Do you expect then that the net employment growth from the Commonwealth budget—the brass hats, as you put it—will be sufficient to offset the net employment loss to the ACT as a result of your government's across-the-board 2 per cent productivity savings?

MR QUINLAN: I will just take the increase. As I have said, I do believe there is a probability of an employment increase at the Commonwealth level—among the brass hats. Further, I should have said in the previous answer that I expect it will occur in taxation, because a considerable amount of additional funds are being applied in the Taxation Office for compliance with GST legislation.

Let me say immediately that increase is being funded by the states and territories in turn. That comes out of GST money directly, and that is part of agreements struck at the last council of treasurers meeting.

Regarding ACT employment: we have a budget coming down in three weeks, and no doubt we will discuss this matter at greater length when that occurs.

MR SPEAKER: Thank you, Mr Quinlan. Before I take the next question, can I acknowledge the presence in the gallery of 65 students from year 10 at Canberra Girls Grammar School.

Information technology

MS MacDONALD: My question is to the Deputy Chief Minister. Can the Deputy Chief Minister advise the house about the successful ACT bid for the federal government's information and communication technology centre of excellence?

MR QUINLAN: Yes, the politically astute among you will recall that, as far back as 1998 at the annual conference of the local Labor Party, I brought down a policy that depicted Canberra as a knowledge-based economy. Not long in government, Mr Speaker,

I can announce a huge boost to the ACT's regional information and communication technology industry. A large slice of the centre of excellence has been awarded to the consortium in which this government participated.

The partnership includes the ACT government, of course, the Australian National University, the University of New South Wales, the University of Sydney and the New South Wales government, our comrades. There are also a number of supporting partners, including over 100 small to medium enterprises. When established, the centre will bring excellence in research, education, commercialisation and industry interaction to Canberra and the region. It is estimated that it will manage $1.1 billion in a 10-year plan to create an Australian technology centre to rival international centres.

The centre's management structure will ensure that it is independent of any of the other core partners. This means that this vital national asset will not be captured by any one organisation. The centre will serve to accelerate the development of Canberra's ICT industry by providing a boost to our intellectual capital, and increasing the industry's supply of world-class skills through its enhanced education program.

MS MacDONALD: Can the minister inform the house of the benefits that will flow to the territory as a result of the ACT's successful bid?

MR QUINLAN: Thank you, I can. As well as requiring a large-scale centre of excellence to be built in Canberra, and a considerable increase in Commonwealth government R and D expenditure—approximately $40 million here in Canberra—it will attract something in the order of 100 researchers and 160 postgraduate students when it is fully operational in five years time. There will therefore be opportunities for students to stay in Canberra and to pursue excellence in education and research.

This centre of excellence will also be a beacon to attract international research and development, and development corporations. Spin-off companies and commercialisation opportunities will be attracted, and there will be opportunities for partnerships in R and D. Let me say that, the day that this centre of excellence was awarded, I was directly contacted by two international corporations expressing immediate interest in being associated with the centre of excellence. I confidently predict that this centre of excellence will be the nucleus of a growing business cluster which is—

Mr Smyth: Because it is already here.

Mrs Cross: It is all right. We will let you bask in the glory.

MR QUINLAN: I think I have said before, Mr Speaker, that every developed Western region in the world these days thinks that it is going to be the centre of a knowledge-based industry. You have to run hard to keep up. This is a demonstration of running even harder, and this, in fact, stamps Canberra as having the potential to become the leading research centre in Australia and to rank on the world stage. I do believe, as I was saying before I was rudely interrupted, that this centre of excellence will be the nucleus of a business cluster that will grow. It will grow provided that we, both the ACT government and ACT industry, keep our shoulders to the wheel, and we intend to do that.

Canberra Hospital

MR SMYTH: Mr Speaker, my question is for the Chief Minister and Minister for Health. Chief Minister, on 30 May, on radio station 2CC, in relation to problems with the Canberra Hospital, you said:

> It is out of my hands . . . as things stand the hospital is administered pursuant to an act of parliament and the governing responsibility rests in the hand of the Board . . . I don't have a capacity to direct the hospital to do anything.

Chief Minister, section 13 of the Health and Community Care Services Act 1996 states:

> The Board shall perform its functions and exercise its powers in accordance with any directions of the Minister.

Chief Minister, both your statement and section 13 of the act seem very clear. Which one is correct?

MR STANHOPE: No minister for health has ever accepted, nor should accept, responsibility for the micromanagement of the Canberra Hospital. The suggestion that any minister for health should become a public servant, or should become a hospital administrator, is absurd. It is interesting—it goes to the heart of some of the problems that I think we have experienced in the delivery of health services over the last six years. I think it goes to the heart of some of the difficulties that we have experienced: for instance, the settling of such things as nurses disputes, the management of the hospital, and the need to keep the hospital budget under control.

I think it involves issues such as exactly what the appropriate level of resourcing and funding for the Canberra Hospital is; to the extent to which we have a board, there is a separation; and that we apply the purchaser/provider model here in the ACT. Of course, it was those sorts of concerns that underpinned the decision that I made to commission Mick Reid, the immediate past Director General of Health for New South Wales, to undertake a major review in the delivery of health services in the ACT. It was the very issues related to the appropriate levels, styles and structures of the management of health here in the ACT that prompted that appointment.

There is a real concern implicit in the member's suggestion that ministers should manage the hospital, and should be responsible for the day-to-day management of a major institution such as the Canberra Hospital. I think there is a real need to understand the differences between the roles and responsibilities of ministers, of heads of department and of heads of major institutions, such as the hospital.

Mr Smyth: So you are not responsible?

MR STANHOPE: I am responsible for the delivery of excellent health services to the people of the ACT, something that was seriously lacking under the previous government. It was one of the reasons that, after seven years of Liberal government, the Liberals at the last election suffered such a significant defeat. That was why, at the last election, the people of Canberra returned this government with the largest majority that any

government has received since self-government. That was why the people, at the last election, chose to vote for the Labor Party to an extent that they never did for your party.

There are very good reasons for it. Part of the reason that they abandoned you, part of the reason that you got the drubbing that you did in the election, part of the reason you did so badly was that you failed the people of Canberra so badly in relation to the fundamentals. You failed to deliver quality health services. You failed to deliver good education services. You were more intent on giving free bus travel than providing much-needed services.

Mr Smyth: On a point of order, Mr Speaker: my question was whether the Chief Minister's statement that he was not responsible or section 13 of the act is accurate. He is not talking about which one was true. In one, he said that he is not responsible, that he does not have the power. The act says he actually does have the power. They cannot both be right. One has to be right and one has to be wrong.

MR STANHOPE: Very erudite. I am responsible, as Minister for Health, for the delivery of quality health services to the people of the ACT, something that the people of the ACT aspire to have and, after seven long years of Liberal neglect, they failed to receive.

Mr Smyth: Are you responsible for the hospital?

MR STANHOPE: I am responsible—

MR SPEAKER: Chief Minister, please resume your seat. Mr Smyth, a moment ago, you raised a point of order about the Chief Minister not answering your questions. The Chief Minister has risen and he is talking about his responsibility and you will not let him answer—you keep heckling him. Will you let him answer the question? Resume your seat.

Mr Smyth: Mr Speaker, it is specifically section 13 of the Health and Community Care Services Act.

MR SPEAKER: We know what the question is. Just resume your seat. Chief Minister, finish off the answer, please.

MR STANHOPE: Mr Speaker, I am the Minister for Health. I am responsible for the delivery of quality health services to the people of the ACT, a responsibility I take particularly seriously, having regard to the seven years of neglect which health received at the hands of the Liberal Party. I take the responsibility particularly seriously, noting the enormous drubbing that you took at the election as a result of your neglect of the fundamentals of life in the ACT, namely quality health, quality education and sustainable planning. That is why the Liberal Party took the beating it did.

As well, of course, there were all those other things: your illegal behaviour in relation to Bruce Stadium, the fact that you broke the law, the fact that you were a government without integrity, and the fact that you fell out of favour because of the incompetence of

your management. Those are the reasons that we take these responsibilities very seriously.

MR SMYTH: Is the Chief Minister responsible for the hospital?

MR SPEAKER: I think the Chief Minister answered that before.

MR STANHOPE: Yes, I did, but I am happy to—

Mr Smyth: Mr Speaker, he said he is responsible for health.

MR STANHOPE: I will put it in short sentences and short words for the member. I am responsible for the delivery of the health services in the ACT, as Minister for Health. I do not manage the hospital. I have no responsibility at all for the management of the hospital. Absolutely none. There is an act of parliament, of this Assembly, which requires that responsibility for the management of the Canberra Hospital—

Mr Smyth: Not responsible.

Mrs Dunne: What does section 13 mean, then?

MR STANHOPE: Your party passed the legislation. It is your act. It is your piece of legislation. You introduced it and you passed it. Your legislation says that responsibility for the day-to-day management of the Canberra Hospital vests in a board.

Mr Humphries: That did not stop you criticising Michael Moore for exactly the same thing, did it?

MR STANHOPE: I criticised Mr Moore for a lot of things, and justifiably so. I thank you for drawing attention to Mr Moore's failings, Mr Humphries. We did criticise him for a lot of things, and almost invariably with justification.

Have a look at the act: you have one section of it out, Mr Smyth. Have a look at the act and you will see the administrative structure that is created under that piece of legislation vests all responsibility for the management of the Canberra Hospital and community care in the health services board.

Mr Humphries: That is a cop-out.

MR STANHOPE: Why did you introduce and pass the legislation when you were in government, Mr Humphries?

Mr Humphries: You are responsible. You are the minister.

MR STANHOPE: I have said that I am responsible. I am responsible for the delivery of quality health services to the people of Canberra. That is why I commissioned the Reid report. That is why, in two weeks time, I will be making significant proposals for the restructuring of health services in the ACT. That is why we have looked seriously at the

structure. That is why I will be making major announcements about changes to the portfolio in a couple of weeks time.

Canberra Tourism and Events Corporation

MS TUCKER: My question is directed to Mr Quinlan, as Treasurer and minister responsible for CTEC. Minister, you would be aware of the Auditor-General's report on the operation of the Public Access to Government Contracts Act that has just been released. The Auditor found that the act is not effective and is not being administered effectively. Of particular interest is the use of confidentiality clauses in contracts. Of the 41 contracts containing confidentiality clauses submitted to the Auditor in the year ended 21 December 2001, 24 of them were for CTEC, and just about all of them related to the 2001 V8 supercar race.

The Auditor also found that all the CTEC contracts did not comply with the model confidentiality clause in the act, in that the kind of information to be kept confidential is described too broadly and the grounds for confidentiality are not specified properly. The Auditor also pointed out that, under section 14 of the act, a confidentiality clause in a government contract has no effect if it does not comply with the model confidentiality clause. This therefore means that all the CTEC contracts mentioned in his report cannot legally be kept confidential.

Minister, will you now table all these contracts so that the Assembly can be given a true idea of the cost of the V8 supercar race?

MR QUINLAN: Ms Tucker, I will have a look at that. I have to say that I have only a general impression of what is contained in that audit report. I have not had time to either read it or be briefed on it in detail; but, yes, we will take a look at that for you, Ms Tucker.

MS TUCKER: Given that the contracts referred to by the Auditor-General were for the 2001 supercar race and that, since then, new contracts would have been drawn up for the 2002 race next weekend, can you tell the Assembly whether CTEC has ensured that these contracts comply with the Public Access to Government Contracts Act?

MR QUINLAN: No, but I will get back to you on that.

Nature conservation

MR HARGREAVES: My question is to the Minister for Urban Services. Minister, before last October's election, Labor made a commitment to provide an additional $1.5 million to nature conservation over the next three years. Can the minister tell the Assembly how the government is delivering on this promise?

MR WOOD: Mr Speaker, as it is World Environment Day, might I join in the general salutation "Happy World Environment Day", with which I have been happily met in a number of places today. At lunchtime today, I launched the Stanhope government's plan for the environment, a sustainable bush capital for the next millennium. The government is committed to ensuring that Canberra's bush capital image is preserved and

enhanced through more efficient and effective nature conservation practices. The $1.5 million you referred to is to be directed into four areas in the main—that is, resources, more field staff out there in the parks, improved data management and information systems—

Mr Cornwell: On a point of order, Mr Speaker: is the member who asked the question allowed to then walk away without listening to the answer?

MR SPEAKER: I am not able to restrain members or tie them to their seats, Mr Cornwell. Although a lot of powers go with this position, that is not one of them.

MR WOOD: Strategic use of resources and supporting community partnerships. That $1.5 million will be most effectively used in a range of ways in various parts of Canberra, the nature reserves and Namadgi National Park, which everybody in this place greatly values. We are committed to ensuring that we have the resources, both human and technical, to conserve our natural heritage, that is, to make it sustainable.

The plan also recognises the important role the community has to play. We all greatly value those many bodies in our community which provide such good advice and, in many circumstances, get out there and do the very hard work required. The park care, the lake care, water care and water watch groups, and the like, do a terrific job. We have great natural resources and we are determined to look after them. The new program that I have announced today will do just that.

Economic white paper

MR STEFANIAK: My question is to Mr Quinlan as Treasurer. Can you explain to the Assembly what is being done about the economic white paper you have foreshadowed? Minister, isn't it a fact that it is being prepared by the Chief Minister's Department to the exclusion of Treasury, an odd move for an economic white paper?

MR QUINLAN: There is some very confidential information here. I have a ministry for economic development. The support for economic development resides in the Chief Minister's Department.

MR STEFANIAK: My supplementary question is: is it a fact, Treasurer, that one of Treasury's most senior and respected public servants, the Under Treasurer, has submitted his resignation because of unresolved conflict over Treasury's exclusion from the white paper process?

MR QUINLAN: Mr Stefaniak, you do not believe that. No, it is certainly not true. The current Under Treasurer will be returning to Victoria with his family to a most senior post within the Victorian administration. I have at least anecdotal evidence that the Victorian government has been headhunting the current Under Treasurer for a considerable time. While I have the chance, I have to record that I consider Mr Howard Ronaldson a public servant, an administrator, and an economic adviser of the highest order, and I am sure that the previous government would confirm that. He will be very, very difficult to replace, so the ACT's loss is Victoria's singular gain.

Immunisation rates

MS DUNDAS: My question is for the Minister for Health. It was reported today that the ACT has the lowest rate of immunisation in Australia for children aged between three months and six years. Considering that immunisation does have health benefits, what is the Minister for Health doing to educate Canberra parents about the benefits of immunisation, and to make immunisation more convenient and accessible for parents?

MR STANHOPE: Thank you, Ms Dundas. I did see that report, Ms Dundas, and I have to say that, frankly, I was surprised to see it. I do need to chase up the basis on which that particular conclusion was drawn, because it does fly in the face of my understanding of the success of immunisation programs in the ACT. I think it is interesting, and certainly it is very worrying. I do not have the detail of how that statistic was determined. I do need to discover that. I regret that I do not have the information available, so I will get back to you with all the details of our immunisation programs.

However, I agree with you that, on the basis of the raw numbers printed in that explanation of immunisation rates, it really is quite worrying, unless there is some other explanation. I have to confess that, when I read it, I assumed that there was some other explanation. I will get back to you on that.

MS DUNDAS: Considering that you actually think the statistics may be a bit misleading, when you have more information, will you be willing to set a target date for achieving a child immunisation rate in the ACT that brings us into line with the national average?

MR STANHOPE: Certainly. I think it is a very important issue that you have raised. I will get all of the information. However, I have to say that my understanding of immunisation practices and rates here in the ACT was, indeed, that we were among the leading jurisdictions in the nation. That is why I say that that brief report that I saw really did take me by surprise. If I had been asked to hazard a guess at where we rated nationally in relation to immunisation rates, I would have said "first".

That is why I am very surprised by what I read, and that is why I had initially thought that there must be some explanation related to the methodology. I need to be better briefed on it. When I am better briefed, I will certainly provide you with a full answer. I do not think that it is appropriate that I pre-empt the receipt of that information by making other undertakings.

Capital works funding

MRS CROSS: Mr Speaker, my question regarding capital works funding is to the Treasurer. Mr Quinlan, the former Liberal government allocated around $200 million towards capital works for this financial year. On 11 April, you stated that, in your opinion, this amount was unsustainable and that about $100 million would be more appropriate. Do you accept the construction industry's rule of thumb that every million dollars in capital works funding is roughly equivalent to 30 jobs; and, if not, what figure do you accept?

MR QUINLAN: I do not have a figure off the top of my head, so I would look at the particular industry. Capital works could involve a considerable amount of equipment or it could involve a considerable amount of construction, so it would be a very rough rule of thumb. However, as I stand here, I do not have a particular rule of thumb, but I am conversant with the implication that extra expenditure might mean extra jobs.

Mr Humphries: Might.

MR QUINLAN: Yes. You might just spend it all on equipment.

MRS CROSS: That was not a very satisfactory answer, but I will give this one a go and see how he goes. How will you make up for those lost jobs, or are you saying that this is simply the job recession we had to have?

MR QUINLAN: Getting corny now, isn't it? I do not have the numbers in front of me, but basically what I said was that it would have been common sense, in setting a budget, to set a level of works that was sustainable over time, rather than adopt what was quite patently an economic scorched earth policy, as I think I described it before. If you read the budget of last year, you will say, "Here is a government that is actually trying to either spend or commit every available cent for the purposes of positioning leading up to an election." That is the criticism that I have made. I thought it was unsatisfactory to change the capital budget of a territory for that short-term economic expedience.

Pensioner concession card holders

MR CORNWELL: Mr Speaker, my question is to Mr Corbell, Minister for Education, Youth and Family Services. Minister, I note that you have refused to agree to participate in a federal Liberal government initiative to extend benefits available for pensioner concession card holders to low income holders of the Commonwealth seniors health card in the ACT. Minister, why have you denied 8,237 Canberrans these benefits?

MR CORBELL: Mr Speaker, the Commonwealth government announced in its 2001 budget, under the program called acknowledging older Australians, its intention to negotiate—I put negotiate in inverted commas—with the states and territories to extend concessions to holders of the Commonwealth seniors health card. As I understand it, the form of that negotiation was a letter to me saying, "This is our amount of the money and it would be really good if you did the same."

I think this is a dilemma faced by all state and territory governments: the Commonwealth government makes budget announcements that it takes the credit for, and then expects state and territory governments to pick up the majority of the costs. That is certainly the case in relation to this particular initiative. My advice is that, as at February 2002, there were 5,561 Commonwealth seniors health card holders in the ACT, and it is those people, not the 8,000 figure that Mr Cornwell referred to, who were potentially to receive some assistance under this initiative.

The real problem is that there is no commitment from the Commonwealth government to match these funds in the case of future growth. The real concern for this government is that, as our community continues to age, the ACT government will be asked to pick up

the majority of the cost for a Commonwealth initiative. Our view is that, if the Commonwealth thinks this is such a good idea, it should be funding the initiative appropriately, not taking the credit and then expecting the territory to pay the tab.

MR CORNWELL: Do you believe that the $2.1 million provided by the federal government—

MR SPEAKER: That is an expression of opinion, Mr Cornwell.

MR CORNWELL: Very well, I will rephrase it, Mr Speaker. The federal government is putting in $2.1 million; and the ACT, $1.4 million. That is a sixty-forty split and I am sure that the Labor Party would understand that rule, even if it is only fifty-fifty here.

MR SPEAKER: You are stretching the preamble rule.

MR CORNWELL: Do you believe that these 8,237 Canberrans are not, to quote your own words in the *Canberra Times* this morning, among "those most in need, namely pensioners and low-income earners"?

MR CORBELL: Mr Speaker, pensioners and low income earners already receive concessions from the ACT government, and the assertion that Mr Cornwell makes is simply wrong. Let me just outline to members the full details of this. The ACT concessions program provides expenditure support on essential services for pensioners, low income earners, Veterans Affairs gold card holders, and health care card holders. The ACT concessions program has targeted those most in need, as it should, Mr Speaker. We should be testing—

Mr Cornwell: Not the self-funded retirees just over the line.

MR CORBELL: Mr Cornwell, if you are saying that all self-funded retirees should get a concession—

Mr Cornwell: No, I did not say that.

MR CORBELL: I am interested in your assertion. Mr Speaker, the purpose of the ACT concessions program is to achieve a balance in the standard of living and access to essential services, such as energy, water and sewerage, rates, motor vehicle registration, transport, and spectacles for those who are most in need in the Canberra community.

The total cost of the program is $20 million per year. The ACT government already puts in a significant amount of money, and it has targeted those who are most in need. As I have already said, if the Commonwealth government wants to make an announcement extending the range of concessions payments to a broader range of people, it should be prepared to pay for it.

Fireworks

MS GALLAGHER: My question is to the Minister for Industrial Relations, Mr Corbell. Can the minister advise the Assembly on the outrageous claims of the ACT Fireworks Association relating to the Mugga Lane WorkCover depot?

MR CORBELL: I thank Ms Gallagher for this very important question. Members may or may not be aware that the ACT Fireworks Association has issued what it calls a community service announcement to residents in Red Hill, Narrabundah, Isaacs and O'Malley, warning them of, in its words, "a potential bomb site near your homes".

This would have to be one of the most irresponsible campaigns I have ever seen since I have been a member of this place. In the press release that the ACT Fireworks Association released today, it claims:

> ACT WorkCover stores its confiscated pyrotechnics in what could amount to the explosive equivalent of a 100 tonne bomb. The storage facility fails every national and international safety measure.

The Fireworks Association goes on to claim that this is a similar situation, and could result in a similar outcome, to that which produced the explosion in Enschede in the Netherlands, in which 22 people were killed. These claims are absolutely outrageous and they are wrong. I think the ACT fireworks industry has a lot to answer for in making such scurrilous and incorrect assertions about ACT WorkCover's practices.

ACT WorkCover maintains a facility for the storage of fireworks at Mugga Lane. The facility is located on a quarry site. The facility at Mugga Lane differs considerably from the facility that exploded in Enschede in the Netherlands. That facility was a fireworks manufacturing factory and, not surprisingly, the explosion that occurred there was a very serious incident.

The facility at Mugga Lane is for the storage of fireworks, not for the manufacture of fireworks, which I think would have been plain to absolutely anybody who had looked at it closely. Based on the classification marked on the fireworks, it has been determined that the fireworks stored at Mugga Lane are of a class that is not a mass explosion hazard. They can therefore be stored at that facility. It is one of a number of facilities maintained by ACT WorkCover. WorkCover uses these facilities to store fireworks that are considered to be safe in that area. WorkCover has other facilities to store fireworks that are considered to be of higher risk.

Fireworks stored in the facility are in shipment containers, and in most cases they are stored in containers in which the owners of the fireworks stored them and in which they were seized. It is quite outrageous for the fireworks industry to claim that WorkCover is storing fireworks in an unsafe manner, when they are stored in exactly the same manner as those fireworks operators themselves are storing them, in a legal way.

The fireworks within the containers are stored in appropriate packaging and the fireworks themselves are located within a secure compound, which is located within a secure site. It is interesting that, in the circular that the Fireworks Association has distributed, it has

included a photo of the facility at Mugga Lane. It appears to me to be highly unlikely that this photo could have been obtained without the photographer breaching the perimeter of that facility. I think that raises some fairly serious concerns in itself.

Access to this facility is, for obvious reasons, very strictly controlled and the separation distances used at the facility are in excess of the requirements of the Dangerous Goods Regulations 1978. There has recently been one illegal entry to the facility and this has led to an upgrade of security at the site.

The Fireworks Association has also claimed that WorkCover undertakes tests of fireworks at Mugga Lane illegally. I am advised by WorkCover that it does not test fireworks at or near this facility, although testing has been done by others at the facility. However, this occurred outside the required separation distances, again, completely in accordance with the requirements of the Dangerous Goods Act.

The scaremongering that the Fireworks Association has attempted among residents of Red Hill, Narrabundah, Isaacs and O'Malley, under the guise of a community service announcement—to use the association's words—is absolutely unacceptable. It is completely misinformed and it is beyond the pale for residents to be alarmed in this manner. I can assure the Assembly and—

Mr Cornwell: A bit like the Symonston prison.

MR CORBELL: I am glad the opposition thinks this is a matter for political point-scoring, because it should not be. We are talking about a facility that stores high-powered explosives. They are stored in a safe manner. They are stored in accordance with the act. They are stored in a way that is completely in accordance with the law. For the Fireworks Association to make these claims is deliberately misleading, and clearly designed to scare residents for no good reason.

MS GALLAGHER: Can the minister advise the Assembly on the other outrageous claims recently made by the Fireworks Association?

Mrs Cross: On a point of order, Mr Speaker: I did not say anything about this before but there is an imputation in the way that question is put. The use of the term "outrageous" is an imputation and innuendo. I ask that it be rephrased or ruled out of order?

MR SPEAKER: Resume your seat. I think the question is okay.

MR CORBELL: The Fireworks Association has recently claimed that fireworks have been stolen from the WorkCover depot at Mugga Lane. WorkCover has advised me that, as a result of its investigations in conjunction with the police, it has found that no fireworks were stolen during the break-in at the facility at Mugga Lane. Some of the goods were disturbed, but no fireworks were stolen.

The Fireworks Association has also claimed that ACT WorkCover has not been accountable in its storage of fireworks. The Mugga Lane facility is licensed under the Dangerous Goods Act for the quantity of goods that is held there, and WorkCover is complying with the relevant legislation.

If the fireworks industry is going to make these assertions, it should base them on appropriate evidence, and not make them without foundation.

Neighbourhood planning

MRS DUNNE: Mr Speaker, my question is to the Minister for Planning, Mr Corbell. Minister, you may recall that, on 11 March this year, I wrote to you about a number of people who had approached me complaining about considerable delays they were facing in building projects as a result of neighbourhood planning.

I thank you for your response. In that response, you said in part:

> I can confirm that the neighbourhood planning process is not stopping any legal application being lodged or processed by PALM.

Minister, do you stand by those remarks?

MR CORBELL: Yes, I do, Mr Speaker.

MRS DUNNE: Minister, if you stand by those remarks, as you said you do, how does this square with the delay that the Deakin soccer club project is experiencing, and how does this square with the view that the draft variation process is stalled on your desk because of the neighbourhood planning process?

MR CORBELL: Mr Speaker, there is absolutely no inconsistency between what I said and the assertions Mrs Dunne has made. The reason for this is that you are not able to proceed with a development application, Mrs Dunne, unless it is in accordance with the Territory Plan. If the Territory Plan is not varied to allow that development application to proceed, then you cannot lodge the application, Mrs Dunne.

Mr Speaker, all development applications that are lodged in accordance with the land act, and which are in accordance with the Territory Plan, can be processed, and are being processed by PALM.

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

Griffin Centre

MR CORBELL: I want to provide some further information that Ms Tucker requested in question time yesterday. Ms Tucker asked me if I would provide any further advice on the cost to the ACT of withdrawing the draft variation to the Territory Plan No 189, which is in relation to section 56 in Civic, and renegotiating the community facilities component of the proposed development in an open and informed manner.

I informed the Assembly yesterday that I had not received such advice, but that I was willing to look into the matter. I have the further following advice for Ms Tucker and members. It is difficult to estimate the cost of withdrawing the draft variation as the sales of sections 35 and 84 are closely linked. The development agreed between the territory

and Queensland Investment Corporation (QIC) clearly outlines obligations in relation to the site, which comprises both sections.

Any changes to the amount of land the territory is prepared to sell have an impact on total revenue, and may affect the $12 million the territory has already received for the holding lease over section 84. This would also certainly jeopardise the provision of the new community facilities.

In addition, if the territory were to unilaterally terminate the agreement already entered into with QIC, QIC could claim for repayment of the price it has paid for the land, that is $12 million with interest, all costs incurred to date and costs committed into the future, and could also seek to claim damages for breach of contract by the territory, including damages relating to loss of future revenue.

I would not hesitate to suggest that any figure produced in these circumstances would be substantial. Mr Speaker, QIC will be building community facilities that provide around 15 per cent more space than the existing facilities in the Griffin Centre.

Unlike the present premises, the new facilities will be modern, efficient, flexible and unburdened by high maintenance costs. Ms Tucker has also raised issues concerning the future of ACT Shelter and the Youth Coalition. Unlike the previous government, this government has given an absolute commitment to ensure that those services are accommodated in the future.

For the reasons that I have just outlined, it is clear that any cost to the territory of withdrawing from this arrangement would be substantial but, that aside, this government strongly supports this significant redevelopment project for the civic centre.

Elder abuse

MS DUNDAS (3.21): I move:

> That this Assembly:
> (1) recognises that elder abuse is a serious problem confronting the ACT community that is continuously under reported and that older people are some of the most vulnerable in our community and the major determinantal impact elder abuse has on our older citizens, families and the community at large; and
> (2) calls on the ACT Government to respond to Report Number 11 by the Standing Committee on Health and Community Care *Elder Abuse in the ACT*, by the last sitting day in September 2002 and that the Government response be made in accordance with the motion of this Assembly regarding implementation of committee recommendations agreed to on 10 April 2002.

Every day for most of this year we have watched the media report more and more cases of child abuse. But today I wish to bring to the Assembly's attention another form of abuse. I believe it is atrocious—and the similarities do not stop there.

Elder abuse is a growing concern to many people in the community sector. In the past, it was one of those problems that were never talked about. It is similar to child abuse or domestic violence prior to the 1970s, when it didn't happen because it occurred in private, and its existence was denied and actually ignored.

But then abuse that occurred in private started to be talked about. The talk continued through the 80s and now is the time for action to recognise the problem and to combat it.

Elder abuse is being talked about more, and agencies are coming across people who are suffering from psychological, physical, financial and sexual neglect. All are forms of abuse. There are a whole lot of causes and issues around elder abuse, and it is not only between families and friends; there is also systems abuse.

Abuse occurs through a lack of support and through neglect. It occurs when stand-over tactics are used by families, friends and service providers. Every time an older person is pressured into decisions that they may not like—and this includes creating burdensome expectations without consulting the wishes of the older person—this is an occurrence of elder abuse.

It also happens when families just assume that financial support, babysitting or similar things are owed to them. But the question should be: what do the grandparents actually want to do? The ignoring of the wishes of our older family members is a common form of mild elder abuse.

The treatment inflicted on some older people every day would not be accepted in the workplace, in our schools or in public. But it is going on every day behind closed doors.

Older people, like all Canberrans, have a right to live safely in their own homes free of violence, abuse, neglect or exploitation. The motion have moved today will once again bring this issue to the forefront and make the government respond.

The recommendations from the Standing Committee on Health and Community Care, in its report No 11 tabled last year, are quite clear and will require a multi-agency approach. It will require policy changes to ensure an end to the social isolation felt by many. It will require mandatory reporting similar to that which exists in respect to child abuse, and it will require review of the Powers of Attorney Act.

Further, I would like to see a comprehensive education program—education of our elderly about their rights and their families about their responsibilities—and a discussion in the community about how we look after our older Australians.

I have consulted with both the Council on the Ageing and the Older Women's Network and they are supportive of this motion. They believe that elder abuse will continue to occur in many forms until it is recognised by government and policy makers, families, friends and service providers, and then acted upon.

While I understand that there is money set aside for a pilot program for crisis accommodation for older women escaping elder abuse, the community and I are at a loss to know whether or not this program is actually progressing. In any case, it will be only a start to addressing one form of elder abuse.

The chief form of elder abuse that the Council on the Ageing has come across is financial. Financial abuse is generally perpetrated by those nearest and dearest to older people—their children, their relatives and their friends. It is one of those things that older people are reluctant to do anything about, because once they do it means that their family support, or their grandchildren, are not seen again. It is the removal of the ones that they love. And so it really is a hidden problem.

As people live longer there is a tendency for children to try to manage their parents money and neglect them. They prey upon parents' feelings that they are becoming a burden as they get older.

At the status of women hearing last week we heard of a case where a mother signed her house over to her son, and the next thing she knows she's living in a nursing home and he's taken over her house. And this is not an uncommon story.

Older people have the right to live safely in their own homes, free of violence, free of abuse, free of neglect and free of exploitation. Older people deserve to make their own decisions on matters affecting their lives, as should every member of this community.

We, as representatives of the Canberra community, need to consult with, support and protect all members of the community. For far too long this has been an issue hidden in families and aged care homes. Today I have a strong warning that if we ignore elder abuse the problem will not go away. And to drive that home further I would like to warn that we will all be elderly one day.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (3.27): Mr Speaker, the government unequivocally affirms that it deplores all forms of violence and exploitation. But we, like most members of our society, especially abhor violence and abuse directed towards the most vulnerable in our society and, in particular, our older people.

The Labor government is absolutely committed to working with other governments, community agencies, networks and individuals to develop and implement effective responses to the issues surrounding elder abuse. The government is gravely concerned about the level of elder abuse in our society. Indeed, a number of studies show that approximately around 4 per cent of older people in Australia are abused in some way. Up to two-thirds of older people who are abused are women.

Elder abuse is not confined to physical abuse. It also includes emotional, psychological, sexual and financial abuse. This concern is compounded by our knowledge that, with the ageing of both the ACT and Australian populations, the problem will grow unless we act soon.

In 1997 almost 21 per cent of the Canberra population was over 50 years of age, and 7.5 per cent were over 65 years of age. In about 10 years time these numbers are forecast to increase significantly, with 33.7 per cent 50 years and over, and 12.5 per cent 65 and over.

Elder abuse is an issue that concerns a particularly vulnerable group of people in our community. Our older people deserve better than this. They deserve respect and the concern and protection of all of us. The government recognises the need to plan for an ageing population in our city.

We went to the election with a plan for older Canberrans. The plan outlines our aim to create an inclusive community, one where older people feel safe and valued. We made a number of commitments in relation to housing, lifelong learning, mature age employment, health and community care, all aimed at protecting and enhancing the lives of our mature citizens.

We developed the plan after talking extensively to people in the community and many different community organisations.

A key initiative of the government has been the decision to establish a ministerial advisory council on ageing, the first such council in the ACT since the introduction of self-government. I am pleased to say that there was an enormous response to the request for nominations to the council. Nominations were received from an impressive array of people with differing interests, experience and backgrounds. The council will have a broad focus and provide advice to the government on older people's issues and needs, including particularly the insidious problem of elder abuse. I would encourage the council to be forthright in providing advice to the government, and I propose to announce the membership of the Aged Care Advisory Council in the next couple of days.

I note that report No 11 of the former Standing Committee on Health and Community Care—chaired by my colleague Mr Wood—entitled "Elder Abuse in the ACT", provided 14 recommendations covering future policy development and service delivery responses. The importance of developing a smooth interface between government, service providers and other agencies was also highlighted. I would like to thank the members of the Standing Committee on Health and Community Care for their work on the elder abuse inquiry and congratulate them on the detailed community consultation they conducted.

While the government supports all of the report's recommendations in principle, it believes that a number of recommendations require further consideration. In this regard, an early action—perhaps the first action—of the new Ministerial Advisory Council on Ageing will be to consider the recommendations of the standing committee and advise the government accordingly. The advice will assist the government in the development of a practical and detailed response to the report's recommendations and in the advancement of real initiatives that will significantly reduce elder abuse in the territory.

We want to make sure that a heightened awareness and a clearer focus can eradicate the menace of elder abuse. The government reinforces its commitment to working with the broader community and service providers to address the many issues raised in the inquiry. We all want our older citizens to enjoy the safe, comfortable and productive life

that they so clearly deserve, and to be protected, particularly from these forms of abuse and violence and neglect, to the end of their lives.

I can assure members that the government will respond to report No 11 by the Standing Committee on Health and Community Care on elder abuse in the ACT in a timely and effective manner. Indeed, the government is more than happy to support Ms Dundas' motion. It is good, and always timely, that we focus on a range of issues that are of concern to us in the community. Issues such as elder abuse cannot gain too much exposure; they are issues that we need to talk about.

One of the difficulties with issues around abuse, discrimination and violence has always been the extent to which taboos of one sort or another, or sensibilities and sensitivities of those involved or affected, influence our capacity to respond and for such incidents to be reported and acted on. It really is one of the intractable issues around dealing with issues such as domestic violence or elder abuse, which is another form of family violence essentially, more often than not. Of course, our capacity to deal with those sorts of issues is to have them reported in the first place and, once reported, to have systems in place that allow appropriate responses to the issues.

These are difficult and intractable issues. Nevertheless, most importantly and most pressingly, the government takes them seriously. The government takes the report produced by the health committee in the last Assembly seriously. We are in the process of working up responses. I have no difficulty in committing the government to a positive response in principle to each and all of the recommendations. We believe, however, that there are some issues around some of the recommendations that would benefit from further consultations with a body such as the Ministerial Advisory Council on Ageing to better inform our responses.

But the government will support Ms Dundas' motion. It is always good that we bring to public attention issues such as this. I think one of the things that have led to the prevalence of all forms of violence, particularly within the family or within the community, is that they are hidden from view; that they haven't been reported. One can understand some of those elements that perhaps have led to incidents of elder abuse not being reported—issues around the dependency of people that are subjected to abuse or violence, the fact that those people depend so much on their abusers often for their day-to-day support, and indeed for their capacity simply to survive the day. Of course, it is this issue of people's dependency on their abusers that renders elder abuse so difficult for us to deal, and that is what makes some of these issues so hard, so sad and so heart wrenching.

The government acknowledges the issue. As I say, we accept in principle all of the recommendations, we are in the process of responding to them in an active and practical way, we will consult further with the Ministerial Advisory Council on Ageing and we will respond fully to the recommendations. I thank Ms Dundas for bringing the issue forward for debate.

MR CORNWELL (3.35): Ms Dundas, we support your motion. As for the government, it is about time. I have just listened to a great deal of waffle from the Chief Minister. Chief Minister, you had six months to address this question of the report and you have

done nothing. But then I am getting used to this from the government. A great deal of concern is expressed by this government, a great deal of compassion expressed by this government, but very little action. I do not know the detail of the 14 recommendations, of the—

Mr Stanhope: I do, Mr Cornwell.

MR CORNWELL: Well, why didn't you act on them before now? Why did you take six months?

Mr Quinlan: Get on a committee, Greg, and do something yourself.

MR CORNWELL: No. What you do, Mr Quinlan, Mr Treasurer, you set up a committee to look at this because you have not got the courage to take action yourselves.

I am aware of the motion of 10 April, which Ms Dundas quite properly brings forward in her motion, calling upon the government to produce a schedule outlining action or progress towards action in respect of previous Assembly reports. Now, that is perfectly in order and I would agree with you. The report on elder abuse in the ACT was tabled in August 2001. It was not addressed by the previous government of the day because there was an election in October.

Mr Quinlan: Shame!

MR CORNWELL: And shame on you for walking out at this point, Mr Chief Minister. Yes, I can imagine you going out.

The elder abuse report was not addressed; it was brought down in August 2001—Ms Tucker knows that this happened. The election was called for October and it obviously could not be responded to before that October election. In fact, that is probably the only report that was not addressed before the October election. When I say "addressed", I mean brought back by the government of the day to this Assembly with the government's view of the recommendations, in this case 14 in number, that were made by that committee.

The interesting point, however, is that it was not picked up by the new government. The new government, six months old, has not come back to this Assembly with any response to that report No 11 of the previous health committee. I don't know why that was the case. However, I am puzzled, because this is what I find in the Labor Party policy document prior to the last election—and I will quote from page 60 of that document, dated 6 November 2001—and Ms Dundas might like to listen to this, if Ms Tucker would give her a chance to listen.

Ms Dundas might like to know that the Labor policy document dated 6 November 2001 stated:

> Labor will implement the key findings of the Assembly Health and Community Care Committee Inquiry into Elder Abuse.

In other words, before the committee's recommendations were even considered by the Assembly, Labor had already decided to pick up those pieces, namely the key findings, that it regarded as being of worth.

I suggest to you, Mr Speaker, this is gross disrespect to the Assembly. I do not object to the government of the day—the new government, the old government, it does not matter—accepting or rejecting recommendations of any committee of this Assembly. This is standard procedure and we all know it.

But I do object to any government deciding without consultation with this Assembly, simply assuming that it will decide what the key findings of a committee report may be. I think this is the first occasion—certainly that I can remember—that this has happened. I hope it will be the last.

The Assembly has a right, having received a report of a committee of the Assembly, to have a government response to that report so it may, or may not as the case may be, be debated by the Assembly. It is not the right of the government of the day to simply take over and pick up the recommendations that it sees fit. That is quite improper.

I believe that this Assembly still has a right to look at the government's response to this report, so that we can—and I am talking about a comprehensive response to all 14 recommendations by the date that Ms Dundas has nominated in her motion. I have no problem about that.

I am sorry that the Chief Minister and Minister for Health, who has responsibility for this matter, has left the chamber—has indeed, I repeat, dingoed out of responding, I believe, to this fairly important matter.

I have no objection, and the Liberal Party has no objection, to Ms Dundas' motion on this matter. I repeat: we do not necessarily understand or comprehend the details raised by the report, but that is not the responsibility of the Assembly. The important thing is that the report has to be received and has to be debated, and, frankly, I am appalled that this government, having received that report, has not seen fit to come back to the Assembly with its decisions relating to the report but instead wishes to set up some committee to have a look at it.

Why don't you accept some responsibilities? Why do you set up the committee before you bring your responses to this report back to this Assembly? I don't mind you setting up a committee—in fact it might be a very responsible, sensible thing to do—but please bring back to this Assembly your responses to the Assembly's committee report before you proceed further.

Now that is a criticism of the government. So far as Ms Dundas' motion is concerned, we support it, and we hope that you will take aboard the comments of the opposition.

MR WOOD (Minister for Urban Services and Minister for the Arts) (3.45): Mr Speaker, I have often thought, in the six months I have been on this side of the chamber, that I would give Mr Cornwell an award—an award for being able to show or feign the

greatest level of indignation as he speaks. After today, I think I might consider adding to that an award for offensiveness for his comments about the Chief Minister.

"Dingoing out" is not a term I have heard before, and it is one I would wish to draw your attention to for your consideration, Mr Speaker. It is certainly offensive. Any red-blooded Australian is highly offended at any such thing, and, Mr Cornwell, I don't think you have any right to say such things.

Mr Cornwell: Well, he does when he leaves the room, sir.

MR WOOD: Not at all, Mr Speaker. I think leaving the room when Mr Cornwell speaks might be a good idea. It shows basic good sense, I would say, and for Mr Cornwell to act so indignant and to be so offensive is a disgrace to this Assembly. I speak as the chair of that committee that looked at elder abuse. Mr Stanhope has spoken to me about the way he has been proceeding and I am very pleased with the way that matter is being dealt with. I think it is highly appropriate that, if he is appointing a new council, he should have some comment on a very important issue.

We saw yesterday how the Liberals did not want to talk to the community when we were considering a bill about access to government records. The government yesterday proposed to move to remove from our legislation reference to an advisory council. Again today, we see this action by the failed former government to remove consultation from its vocabulary. The process that Mr Stanhope is undertaking is a very sensible one. It is one of talking to the community.

That was the community—Mr Cornwell wouldn't know this because he probably doesn't talk to them—that came to the committee in the first place and said, "We have concerns about the treatment of older people in our community." They are the ones that came here. Now, isn't it a fair thing, then, to keep them in the loop? We heard them at the committee, we responded as best we could and I think it is a very good idea to keep them in the loop.

Mr Cornwell: But not the Assembly.

MR WOOD: Indeed, Mr Cornwell, the Assembly. The Assembly will get this in due course, as it should. But keep this group in the loop. The government will make its decisions and its recommendations based on the further comments from this most concerned group, and that seems very sensible to me. I have to say, Mr Cornwell, I think they would give us better advice than you would. So it is quite sensible—and they would give it to us politely also, I might say. Be polite.

I understand your body language here, Mr Stefaniak, but there were comments made that have to have a response, so bear that in mind. That said, that group will be kept in the loop. What Mr Stanhope brings back to this Assembly will be so much better for that.

MS TUCKER (3.49): I am just trying to find out what dingoing out meant, actually. Maybe Mr Cornwell can elaborate. I would give him leave to explain. I just haven't heard that expression before.

I am happy to rise on this motion of Ms Dundas' and support it. I am pleased to see that this motion is being linked to the motion that was supported in the Assembly recently to ensure that, if the government of the day responds to any particular report, or to recommendations of a particular report, there is a requirement for agencies to report in annual reports on how government has progressed those particular agreed recommendations.

This is the first time, I think—I think we did see already the government agree to do that for the report of my committee in the last Assembly on children at risk of not completing education. But this is another example of where an Assembly report of the last Assembly has now been brought up for debate in this Assembly, and a formal request by the Assembly to this government, the new government, to respond.

I heard Mr Cornwell's comments about the responsibilities of governments to respond, but I do not believe it is actually necessarily a responsibility, strictly speaking, according to standing orders because it is a report of the last Assembly.

Mr Cornwell may have been arguing that there is a moral responsibility or ethical responsibility—he's nodding—to say so, so I take that point, because it was a significant report, but the government would not formally be required to respond because it was of the last Assembly.

He agrees; okay, so we agree—a moral obligation, fine. I am happy to agree with that—in fact, totally agree with that—because a substantial amount of work goes into these sorts of inquiries and reports and it is something that needs to be followed through, although I would make the point that, while this report in fact was tabled quite close to the last election, it was actually the result of a lot of work done by the community in May 2000.

A coalition of groups was set up which included the Domestic Violence Crisis Service, the ACT Disability, Aged and Carer Advocacy Service, the Council on the Ageing, the Older Women's Network and the Belconnen Community Service, and this coalition also worked with the Institute of Criminology. They actually delivered a paper to us, to everybody here, in March 2000—it was called "Re elder abuse issues ACT—3-year forward plan".

The recommendations that came out of that coalition are pretty well reflected in this report, so I just want to make the point that these issues were raised for members of the Assembly and the last government in May 2000, and the Assembly—from memory, Mr Rugendyke actually moved the motion—that there be a committee inquiry into it.

The recommendations were pretty well there in May, and I think that needs to be said, particularly on the critical issues—there is no refuge accommodation, crisis accommodation for older people, and respite care was a really big issue, and we had also had the respite care inquiry, also chaired by Bill Wood around that time or even before.

So I do not think it is quite fair to say that the last government did not have time to notice that these were problems, because it came up in May 2000—

Mr Cornwell: August.

MS TUCKER: Mr Cornwell interjects "August" but I said—

Mr Cornwell: August 2001 the report came down.

MS TUCKER: Mr Cornwell is saying that the report came out in August 2001. What I am saying is that in March 2000 exactly these same points were raised by the community—the coalition of organisations, the names of which I just listed—pointing out the problems related to all the areas that were reflected in the report. So we were told in March, by people who know, that there is a problem; that is all I am saying.

But the government—the last government—did not respond to that for whatever reason, and all I am saying is that it could have, and that it was very clear from stakeholders that issues such as there being no crisis accommodation for older people and the lack of respite care were serious. We probably did not need to have the inquiry to come out with a recommendation saying all that, but it is fine that we had one and it did reflect almost exactly what this May 2000 report said, which was that there were main areas that needed to be dealt with.

The first four recommendations of the report basically dealt with structures of governance and how you get reporting and inter-agency cooperation. Recommendation 6 was particularly about the refuge crisis accommodation problem.

The recommendation for police checks for all workers could have been implemented. That came up in the first report too. The issue of financial abuse came up very strongly in the May 2000 report as well. Respite care was recommendation 10. It was also there in the report. Training is also an important issue that has come up in both reports, and also the question of public awareness.

I think it is interesting to realise how we have changed the support that is available for older people. I was interested to see at the time and, just reading it again now, I think it is worth mentioning. In 1993, 94 per cent of people 60 years and over lived in private dwellings, with their spouses, on their own or with other relatives or friends—that was from the ABS in 1996. In contrast to this, only 5 per cent of older people lived in health establishments, nursing homes, hospitals, hostels or retirement villages with a supported bedding facility on site. That is ABS 1996, too.

And government policy over the past decade has favoured the expansion of support for older people at home, rather than in residential care settings. As a result, more and more older people, approximately 70 per cent with moderate or profoundly severe disabilities, as defined by the ABS, now live in the community rather than in residential care. That is also from the 1996 ABS report. And the proportion of older people living in the community decreases with age, but not significantly, with almost 84 per cent of men and nearly 75 per cent of women who are over 80 years of age still living in the community. I think that is a good thing. Probably most of us would think that.

But obviously it opens up potential vulnerabilities—not that there aren't vulnerabilities in institutions; of course there are. We have seen some horrendous abuse in institutions, but I guess there is a potential for more accountability in institutions because they are a situation where people are together and there are staff et cetera, whereas people in their homes are a lot less visible. That change, in terms of more and more people living on their own, makes this kind of work really important.

It is indeed a very important report, as everyone else has said, and no-one seems to be disagreeing with that. I look forward to seeing the government's response. I understand that it is already doing the work to come up with a response, and after that response we can look forward to seeing annual reports on its progress in annual reports of the various agencies that have responsibility.

An important part of the report's recommendations was about an integrated approach to this issue. I am not quite sure how that will be dealt with, with the reporting requirements that are now in place, when the government has responded. I suppose it could be the responsibility of the Chief Minister's Department to report on how well the agencies are working together, because that is a really important aspect of the recommendations of this report, and in fact quite a number of other reports on social issues where the inter-relationship between sectors is really seen to be important and obviously is. So we will need to see how that is responded to.

In terms of the critical issues which, as I said, have been coming up pretty clearly since that first report in May 2000, they are crisis accommodation and respite care. Obviously that is something that the government could take into account for this budget now, because it is not a new issue.

MS DUNDAS (3.59), in reply: I thank members for their support of this motion. I'm a bit disappointed that the debate seems to have been side-tracked because I believe that elder abuse is a very serious and very concerning issue. We must all—all members of this Assembly, all members of this community—take a responsibility for combating it. Like the rest of the Assembly, I look forward to seeing the government's response to report No 11 of the last Assembly's Standing Committee on Health and Community Care in our spring sittings. Hopefully, we can then move on from there to stamp out the scourge of elder abuse in our community.

Question resolved in the affirmative.

Unparliamentary language

MR SPEAKER: Members, during debate Mr Wood drew to my attention a word that was used by Mr Cornwell in relation to the departure of Mr Stanhope from the chamber. Now, I do not want to get into the practice of ruling out of order every word that might rub someone up the wrong way. At the same time, I think the dignity of this place needs to be preserved and that words that might be considered offensive ought not to be used. For many in the community, being described as a dingo, in the ordinary course of events—even though it is a proud animal—raises the connotation that one is a cowardly person and many people would find that to be quite offensive.

So in this case, Mr Cornwell, I would just ask you to consider your position in relation to the matter. As I said, I think it is an offensive word, but I just ask you to consider your position in relation to the matter and consider withdrawing it.

Mr Cornwell: Mr Speaker, I did not use the term once. I used it twice. I am happy to unreservedly withdraw, if that is the view of yourself and indeed the Assembly. I accept that we do have to have standards here, and I certainly unreservedly withdraw.

MR SPEAKER: Thank you, Mr Cornwell.

Blue Gum School

MR STEFANIAK: Mr Speaker, pursuant to standing order 127 and at the request of Mr Steve Pratt, I fix the next day of sitting for moving this motion.

Commercial radio services

MR HARGREAVES (4.01): I move:

> That this Assembly:
>
> (1) notes that there are only four commercial radio services operating in Canberra;
>
> (2) expresses concern at the concentration of ownership and the lack of diversity in the commercial radio market in Canberra;
>
> (3) is disappointed that Canberra was the only major regional market not to be allocated a new commercial radio licence in the recent ABA licence allocations;
>
> (4) notes that at least one party has expressed interest in providing an additional commercial radio service to Canberra; and
>
> (5) supports the provision of at least one additional commercial radio licence for Canberra.

Mr Speaker, there are currently only four commercial radio services operating in Canberra: two on the AM band (1053 2CA and 1206 2CC) and two on the FM band (MIX 106.3 and FM 104.7). With thanks to former 2CC DJ Wayne Mac for his historical notes, I would like to spend a moment looking at the history of commercial radio in Canberra and how we have arrived at this oligopoly.

2CA had the Canberra commercial radio market to itself until late 1975, when 2CC appeared. It was initially part of Macquarie Radio Network. During the 1960s and early 1970s 2CA was like most stations that were a sole commercial operation, with a mix of all styles of music, from light classical to country and western, sport and you name it.

Famous people who worked at 2CA over the years include James Dibble, Brian Bury, Steve Leibmann, Holger Brockman, John Stanley, now heard on 2CC in the afternoon slot, Brian Wilshire, Peter Bosley, John Blackman—this is not elder abuse—and Richard Perno, who is doing an excellent job on the 2CC breakfast show these days.

Things changed dramatically when 2CC entered the market in late 1975. 2CC was one of only a handful of new stations that made it to air in Australia during the 1970s. In 1976 2CC ended its first full McNair Anderson survey with an approximate 50 per cent share of the overall audience. US *Billboard* magazine named it station of the year. 2CC was a leader in concerts, stories and stunts. The huge community service profile enjoyed by the station was largely thanks to a full-time community service director. The longest serving person in this position was Ros Loftus.

For many young DJs working in country stations, particularly in New South Wales, 2CC was a station to aspire to. Its reputation as a feeder station for bigger markets became well known. Even city jocks with previous form passed through on their way to somewhere else.

In the second half of the 1980s, 2CC actively promoted the new technology of AM stereo but then dropped it like a hot potato when asked by the Australian Broadcasting Authority to apply for a supplementary FM licence. After lengthy ABA hearings during 1986-87, the two existing commercial operators, 2CC and 2CA, were simultaneously awarded supplementary FM licences. On 27 February 1988 they became the first stations of their kind to go to air in Australia.

Since that time "two stations by one owner in the same city" has become the rule rather than the exception in the Australian radio scene.

2CC's supplementary FM station was called KIX 106FM. It went to air at 8.00 am on 27 February 1988, at the same time as 2CA's supplementary station, FM 104. The entry of the FM stations dramatically changed the market again, with younger listeners flocking to the new stations. 2CC's owners, the Australian Radio Network (ARN), responded by rebadging the station Classic Hits 2CC. In doing so, it gave the new FMs decent competition for a few years. For example, while the FMs and the ABC station 2CN achieved reasonable results in most shifts, neither could dislodge 2CC's Breakfast Club from the top position until the early 1990s.

During 1993-94 ARN put their resources into relaunching their struggling FM station—to be then known as Canberra FM, now MIX 106—while it waited for a buyer to take over the 2CC AM licence. 2CC was sold in early 1995 to the Capital Radio Group. Two years later they bought 2CA from Austereo. They became the sole owners of commercial AM radio in Canberra. In the late 1990s a joint venture between Austereo and the Australian Radio Network (Canberra FM Radio) assumed ownership of both FM stations, thereby reducing the commercial radio market in Canberra to only two players.

Mr Speaker, against that background, I would like to look at how commercial broadcasting licences are allocated in Australia. The Broadcasting Services Act 1992 requires the Australian Broadcasting Authority to develop a price-based system to allocate licences for commercial radio and TV broadcasting services. The price-based allocation system developed by the ABA is governed by the Commercial Broadcasting Licence Allocation Determination.

Applications for licences for new commercial broadcasting services will be invited only after the ABA has decided to make a new service available in a licence area plan. An applicant for a commercial broadcasting licence must be a company formed in Australia or in an external territory which has share capital.

The ABA performs its planning functions under part 3 of the Broadcasting Services Act. In particular, they are guided by section 23 of the act, which states in part:

> In performing functions under this Part, the ABA is to promote the objects of this Act including the economic and efficient use of the radiofrequency spectrum, and is to have regard to:
>
> (a) demographics; and
>
> (b) social and economic characteristics within the licence area, within neighbouring licence areas and within Australia generally; and
>
> (c) the number of existing broadcasting services and the demand for new broadcasting services within the licence area, within neighbouring licence areas and within Australia generally; and
>
> (d) developments in technology …

The ABA is also guided by the objects section of the act. The objects include:

> (a) to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information; and
>
> …
>
> (b) to provide a regulatory environment that will facilitate the development of a broadcasting industry in Australia that is efficient, competitive and responsive to audience needs; and
>
> …
>
> (c) to encourage diversity in control of the more influential broadcasting services; and
>
> (d) to ensure that Australians have effective control of the more influential broadcasting services; and
>
> (e) to promote the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity; and
>
> (f) to promote the provision of high quality and innovative programming by providers of broadcasting services; and
>
> …
>
> (g) to encourage providers of commercial and community broadcasting services to be responsive to the need for a fair and accurate coverage of matters of public interest and for an appropriate coverage of matters of local significance …

In October 1998 the Australian Broadcasting Authority released a draft licence area plan for the Canberra market and proposed up to eight new radio services. The chairman of the ABA, Professor David Flint, said at the time:

> The ABA is under a duty to identify vacant radio channels and decide the number and type of new licences to be made available. Then it's for business and the community to take up these opportunities.

A number of players expressed interest in providing new commercial or open narrowcasting radio services in Canberra and Queanbeyan. These included Capital Media ACT Pty Ltd and 2KY Racing Radio, which expressed interest in providing open narrowcasting radio services in Canberra, Queanbeyan and Yass or a commercial radio service in Canberra. RG Capital Radio also expressed interest in providing an additional commercial radio service to Canberra. The ABA also noted at the time:

> If the ABA decides to make a new commercial radio licence available, other interested parties may emerge at the licence allocation stage.

Submissions to the ABA inquiry from the existing licence holders suggested that commercial broadcasters, from a point of view of both competition and range of services, adequately serviced the Canberra market. The ABA claimed to have found little support for further commercial services from advertisers or audiences. This, coupled with unusually strong levels of demand for community services, led the ABA to decide that no additional commercial radio services be made available in the Canberra market in 1999.

This seems to me to have been a short-sighted decision, especially given the ABA's decision to grant an additional licence to the seemingly adequately serviced market in Gosford on the New South Wales central coast. This inconsistency in the ABA planning process in respect of commercial licences is a real concern.

Let us look at the two markets: Canberra and Gosford. Firstly, in Canberra the licence area had, at the 1996 census, a population of 306,830 people. It is worth noting that recent figures put Canberra's population closer to 325,000. The median age in the Canberra licence area was 29 years in 1996, and the licence area has a high percentage (37.8 per cent) of persons aged 18 to 39 years, which is the age group traditionally of most interest to advertisers. The median household income within the licence area was $44,103, more than 50 per cent above the national median and 75 per cent above the regional New South Wales median.

By comparison, the Gosford licence area has a population of 260,839. The median age in the Gosford licence area is 36 and the percentage of persons 18 to 39 years is 28.7 per cent. The median household income within the licence area is $30,680, just 5 per cent above the national median.

From this comparison, it is clear that the Canberra licence area has a population 17.6 per cent higher than the Gosford licence area, a dramatically larger attractive advertising market, a dramatically higher median household income and a much lower rate of unemployment. It is worth noting also that both areas had a comparable population growth rate.

An economic analysis of this comparison indicates that the Canberra licence area is a licence area which, despite submissions opposing a new commercial licence in respect of the Canberra licence area plan, is much more capable of supporting an additional commercial FM service than the Gosford licence area. However, the ABA decided not to plan for an additional commercial FM licence in Canberra, yet issued an additional licence in the Gosford licence area.

Furthermore, the decision not to issue any new FM commercial licences in Canberra is not consistent with decisions over the past two years to issue two new FM commercial licences in each of Townsville, Cairns, Mackay and Rockhampton/Gladstone. In fact, Canberra and Newcastle are the only two major regional markets not to be granted new commercial licences.

Mr Speaker, I find it hard to believe that the Canberra market could not support an additional FM commercial licence. We have a strong economy, high household incomes and decent levels of population growth. The existing operators in the Canberra FM market—Austereo Pty Ltd (Austereo) and Australian Radio Network Pty Ltd (ARN)—are in a sound position to withstand competition, given their extraordinary financial performance over many years.

Austereo and ARN now dominate the local radio scene. The two companies earn around 30 per cent of the total profits generated by all of the commercial licences in Australia. They enjoy financial success that I understand is unprecedented in the commercial radio industry. I can see no reason to continue to protect them against competition. They are better able to withstand new competition now than any other sector of the commercial radio industry at any other time in its history.

According to its own website, Austereo is the largest radio broadcaster in Australia. In fact, they claim to be the largest radio broadcaster in the world outside America. The company operates radio stations in all mainland Australian capital cities and the major regional city of Newcastle. FM commercial stations in all capital cities have had exceptionally strong growth with revenues and profits for many years. For example, over the past five years, revenues have grown by 26.5 per cent and profits have grown by a fantastic 106.5 per cent. There are not many other mature industries in the Australian economy that have grown so fast.

Chairman of the ABA, Professor David Flint, at the recent auction of the new Gosford licence, said:

> The ABA is very pleased with the result of today's auction It indicates how commercially valuable the FM band is. The level of bidding demonstrates a real depth of interest in the market and shows that the radio frequency spectrum is a public asset of great worth. When this new service goes to air, it will add to the diversity of radio services for listeners in the Gosford market.

There is no indication of a slowdown or turnaround in this remarkable profitability; in fact, quite the contrary. The total amount of advertising revenue has more than quadrupled over the past 20 years. In these circumstances, the revenues and profits of the

FM commercial radio stations in Canberra have continued to grow without any new competition to fight for those revenues and profits.

The inevitable conclusion is that the existing players resist the issuing of new licences, only because they wish to protect their profits. It is my view that these profits are artificially increased by the regulatory regime and were not intended by the legislature to be maintained for so long. Those who oppose additional licences being issued disregard the objects of diversity, efficiency, competitiveness and plurality when they contend that the market cannot withstand new FM commercial licences. *(Extension of time granted.)*

The monopolistic market that now exists for FM commercial stations in Canberra is dangerous. It is dangerous because there is no diversity in control of the more influential broadcasting services in this town. It strangles diversity of programming. It strangles competitive pressures that would otherwise lead to better services. News and current affairs, editorial comment and the general outlook will be more controlled and less diverse if ownership is concentrated. Those things cannot happen if concentration is diluted.

In conclusion, Canberra needs a new commercial FM radio licence for four reasons. The first is demand. Canberra has not had a new commercial radio station in nearly 15 years. Our economy, population and advertising market have increased significantly in that time.

The second reason is competition. There has been a significant loss of competition in the market since the Austereo/Australia Radio Network joint venture to buy out the two FM stations and the Capital Radio Group's purchase of 2CA and 2CC. This means that there are only two players in the Canberra commercial radio market.

The third reason is diversity, which is relevant in both programming and news. With the loss of the two local TV news services and with a monopolistic daily newspaper and the merger of the newsrooms at 2CA/2CC and FM 104.7/MIX 106.3, the Canberra market is now badly underserviced.

The fourth reason is reduced business costs. More competition in the market will lead to lower advertising rates for local businesses.

Mr Speaker, I call on the ABA to issue a further commercial radio licence immediately to the licence area covering the ACT, and I seek support for the motion.

MR HUMPHRIES (Leader of the Opposition) (4.19): Mr Speaker, the opposition does not disagree with the thrust of what Mr Hargreaves has put before the Assembly this afternoon. It agrees that the widest possible diversity in the Canberra marketplace is a desirable objective. It agrees that the ACT has probably missed out on something of value by not having a further commercial radio licence issued to it in the recent allocations by the Australian Broadcasting Authority. It agrees that there are elements of the community that would benefit from additional access to radio. It agrees that the ABA should be prompted to consider whether the ACT's position should be compensated for and the last ABA decision should be compensated for by allowance or provision for an additional licence in the next round of licence allocations.

I do not pretend that we would be alone in Australia in lamenting the range of broadcasting options available to us. There would be any number of communities all over Australia seeking more access. I know, for example, that a large number of amateur or community-based broadcasting entities, ranging from school communities with broadcasting facilities through to specialist organisations such as our own ArtSound FM in Canberra, have been pursuing for some time the capacity to reach wider audiences. Undoubtedly, such organisations would relish the chance to obtain such a licence. It may be that there is a stronger case for a community licence to receive one of the spots on the FM band than there is for a commercial licence.

As we look around this chamber and in the gallery, we can see that this is not exactly an issue of burning importance to a large number of people.

Mr Quinlan: I am riveted, Gary.

MR HUMPHRIES: I am so pleased to hear that, Mr Quinlan. I see a more important issue the community needs to take up with the Australian Broadcasting Authority, and in some ways has in recent days, and that is not so much who can broadcast but local content in broadcasting.

I do not know that the ACT community would be enormously enriched if, by the granting of an additional licence, we obtained simply another one of Sydney's commercial stations being reticulated to the ACT. Perhaps it will give us a chance to hear Alan Jones, John Laws or some of the tin-pot equivalents.

Mr Quinlan: I think we have them now.

MR HUMPHRIES: I think we have them now, yes. We could get the second order Alan Jones or John Laws broadcast into the ACT, which sends a bit of a shiver up my spine.

A more important issue is the extent of local content not of radio broadcasting but of television broadcasting, in particular television news services. If the ABA were sitting in the gallery here today—and there is plenty of room for them if they turn up at the moment—I would say to them that the one thing this community wants above anything else is a requirement from television broadcasters in this community that they provide television news produced locally. That would be the biggest blow that might be struck for diversity, particularly diversity of opinion and diversity of viewpoint in this community.

To the extent the motion raises an issue of reasonable substance it has agreement from this side of the chamber.

MS TUCKER (4.23): I support Mr Humphries. I agree there is no point in going on about diverse media ownership if the product is homogenous and the real measure of diversity lies in content. There is always a concern that with concentrated media ownership views unpalatable to the owners will not get a run. More insidious is the tendency of players to direct content at the same mainstream. Such competition for the middle ground militates against variety in the product.

Allocating another commercial licence is not necessarily an answer to diversity. There is no reason to assume that a new player in the commercial radio market would deliver a diverse or locally relevant product. As Mr Humphries said, the history of commercial television in the ACT is a salutary one.

When the commercial TV market amalgamated some years ago, the amalgamation was promoted to the Canberra population as a guarantee of access to the best TV for everyone, more choice, more local news and entertainment. Now every local channel is locked into a national network that determines all its scheduling, dooms Canberra people to not necessarily relevant programs in prime time and prevents programs we might like at a watchful hour. The only Canberra ingredients on Prime and Capital are local advertisements, with the occasional weather report. Prime, I understand, was even unable to secure a delayed telecast of the Brumbies Super 12 rugby final. So much for their contribution to community.

It is clear that, as business is interested in profit and share value before all else, networks cannot afford an overriding commitment to diversity, quality or local relevance, whatever they might say when they enter the market. The Greens would be interested in licences and increased resources for community-based or not-for-profit broadcasters.

Canberra needs vigorous local news and reporting, incorporating increased scrutiny of local issues and government in general. It needs broadcast opportunities for local musicians and other artists. It needs opportunities for Canberra residents to create and present TV, radio and web products.

If a new commercial radio station was attached to a production house that was accessible and affordable, if that commercial station itself was governed by principles of engagement with the local community and accountability to it, and if that station was offering to supply a program mix that was undeniably different to the product already available through the national and commercial broadcasters already free to air in the ACT, then the case for a new station would be much stronger.

The Greens are committed to diversity in ownership in Australian media, but we are also very supportive of regulation and licensing regimes which encourage creativity, diversity and participation in the broadcasting industry.

MR HARGREAVES (4.26), in reply: Mr Speaker, I thank the Leader of the Opposition and Ms Tucker for their support. I take the point that another licence would not guarantee diversity. Without that licence, there definitely will not be diversity. There has to be a movement in the direction of diversity. We have seen the direction TV has taken. I agree that we have to look upon the suppliers of media services with some suspicion. The last thing in the world we want is another network radio station. The two networks already running do not achieve anything.

I underscore the points Mr Humphries made, because I think they are very valid. We all recognise the role community broadcasters play in a specialised marketplace. A lot of them are strapped for cash most of the time. 2SSS, the racing station, is strapped for cash. XXX FM is always strapped for cash. These broadcasters have licences but they depend largely on volunteer labour, and they are always short of cash to keep themselves

going. Their problem is slightly different from the one my motion raises but is one we need to look at. I would not like the Assembly to feel that I am putting community broadcasters in a second-class category or denigrating them in any way, shape or form. I recognise and value their contribution. I was concentrating merely on commercial radio. Were I able to do a similar thing with television, I would. It is within the immediate power of the ABA to do something about a commercial radio licence; hence my motion. I thank members for their support.

Question resolved in the affirmative.

Water conservation and reuse strategy.

MS TUCKER (4.29): I move:

> That this Assembly, noting that 5 June is World Environment Day and that one of the most pressing issues in the Murray Darling Basin region is land degradation caused by mismanagement of our water resources:
> (1) agrees that:
> (a) the building of further water supply dams in the ACT should be avoided;
> (b) the water leaving the ACT via the Murrumbidgee River should be of no less quality than the water flowing into the ACT;
> (c) adequate flows should be maintained in the ACT's waterways to maintain their environmental values; and
> (2) calls on the Government to:
> (a) develop an ACT water conservation and reuse strategy to ensure that the water needs of any increase in population can be met, as far as possible, within existing capacities;
> (b) investigate options for returning the ACT's water supply and sewerage services to full government control so that these services can be managed for the public benefit and not commercial return;
> (c) report to the Assembly on the implementation of this motion by the last sitting day of 2002.

Mr Speaker, I seek leave to move the amendment circulated in name.

Leave granted.

MS TUCKER: I move:

> Omit paragraph 2(b) and substitute:
> "(b) investigate returning the operation of the ACT's water supply and sewerage serviced from ActewAGL to ACTEW, so that these services can be managed for the public benefit and not commercial."

I have moved the amendment to clarify the motion. After talking to people about the motion it seemed that some of my meanings were perhaps not as clear as they should be, so hopefully the amendment will assist members.

I have put forward this motion today to mark the 30th anniversary of World Environment Day. This day was established by the United Nations General Assembly in 1972 to mark the opening of the Stockholm Conference on the Human Environment. This conference

is very significant because it marked the first time that governments of the world came together to formally discuss the state of the global environment.

The United Nations Secretary-General in his World Environment Day message said that the theme of this year's World Environment Day, give earth a chance, is meant to convey a message of urgency about the state of the earth and the broader quest for sustainable development. He said that despite the advances made by some countries, the latest readings reveal a planet still in need of intensive care. Poverty, pollution and population growth, rural poverty and rapid urbanisation, wasteful consumption habits and growing demands for water, land and energy continue to place intense pressures on the planet's life support systems, threatening our ability to achieve sustainable development.

The environment of the ACT is quite good relative to many other parts of the planet. But we still have many local challenges and we still have a moral responsibility to play our part in the regional, national and global challenges faced by the human society in achieving ecological sustainability. This motion highlights the issue of water, which is a local, regional and global issue. Water is one of the essential elements of life—none of us would live for very long if we did not drink clean, fresh water. Yet modern societies have squandered this precious resource.

The United Nations environment program has stated that water pollution, poor sanitation and water shortages kill over 12 million people on the earth every year. Millions are in bad health and trapped in poverty—much of their energy and time is wasted in the quest for clean water. The poor of the world are affected most by the crisis. They rely on as little as 10 litres per capita per day to survive while the rich use as much as 250 litres.

Within Australia the most significant water system is the Murray-Darling Basin, which covers 14 per cent of the country's total area. The basin extends over three-quarters of New South Wales, more than half of Victoria, significant portions of Queensland and South Australia and includes the whole of the Australian Capital Territory. Not only is this basin environmentally significant, it is also economically significant. The basin is Australia's most important agricultural region, accounting for over 40 per cent of the nation's gross value of agricultural production. The total area of crops and pastures irrigated in the basin is over 70 per cent of the total area of irrigated crops and pastures in Australia. Of Australia's total estimated water use, 60 per cent occurred within the basin. The Murray-Darling is now a highly regulated river system with numerous dams, reservoirs, weirs, locks and barrages on all the major and many of the minor rivers.

Unfortunately, there is evidence to indicate that problems with land degradation emerged in parts of the basin within no more than 20 to 30 years of the arrival of the first white settlers. The existing system of water allocations has been shown to be not effective in controlling water use, as the system evolved at a time when water managers had the task of encouraging agricultural development that would make use of the water that was available and not restrain consumption. Audits of water resources in the basin have found that continued growth in diversions is not sustainable and growth of water consumption would have disastrous consequences for the Murray-Darling River system and the basin as a whole.

The Murray-Darling Basin Commission lists a number of major land degradation problems in the Murray-Darling Basin because of human activity. They are: wind and water erosion; dryland and irrigation induced salinity; soil surface scalding; waterlogging; soil acidity, structure decline and fertility decline; vegetation decline and degradation, such as weed infestation and lack of tree regeneration, and loss of flora and fauna and hence biodiversity.

Most forms of land degradation contribute to the impairment of the basin's water resources. Over much of the basin the natural quality of the water—that is, what it might have been like prior to European settlement—is not high. This is due to the biophysical nature of the basin. Not only is it a naturally saline environment, but turbidity levels are naturally high. Unfortunately this quality has been significantly degraded by human activity since settlement.

The commission notes that there is a general decline in water quality with distance downstream, though this is by no means a simple relationship. The sources of pollution are many. There are the diffuse sources, in particular run-off from agricultural land. Not only does such run-off contain all kinds of substances, it is very difficult to control.

Then there are the point sources, sometimes difficult to control but much more readily identifiable. They include drainage from irrigation schemes, stormwater run-off from urban areas, effluent from urban sewerage treatment works, and from industries and intensive agricultural operations such as feedlots. The ACT is fortunate in that it is high up in the catchment, so we don't cop huge amounts of pollution flowing into the territory. But, of course, we are contributing to problems downstream.

The Murray-Darling Basin by its nature is a natural salt trap. The clearing of native vegetation and its replacement with annual crops and pastures, irrigated agriculture, town gardens and lawns has brought this vast salt store to the land surface and increased its seepage to river systems. Because of its pervasiveness in the landscape, salinity is more than just a threat to water quality. It also impacts on environmental values for rivers and wetlands. It causes damage on the land—to built infrastructure, agricultural production and the environment.

The salinity audit of the basin undertaken by the commission found that the average salinity of the lower River Murray will exceed the threshold for desirable drinking water quality in the next 50 to 100 years. At the downstream end of several tributary river valleys, rising salinity will be even greater, threatening consumptive use of water resources and in-stream environmental values within 20 years.

These issues need to be addressed at a national level, and I am disappointed by the lack of commitment shown by the current Liberal government to addressing what is really almost a national emergency. There is far too much short-sightedness and narrow self-interest being demonstrated by the state and federal governments on the management of water within the Murray-Darling Basin. At least this Assembly can ensure that the territory plays a positive role within the basin by managing its water on a sustainable basis.

A couple of years ago we were offered a briefing in this place by scientists who had been employed to look at the question of salinity, and I went to that briefing with Mr Brendan Smyth. From memory, no other member went. I can tell members that it was the most frightening briefing I have had in my seven years here—it was absolutely shocking. I cannot stress enough how serious this situation is and I cannot say strongly enough how absolutely outrageously irresponsible the federal government has been in its response. Once again, state and territory governments are prepared to play politics with this.

The first part of my motion sets out three key principles and objectives which I think need to be adopted for the ACT's management of water to be sustainable into the future. We have to learn to live within our water constraints and not assume that we can just build more dams to meet growing demand. Water supply dams cause huge environmental impacts and are very expensive. There is also the need to ensure an adequate level of flow within our waterways so that they can maintain the resemblance of a natural ecosystem—we cannot just suck all the water out of a river without destroying the river itself.

As a principle, we should also try to ensure that the water leaving the ACT is at least the same quality and hopefully better than the quality of the water coming into the ACT. Canberra is the biggest inland city in Australia, and our sewerage and stormwater eventually ends up in the Murrumbidgee River and ultimately the Murray. We have to remember that our sewerage and the run-off from our streets and buildings becomes the drinking water of the towns downstream.

The ACT already has a network of water monitoring stations administered by Environment ACT that can be used to see whether this principle is being achieved. The water quality report for 2000-01 found that the median values for a number of water quality indicators, such as total phosphorous, total nitrogen, chlorophyll, faecal coliforms and conductivity, increase from where the Murrumbidgee enters the ACT to where it leaves, so there is scope to improve our efforts in this area.

The second part of my motion puts forward two specific actions that I think the government should take to enhance our management of water. Firstly, I want the development of an ACT water conservation and reuse strategy to ensure that the water needs of any increase in population can be met, as far as possible, within existing capacities.

My motion is not meant to be critical of the work that is already going on within the ACT to manage water. I acknowledge that Environment ACT is already doing a lot to monitor water quality and to regulate water use. Actew, before it became ActewAGL, did much work on future water supply strategies and implemented some water recycling schemes. My point here today is to call on the government to bring together this work into an overarching strategy that will inspire and lead the community.

What I am thinking of is a water equivalent of the No Waste by 2010 target or the ACT greenhouse target. The previous liberal government, to its credit, was prepared to set some visionary targets and objectives which provided a focus for community and government action and a benchmark by which to measure our efforts. This sense of an overall vision seems to be lacking in our management of water.

Under the Water Resources Act, the government is required to develop a water resources management plan and environmental flow guidelines, but these documents are more about determining what amount of water can be consumed while maintaining environmental flows, rather than how we can preserve the water supply in the ACT.

Secondly, I want the government to investigation options for returning the ACT's water supply and sewerage services to Actew so that these services can be managed totally for the public benefit and not pressured by a commercial environment which obviously ActewAGL has to work in. Actew did develop its own future water supply strategy some years ago, but with the corporatisation of Actew and then its change to ActewAGL the Assembly is about three steps removed from involvement in this work. The government itself seems confused about its role relative to ActewAGL, even though when in opposition it fiercely opposed Actew's privatisation and then half privatisation.

A major point that came up in the debate over privatisation of Actew in the last Assembly was that water and sewerage services are fundamentally different to electricity supply. Actew's electricity business was working within a national electricity market whereas it had a natural monopoly with water and sewerage. Electricity can be substituted with other energy sources and provided from other sources in many cases, but water has no substitute—it is an essential resource that has natural limits.

Mr Quinlan said yesterday in question time that it would be difficult to unscramble ActewAGL, but this does not apply to the water side of the business. While the electricity side of Actew was totally merged with AGL, the water and sewerage infrastructure was kept under the ownership of Actew and only its management contracted out to ActewAGL.

A review mechanism was also built into the water management contract to take into account the fact that AGL had never run a water business before. The first phase of the contract was meant to be more of an "alliance" between Actew and AGL to work out the costs and risks involved in managing the water and sewerage business. The second phase of the contract was to be negotiated by 30 September 2004 and this would set up an ongoing "arms-length" commercial contract between Actew and ActewAGL.

The government thus has a window of opportunity before the second phase contract is finalised to review whether the half privatisation of our water and sewerage services is really in the public interest. The Greens have always thought that water supply and sewerage should be under public control so that our limited water resources are managed totally in the public interest. Rather than treating water as a commodity to be sold to whoever wants to buy it, and treating waste water as something we need to get rid of as fast as possible, we need to think about the best ways of conserving this resource for the sake of the environment and future generations.

Let me remind members that Actew has a statutory requirement in the Territory Owned Corporations Act to follow the principles of ecologically sustainable development, but I am very concerned that this commitment seems to have been lost in Actew's transformation into ActewAGL. Based on its statements in the previous Assembly, I thought it was the ALP view that water services should be kept under public control. So

now that it is in government I am very interested to hear about its plans for water supply and sewerage in the ACT.

MR WOOD (Minister for Urban Services and Minister for the Arts) (4.44): Mr Speaker, members will note that I have circulated amendments, and I will come to them in due course. The ACT has a long history of innovative and effective water resource management and water has always been recognised as a most valued resource. So it is very important to make the point that sustainable water management is a matter for this Assembly.

Recently I attended an historic meeting of the Murray-Darling Ministerial Council in Corowa on the River Murray to celebrate the 100th anniversary of the first interstate discussions on cooperative management of the river. I was pleased to represent the ACT at the meeting, which made significant decisions about cooperative management of the Murray-Darling Basin. The council decided:

- to spend $157 million to make better use of River Murray water available for the environment;

- to engage the community in deciding how to provide environmental flows for the river;

- to fund a comprehensive analysis of the economic, social and environmental impacts of providing environmental flows; and

- set a deadline of October 2003 to decide on an environmental flow regime for the River Murray.

It is significant that for the first time in 100 years there was an acknowledgment and a decision taken that would lead to extraction from the river and its tributaries being lowered. All previous decisions indicated an increase in extractions. This decision, which acknowledged that there needs to be a decline, comes from the sorts of briefings that Ms Tucker referred to at which problems about salinity were expressed. Perhaps it is too little and it might be too late, but it is being recognised by ministers across the basin that action has to be taken.

Here in the ACT we have a range of measures aimed at encouraging efficient use of water and reducing impacts on water supply catchments. These measures include:

- a two-part pricing regime for urban water through which consumers pay according to use;

- a water abstraction charge on all water use is included in water charges. This charge is designed to encourage wise use of resources and takes account of catchment management costs, the scarcity value of water and the environmental costs of water supply and use;

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- re-use of treated affluent, such as at Southwell Park, Duntroon, Woodhaven golf course and vineyards at Holt;

- use of stormwater to maintain the parks around the urban lakes;

- rebate schemes for rainwater tanks and water efficient shower roses; and

- the provision from time to time of various information on water saving measures.

In just under a decade, these measures have resulted in a 20 per cent decrease in water use. That is a step in the right direction and there is still a long way to go.

The motion we have before us seeks to ensure protection of water quality in the Murrumbidgee River. That quality is a key performance indicator of how well we are managing urban impacts on downstream, ecological and use values. Mr Quinlan tells me of a gentleman in Actew who will drink the water coming out of the lower Molonglo water treatment centre. I have heard such claims in the past but I have not seen anyone actually do it. Mr Quinlan might give more details of that. But I have heard a boast that the water going out of the lower Molonglo is better than the water coming through to—

Mr Smyth: I've drunk it. I went to lower Molonglo and I have drunk the water.

MR WOOD: Well, congratulations. I was offered such an opportunity but I have not done it. But certainly Actew is proud, and has been over a long period, of its water treatment process.

We are working in partnership with New South Wales on an integrated catchment approach to the river as part of the ACT's participation in the national action plan on salinity and water quality. We also have in place an integrated strategy to protect the river, which includes: advanced tertiary treatment of most of Canberra's sewage; controls on pollution discharges, including sediment transport from land development and building sites; and a comprehensive approach to stormwater management through which stormwater flows are managed in a system of vegetative floodways incorporated as urban open space, gross pollutant traps, wetlands, ponds and lakes. The results of these measures is water quality and flows in downstream waters which generally approximates to that which existed prior to urban development. That is a pretty strong claim.

The ACT has in place environmental flow guidelines for all waterways under the control of the territory. The water allocation and licensing arrangements ensure the required flows are achieved. Notably, the guideline requirements are reflected in Actew's licence to take water issued by the Environment Protection Authority. These guidelines take a conservative view to ensure appropriate protection. In addition, through Environment ACT, the government is sponsoring a major study based on the Cotter River by the CRC for Freshwater Ecology, which will help ensure that the environmental flows and the way they are delivered are appropriate.

While the ACT claims to have a relatively good record, the government recognises there is much more to be done to improve our performance if we are to be truly sustainable. Some of the challenges include:

- responding to community concerns to improve the recreational amenity of our lakes and to reintroduce ecological values into local neighbourhoods and urban waterways;

- water supply, wastewater and stormwater infrastructure is expensive to provide and maintain and we must find more efficient ways of managing water so as to reduce these costs;

- as population growth continues, it is beholden upon us to make better use of available resources so that we can avoid the need to build another dam, with the consequent environmental and cost impacts;

- while we have made significant gains in reducing the demand on potable water supplies, there is still an urgent need to greatly reduce per capita use of potable water.

The need to further improve water resource management was the underlying theme of a presentation given by Environment ACT on 23 May to a Senate committee inquiry into Australia's urban water management. So convinced was the committee looking at that that they wanted the ACT to make a special presentation. I will provide the information on that for members.

An important point made in the presentation is the need to move from treating stormwater and wastewater as waste products to be removed from the urban area as quickly as possible, to approaching stormwater and wastewater as resources that can supplement potable water supplies, enhance urban forms and landscape, support the reintroduction of ecological values into the urban area and reduce infrastructure costs. Through the planning and development process, we are already introducing such water sensitive urban design approaches. However, the government sees the need for the development of a holistic, catchment-based approach to all aspects of water management in the territory. The government plans to approach this through a review of the water resources management plan, which is a disallowable instrument under the Water Resources Act 1998.

I believe that what Ms Tucker is calling for in part (2) (a) of her motion is under way, but we would be pleased to take into consideration all the views that she has presented and report on that process.

While these aspects will remain necessary, the revised plan will include a more strategic element to address emerging issues, for instance:

- competing demands for limited resources, such as water for consumptive purposes versus the need to ensure environmental flows;

- conflicting uses of water resources—for example, urban lakes are part of the urban stormwater treatment process and also a recreation resource;

- impacts on designated environmental values of rivers or lakes by pollution or altered flow regimes;

- the growing community interest in water and land management and the need for partnership for effective action;

- national and regional responsibilities, including responsibilities as a participant in the Murray-Darling Basin initiative; and

- growing interest in urban water sustainability and emerging opportunity to implement water sensitive urban design.

Planning by Environment ACT for the revision of the water resources management plan is already way. The preparation of the plan will include substantial stakeholder involvement and it will be subject to disallowance in this Assembly and therefore considerable debate.

In summary, I certainly agree, and the government agrees, that there are potentially significant environmental recreational and amenity benefits along with substantial infrastructure savings to be gained by avoiding the need for another dam. Really, we do not need another one —certainly not at the moment. We will seek for formalise this aim through the revised water resources management plan, but it will also involve significant change to the way in which we manage water resources and will require a strong commitment from the community generally.

One of my amendments seeks to place the words "as far as possible" at the beginning of part (1) (a) of Ms Tucker's motion. If my amendment is accepted, that part of the motion would read that the Assembly agrees that "as far as possible the building of further water supply dams in the ACT should be avoided". We would all agree with that. Those words mirror the words that Ms Tucker has used at part (2) (a), where she acknowledges that, as far as possible, we should manage our increasing population from within existing capacities.

The water resource management plan will also address water quality issues and, in particular, how to reduce further the impact of the urban area on downstream waters. The setting of environmental flows is already a statutory requirement in the ACT and studies currently under way will assist in improving the delivery of those flows. Fostering of water conservation and re-use will be integral to the revised water resources management plan.

I have indicated one aspect of my amendments and we give broad support to the sentiments in Ms Tucker's motion. I have a further amendment to delete paragraph (2) (b), which the government believes does not really reflect the circumstances that now apply. Mr Quinlan, who is an expert in this area, will provide the reasons for requiring or seeking that deletion.

Ms Tucker: My amendment changes that.

MR WOOD: Our amendment, I think, will still stand. Mr Quinlan will explain all. Certainly we support the broad sentiments expressed by Ms Tucker. We know the value of water, we know the value of the river and the catchment that we live within and we are anxious to do all we can to maintain that quality.

MR DEPUTY SPEAKER: Members, Ms Tucker has moved an amendment to her motion. She could equally have suggested that this amendment be a substitution to part (2) (b). If we agree to accept the substitution without argument, we can then address the amendments that Mr Wood is proposing to move and members can then discuss the motion in full. Is that agreeable?

MR WOOD: That is fine. So we accept that and then we knock it off.

MR DEPUTY SPEAKER: I must do this formally. May I suggest that Ms Tucker's amendment to omit paragraph (2) (b) and substitute new paragraph (2) (b) be agreed to.

Amendment agreed to.

MR DEPUTY SPEAKER: Mr Wood, would you like to formally move your amendments, and then all members can discuss the matter.

MR WOOD: Mr Deputy Speaker, I seek leave to move my two amendments together.

Leave granted.

MR WOOD: I move:

(1) After (1) (a) insert before "the" (first occurring) "as far as possible".

(2) Paragraph 2 (b), omit the paragraph.

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

MS DUNNE (5.01): Mr Deputy Speaker, the Murray-Darling Basin covers one-seventh of the continent of Australia over New South Wales, Victoria, South Australia, Queensland and the Australian Capital Territory. The basin supports one-quarter of the cattle herd, half the sheep flock, half the crop land and three-quarters of the irrigated land in Australia. Sixteen cities, including Canberra and Adelaide, as well as numerous other urban centres, rely on the basin for their water supply. Along with the Great Artesian Basin it represents life to the continent and all who live here. But I contend that these most precious resources and priceless assets entrusted to our care—truly the heartland and economic powerhouse of rural Australia—are in jeopardy because of our collective inaction.

The Murray-Darling Basin has been transformed by salinity and low flows from an oasis to a wasteland. Within our own lifetimes we are seeing how human activity can impact on highly productive but nevertheless fragile environments. At the moment we are at risk

of losing all this forever. We know how pressing these issues are but we lack the appropriate means to go on from that realisation. Because of this the opposition supports and welcomes the broad thrust of the motion put forward by Ms Tucker, and I will address the amendments later in the piece.

There is little doubt that our constitutional arrangements have failed in terms of water policy. As far as I am concerned, they have been a discernible impediment to developing a cohesive and holistic approach to water resources management. I think that realisation really dawned on us back in the early 1980s that an important part of the solution lay in significant policy and institutional changes that were part of the COAG water reform framework. This was no mean feat in that it brought about agreement across jurisdictions in February 1994.

In many ways these ventures have been a triumph of hope over experience. Just a couple of months ago we saw at the launch of the Australian *State of the Environment* R*eport* the grim news that "institutional arrangements are often a barrier to effective environment and heritage management". This was the view of the Australian *State of the Environment Report.*

Whilst we should not underestimate the work that is done by institutions like the Murray-Darling Basin Commission, I believe that it is hopelessly mired in interstate politics and rivalries that make effective decision-making impossible. The commission writes its own dire warnings but it does not seem to act upon them.

The principal impediment to decision-making in the initiative is the requirement for unanimity. Each member has a Jagellonian veto, which means that only a bias towards the status quo is acceptable. The practical effects of all these constitutional arrangements under the Murray-Darling Basin Commission and its forerunners have been a series of locks and weirs and the increasing engineering of the Murray-Darling Basin scheme. In 1939 there were 10 dams with the capacity of 100 gigalitres or more, but by 1994 that had increased to 90.

Environmental flows have only recently come to our notice as a measure of the health of our river systems and discussion of desirable levels makes for hot political debate. Even at the Corowa conference, which the minister has just referred to, I believe that the commission wimped out. Again, we are having more consultation and more conversation and it is time to grasp the issues.

In the ACT we should be proud of the fact that successive governments have elected to leave 90 per cent of environmental flows in the river. By contrast, it is estimated that less than 20 per cent of the water in the Murray-Darling system actually reaches the sea. It is estimated that we need to restore at least 40 per cent of the environmental flows before we can begin to make an impact on the health of our rivers, and that message is not being well received by thirsty farmers along the course of our mighty rivers.

There seems to me to be a mentality that some of us might just want to just keep farming and keep doing what we do until the salt breaks through and there is nothing left to farm. One renowned water engineer, Emeritus Professor Lance Endersbee, has gone so far as to say there has been "over a century of serious error" in regard to the management of the

Murray-Darling Basin and the artesian basin. He put it fairly bluntly when he said that there had been "an incredible and reckless waste of water over the past 120 years". There are countless examples of this sort of chilly doomsday analysis.

Recently, a Commonwealth Department of Agriculture, Fisheries and Forestry report gave this bleak assessment:

> Inefficient and inappropriate water use has created problems of national significance: rising water tables, increased salinity of groundwater and soil, decreased quality of surface water, increased incidence of algal bloom and degradation of coastal waters.

The Murray-Darling Basin Commission said:

> At the present rates at which groundwater levels are rising, most of the irrigation areas in the southern section of the Basin will have water tables within two metres of the surface by the year 2020. Where sub-soils contain large volumes of salt, salinated water begins to poison vegetation when the water tables rise within two metres of the surface. In many parts of the Basin this has already happened.

The commission's *Dryland Technical Report No 1 of 1997* observed matter-of-factly that within the Murray-Darling drainage division at least 2,000 square kilometres of land was grossly affected by dryland salination and it was expected that that would rise to 10,000 square kilometres by 2010. What that means is that roughly a thousand square kilometres of Australia is being lost to salination every year. As someone put it to me recently, if we were losing 1,000 square kilometres of our coast every year as a result of erosion or something like that, we would do something about it. But we are not prepared to do anything about this salination problem and we do not have the will to go on.

As the Victorian Auditor-General said last year:

> Once salinity severely pollutes the land and the waterways, its removal may become financially prohibitive leading to a major environmental problem for all future generations.

Mr Deputy Speaker, to date we have failed notably and abysmally to develop anything resembling a national water policy.

During the previous federal election, John Howard signalled that water policy would become a priority and other members of the government, including John Anderson, have embraced that. The idea was given significant momentum with the likes of the former premier Jeff Kennett weighing in and Dick Pratt's considerable contributions in the course of this year. But I fear that, despite a wealth of good intentions, the idea—and most assuredly this time has come—will continue to be mired in the politics of water; politics with big players, entrenched vested interests and an increasingly bemused public. Nothing is changing because many of the solutions are unthinkable.

Mr Deputy Speaker, when I spoke on this matter previously I drew attention to the appalling plight of the Mallee and other places as a result of salination. On a number of occasions I have spoken at some length about the inappropriateness of some of the crops

that we grow, in particular rice. Let me give a quick illustration. It takes 7,459 litres of water to grow a dollars worth of rice. Actew tells me that 7,459 litres of potable water would cost about $7.50. I know we do not use potable water on rice but $7 worth of water being needed to grow a dollars worth of rice is an interesting comparison. I would say to the members here, as I have said elsewhere, that this is an unsustainable, unwise and injudicious use of water.

Going from the broad policy to the local policy, I endorse the moves of the minister and of previous governments to develop an effective water resources management plan. We must endorse and maintain our environmental flows policy. We must endorse broad conservation issues, which is the general tenor the motion that Ms Tucker has put forward today. I endorse Ms Tucker's suggestion that we should be looking at targets for water conservation and I would be happy to engage in debate on that specific subject. Unfortunately, I feel that I cannot endorse the sentiments in even the amended part (2) (b) of her motion. The opposition will be supporting Mr Wood's amendments.

MS DUNDAS (5.10): Mr Deputy Speaker, I am glad to add my comments on water management on this World Environment Day. Over the last 10 years community awareness has increased about sustainability of water usage in Australia. Most Australians are now aware that our limited water resources and growing population mean that responsible water use is fundamental to our health, our economic success and to the ecological health of our rivers and estuaries.

I believe most people in the ACT are aware that the water that flows out of their gardens and into our lakes ends up as the drinking water for over a million Australians who live downstream. For this reason, I believe that most ACT residents would support stronger measures to improve the quality of the water in our streams and lakes.

The Australian Democrats have consistently called for immediate action to halt the continuing degradation of our river systems. We have called for bio-regional plans to be developed and implemented across Australia which identify and ensure a protection of conservation values. We have also argued for the protection of riparian habitats, adequate environmental flows, improvement of water quality in polluted waterways, and the maintenance of water quality where it is currently good.

In 1994, Actew developed the ACT future water supply strategy. The strategy recognised the strong desire of the ACT community to avoid constructing another dam by implementing better demand management. The strategy did set ambitious per capita reduction targets for water use—15 per cent by the year 2000, 25 per cent by 2010, and 35 per cent by 2020—and I am aware that the achievement of these targets is being taken seriously by ActewAGL.

Since this time, there have also been landmark agreements reached by the states with regards to the Murray-Darling Basin. It is clear that the ACT government has participated in intergovernmental initiatives to improve water conservation and to increase environmental flows. It is also apparent that Actew has been working on implementation of greywater re-use systems for irrigating parks and gardens. However, it is worth asking whether the ACT government could be doing more to reduce water demand, to improve

water quality in our rivers and lakes, and to establish environmental flow levels on the basis of sound scientific research.

There are a number of areas that I believe could benefit from re-examination. For example, the Water Act has not yet been amended to reflect current objectives of water management, which are no longer primarily focused on water licence allocation but instead are primarily focused on reducing demand and protecting water quality. In addition, perhaps it would be more appropriate to place a firm cap on total water usage rather than just on per capita usage, and it seems that more needs to be done to implement environmental flow objectives. The ACT Environment Commissioner recommended recently that the ACT government assess the adequacy of environmental flows to determine whether the flows are protecting aquatic ecosystems in downstream waters.

We also know that the water quality in our lakes and in the Molonglo River, Paddys River and in Ginninderra Creek have at times been quite poor. Perhaps the ACT government could be doing more to ensure that there is sufficient native vegetation along these waterways to filter rainfall runoff, and exploring other measures to ensure that when we do have good water quality in our lakes and rivers, we maintain it.

Mr Deputy Speaker, I will not be supporting Mr Wood's second amendment. It is obvious that it would be constructive to engage the public directly in the process, to set targets for improved water management, rather than leaving decisions and action to ActewAGL and officers of Environment ACT alone. While I commend the work that ActewAGL has done to educate ACT residents about water conservation, greater community ownership and involvement in conservation strategies must be achieved through a process that genuinely engages the community in the policy development process.

The Australian Democrats oppose private ownership of water resources and water supply infrastructure. At the structural level, the unusual and awkward public private model we now have in place in Canberra for water supply creates confusion about what the government can and cannot do to ensure best practice water management. We saw this in the recent debate in the Assembly about whether or not the government could require ActewAGL to put information about greenhouse gas emissions on electricity bills.

For this reason it would appear sensible to examine the current arrangements in greater detail, and this is what the motion is talking about—an investigation. We do not know what the outcome will be, but we should explore it to see if the ACT government could make the transition to a more effective administrative arrangement so that the government, and through them the Assembly, have the power to make the best possible decisions for our environment, including our waterways. It is for these reasons that I am supporting Ms Tucker's motion.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.16): Mr Deputy Speaker, the term "as far as possible" that Mr Wood has incorporated in his amendment makes eminent commonsense. We are

aware that the primary parameter on the growth of Canberra in the longer term will be water capacity, water supply and our ability to treat our own waste.

At this stage, as water consumption increases we draw more and more on Googong Dam. Googong Dam is an open catchment. Although there is a lot of money involved, one day I would like to see further dam capacity that matched the Corran/Cotter/Bendora system—a closed catchment that does not need the treatment that the Googong Dam water requires. Also, we do not want to have to draw on the Cotter because that requires pumping and the use of energy.

Mrs Dunne: We're not drinking Googong water today, though.

MR QUINLAN: We are drinking it from time to time.

Mrs Dunne: But we aren't today. You can smell it.

MR QUINLAN: Yes. Paragraph (b) of part (1) of Ms Tucker's motion states that the water leaving the ACT should be of no less quality than the water flowing into the ACT. I think that is again quite clearly an aim that we should certainly aspire to. In terms of our own treatment, in response to the challenge issued by Mr Wood, I advise the Assembly that I have actually witnessed the engineer in charge of the lower Molonglo water control centre dipping a schooner glass into the discharge just before it runs into the river, and drinking that schooner glass of water. Certainly, that water is of much higher quality than the water in the river.

Mr Wood: Did you drink it too?

MR QUINLAN: No, I didn't actually. I thought better of that.

Mrs Dunne: You weren't thirsty at the time.

MR QUINLAN: No. I just checked on him 30 days later to see how he was. From time to time, politics have been involved in the flow-out of the lower Molonglo, particularly in relation to algal bloom in Lake Burrinjuck. Generally this has been done by a couple of politicians called Alby Schultz and Peter Cochrane, both of whom are genuine old-style participants in the game of playing politics. Generally, any overflow of partially treated sewage from our control centre into the river will happen at a time of high rainfall. We have a lot of ingress of stormwater into our sewage system. So the effluent is highly diluted and it certainly is treated for health reasons to a standard that could be discharged into a river.

Let me advise members that the same rain that may cause the overflow falls over the paddocks and fields alongside of the river and rainwater passing over all sorts of animal droppings, fertiliser and animals that had recently passed away also flows into the river. But somehow, according to the Schultzes and Cochranes of this world, the algal bloom flare-ups at Burrinjuck were totally the function of Canberra. I spoke to Mr Cochrane about this one night at a dinner and he said, "Yes, I believe everything you're saying but it's still good fun kicking Canberra anyway." So there is a lot of exaggeration in relation

to that. But since that time, pondage has been included in the lower Molonglo water control centre complex and the risk of overflow is diminished even further.

I guess I should address the reasons why we will not be supporting part (2) (b) of Ms Tucker's motion, as amended. First of all, the motion talks about control being returned to the government.

Ms Tucker: Return the operation.

MR QUINLAN: Yes. We have never surrendered control other than—

Ms Tucker: Operation.

MR QUINLAN: Okay. So effectively we want to just talk about the—

Ms Tucker: The management of the water services.

MR QUINLAN: The management of water supply in Canberra is done by contract between Actew and ActewAGL. The legislative responsibilities all rest with Actew. I think Mrs Dunne—it might have been Ms Tucker—mentioned the type of arrangement that is in place. But, in fact, in terms of the legislative responsibility, the legislative framework, Actew—the one that we actually owned outright rather than only half own these days—still holds the responsibility and makes its contractual arrangements with ActewAGL on the basis of its responsibility.

I have got a briefing, Ms Tucker, that I will give you a copy of if you like, of how the various acts—the Utilities Act, the Partnership Facilitation Act, the Environment Protection Act, the Territory Owned Corporations Act and the Water Resources Act—work together to maintain that responsibility. I would table it, except that I want to read from it.

In my time at Actew I had the job of putting ActewAGL together from the original electricity authority and the water administration that existed in the old Department of Housing and Construction. Quite clearly, the objective of that was to provide some economies of scale to a utility in a relatively small jurisdiction, and those economies of scale were achieved.

I was certainly not a happy person to see half of Actew sold off into that joint venture. But the point is that at this stage there are difficulties inasmuch as the joint venture does not own the water assets. It does own a lot of the plant, it does own a lot of the common pool of plant and it does ensure that its day labour force works in a complementary fashion. People can dig holes for electricity and they can dig holes for water. I presume that the primary option would be effectively to set up a water authority quite independent from Actew or effectively a water authority as a subset of Actew while all the physical management of ActewAGL happened quite discretely.

So, for that reason, for purely practical reasons, I am at this stage not convinced that there is much to be gained by looking at trying to pull that apart. What we certainly do need to do is maintain the legislative framework, maintain the controls, to ensure that the water

supply system and the sewage collection and treatment system in the ACT operate for public benefit. I agree with that. And it must always operate for public benefit.

I have stood on the other side of this chamber and said that it is not only just a case of a scarce resource but also public health and environmental protection need to be taken into consideration. But at this stage I would not be looking towards setting up two discrete sets of plant, two discrete organisations, to physically do the job. We still need to the do the job from a management control perspective but I do not think we necessarily have to separate them physically.

MS TUCKER (5.26): In his first amendment, Mr Wood wants to add the words "as far as possible". I need to clarify that the first few points in part (1) of my motion are principles and I do not therefore regard it necessary to insert the words "as far as possible". What I am basically doing is just stating a principle that this Assembly agrees that certain things should apply. That is all I am asking people to do here. I am not saying that the government has to do anything. I am saying that as an Assembly we agree that these principles are very important. For that reason I do not support Mr Wood's first amendment.

Mr Wood's second amendment seeks to delete part (2) (b) of my motion. I would like to make a couple of points in respect of this, and in doing so generally wrap up my comments. Mr Quinlan acknowledged that limits to growth in our area will be determined by water and that he is supportive of us taking this issue seriously and looking at how we can conserve water use and so on. We know that councils have already considered motions—I know of at least one quite recent one, I think at Yass; some time previous to that there was another which could also have been at Yass—concerning water purchased by the ACT from outside of the ACT. That is a question that obviously has huge implications. We need to put on the record that that discussion is occurring. We have to work out as a community how we respond to that. It may come to the point where we will have to go through the federal government as well. But this is something that is being discussed and it is something that we have to be well able to respond to in a thoughtful way.

Mention has been made of purity of discharge from the sewerage works. We have been told that people would drink it. That is fine—I am happy that people would feel that confident. But obviously—and I guess members realise this and I do not need to say it—the whole question of our impact on the quality of water is much greater than just a sewerage works.

In respect of the amendment to part (2) (b) of my motion, over the last few months I have put a couple of questions on notice and I want to put on the record one particular answer which I think is important. I asked a series of questions about the nature of the contract between Actew and AGL for the management of Actew's water and sewerage assets and services. I asked three questions. My first question was concerned with how long the government was prepared to continue phase 1 of the contract. Members are probably already aware that there are two phases: the first phase is in the form of an alliance, which is sort of working out how it proceeds and Actew teaching AGL how to do the business of water services and sewerage services and so on; and then there is phase 2—

I think I talked about this in my speech—which is at arms-length or is an arms-length contractual arrangement.

In my first question I asked how long was the government prepared to continue the phase 1 contract if an agreement could not be reached with AGL in the terms of the phase 2 contract by the proposed date of 30 September 2004. I asked whether the phase 1 contract could be terminated by Actew if no agreement could be reached in a reasonable time on the terms of the phase 2 contract. I also asked whether the phase 1 contract could be terminated for any reason independently of the rest of the ActewAGL joint venture; and if so, I asked for a full description.

The answer to my first question was:

> The government is prepared to see the arrangements stay in place while they benefit the ACT community. However, this is primarily an issue for Actew and I am advised that negotiations are under way in respect of the stage 2 contract. Actew expects that the negotiations will be completed sooner rather than later.

We are told that these arrangements will stay in place while they benefit the ACT community. How is this going to be determined? When we had the original debate, Mr Quinlan said—and he just said it again today—that he has got some concerns about this hybrid model that we have to work with. This is a new Assembly, this is a new government, and it was not a satisfactory process in the last Assembly. I believe that we need to have a really open process to determine whether or not, in fact, the arrangements do benefit the ACT community. There are a number of ways in which we could do that. In fact, even a committee of this place could involve the community in that discussion.

But what we are told is: "It's primarily, however, an issue for Actew and I am advised that negotiations are under way." As Ms Dundas said, it is concerning how much the government is prepared to just leave it to Actew. This is a government that says they are committed to consultation and open processes. Mr Quinlan is a shareholder, of course. That point has been made in questions asked by Ms Dundas about greenhouse emissions. Another one of my motions, the subject of which I cannot remember, expressed the same concern that basically Mr Quinlan was not sure what his role was.

So what I am asking basically in this motion is that we investigate options for returning ACT's water supply to us. I am asking that we take the opportunity to look at whether the present arrangement is in the public interest now and in the long term. We have to acknowledge that we are putting management of water services into an environment that will be increasingly commercial. The second phase requires a more arms-length contractual arrangement. If we agree that water is basically one of the most precious assets we have and is absolutely essential for life, we should have concern about it being put into a commercial environment.

This is a discussion that is occurring around the world. In fact, there will be strong focus on this at the Rio+10 summit in Johannesburg and a proposal to proclaim a commons for water will be put from societies around the world. There is a need to stop any further commodification and privatisation of water because this has been seen to deliver extremely poor environmental and social results. Water should never be put into the

hands of private enterprise and sold as a commodity for profit. In fact, it should always be held in the public interest as a public trust. This is the basis of this motion and, in particular, part (2) (b).

We have an opportunity in the ACT now to look at this arrangement, which Labor in opposition was very sus about. This is a new Assembly. We have an opportunity to relook at this issue of extreme importance. I am very disappointed that both Labor and Liberal are not prepared to give the ACT community an opportunity to do this now while we have this two-phase arrangement.

Question put:

> That **Mr Wood's** amendments be agreed to.

The Assembly voted—

Ayes, 13		Noes, 2	
Mr Berry	Ms MacDonald	Ms Dundas	Ms Tucker
Mr Cornwell	Mr Quinlan		
Mrs Cross	Mr Smyth		
Mrs Dunne	Mr Stanhope		
Ms Gallagher	Mr Stefaniak		
Mr Hargreaves	Mr Wood		
Mr Humphries			

Question so resolved in the affirmative.

Amendments agreed to.

Motion, as amended, agreed to.

Gungahlin Drive extension

MRS DUNNE (5.38): I move the motion standing in my name on the notice paper relating to the proposed timetable for completion of the Gungahlin Drive extension:

> That this Assembly:
> (1) notes the ACT Government's commitment to build the Gungahlin Drive extension on time, on the western alignment, and to the same budget as that allocated to the eastern alignment; and
> (2) directs the Minister for Planning, Mr Corbell, to table before the Assembly rises on Thursday, 6 June 2002 his proposed timetable for completing the Gungahlin Drive extension including but not limited to the:
> (a) commencement and completion of environmental planning;
> (b) commencement and completion of engineering planning;
> (c) commencement of the draft variation process;
> (d) timetable for the letting of tenders;

(e) commencement of works; and
(f) completion of works.

Mr Speaker, this motion is about getting to the facts, and putting the facts on the table. This motion is not about whether west is best or east is best. What we really want to know is what the ACT Labor government is proposing to do for the people of Gungahlin. Before I ask that question, I want to put on the record what the former Liberal government proposed to do for the people of Gungahlin.

In 1997, the Planning and Environment Committee agreed that the eastern route for Gungahlin Drive was the way to go. In 1998, the ACT Liberal Party went to the election, which it won resoundingly, with a policy to go east. Between the time of the election and 2001, all the planning procedures were put in place. The draft variation for the Gungahlin Drive extension was made in August 2001.

Going back to May 2001, the money was put in the budget so that, beginning in July 2002, the road could be built by the route designated by the government. By the time of the election in 2001, all the territory approvals had been done and most of the federal approvals have been done. What needed to be done between October 2001 and when the money came on line in 25 days time was to let the tender. The work would have started in July this year. This was the Liberal Party's timetable for the Gungahlin Drive extension.

There has been much discussion about the Gungahlin Drive extension in this place and elsewhere. It has centred around the route, but little has been said—except by those on this side—about the timing. When we talk about the timing, the Labor Party gets embarrassed. They sit down, write, filibuster and talk about their mandate, but they will never talk about their timetable.

Before the election, the Labor Party made a two-pronged promise. It promised to build the Gungahlin Drive extension by the western route. It promised to build the Gungahlin Drive extension in line with the Liberal Party's timeframe as set out in the capital works program. It was to begin in 2002-03 and be complete by the end of 2004. By this timetable, we should be just about to break ground. In fact, we could do it in 25 days time when the money comes on line.

Let us look at what you have to do if you build it by the western route. First of all, you have to ignore all the previous work that has been done, and determine to build a major road through a suburb. You have to disregard the needs of a national institution and redo the environment works. By the assessment of the environmental assessor himself, that is a year's work. You have to redo the engineering specifications and the draft variation to the Territory Plan—another year's work. That year's work cannot begin until the environmental work is completed. Then you have to get the Commonwealth to agree. Then you have to call for tenders. By my calculations, the Labor government cannot start building the road on its preferred route before December 2004.

In question time yesterday in this place, the minister said that the government's timetable was to build the road by the end of 2004—to complete it by the end of 2004. My calculations and the minister's calculations seem to be desperately out of kilter. All I am

wanting is for the minister to put me, the opposition and the people of Gungahlin out of our misery.

MR SPEAKER: That would be out of order in the chamber!

MRS DUNNE: We could do it outside! I want them to put on the record a timetable that is less flippant than saying, "We will build it by the time we see it." This motion asks the minister to put on the table, by the close of business tomorrow, a more detailed program setting out the steps that must be taken to finish the environmental works and the engineering specifications, and vary the Territory Plan. If the minister can convince me and the members of the opposition that he is able to build his road by the timetable that he committed to, before the electorate, prior to the election, then the opposition will spend its time demonstrating to the people of Canberra why the western route is wrong.

MS DUNDAS (5.43): Due to the delays in members being made aware of the details of this motion, I move:

> That debate be adjourned.

The Assembly voted—

Ayes, 9		Noes, 6	
Mr Berry	Mr Quinlan	Mr Cornwell	Mr Humphries
Mr Corbell	Mr Stanhope	Mrs Cross	Mr Smyth
Ms Dundas	Ms Tucker	Mrs Dunne	Mr Stefaniak
Ms Gallagher	Mr Wood		
Ms MacDonald			

Question so resolved in the affirmative.

Debate adjourned to the next sitting.

Adjournment

Community housing

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.48): I move:

> That the Assembly do now adjourn.

Mr Speaker, yesterday saw the release of the national social housing survey for community housing. I emphasise the words "community housing"—that sector. That survey showed that community housing tenants in the ACT have the highest satisfaction levels nationally. The 2002 survey, released a couple of days ago, shows that 85 per cent of respondents in the ACT said they were satisfied, or very satisfied, with the overall service provided by their housing organisation. This is an excellent result, especially when compared with the national average of 77 per cent.

It is important for community housing tenants in the ACT to be able to express their views. I would like to thank all the community housing organisations, and the tenants, who participated in the survey.

While this is the second year a national customer satisfaction survey has been conducted for community housing tenants, this is the first year that reliable results have been available for the ACT. Thanks must go also to the peak body for community housing—the Coalition of Community Housing Organisations for the ACT, which was actively involved in supporting the ACT's involvement in this survey.

The report also highlights the important role of community housing in the provision of affordable housing. One of the major reasons why ACT respondents moved into community housing was because they could not afford to rent in the private rental market. The lack of affordable housing is a continuing issue and one which will be addressed by the affordable housing task group.

Australian Ethical Investment Ltd

MS TUCKER (5.50): I would like to briefly put on the record my congratulations to Australian Ethical Investment Ltd, which was awarded the Banksia Environmental Award. That is arguably the country's highest award for environmental achievement. Australian Ethical Investment Ltd is a public company dedicated to the growth of ethical investment in Australia. It operates four public unit trusts and a superannuation fund. It has a shareholder base of 135, and serves a rapidly growing client base of around 10,000 ethical investors, with approximately $200m in funds under management.

It is good to see the work acknowledged. The group was awarded the Banksia Environmental Award for socially responsible investment. It is important to see this work acknowledged because, through an ethical investment opportunity, people can invest their money in a way that is consistent with the principles by which they try to live. Therefore, this is an important opportunity for anybody who has money to invest. It is also a very solid investment when it comes to returns.

The Greens have raised the question of how the ACT government can look at investing public money into ethical investments. This has reasonable support in a quiet way, I think from both sides. I have heard Ted Quinlan give merit to the idea. I am looking forward to seeing that idea progress.

Brumbies rugby union team

MR SMYTH (5.52): Mr Speaker, I think it would be a shame if none of us rose in this place this week to acknowledge the outstanding efforts of the Brumbies in Christchurch recently. To go down 31/13 after a topsy-turvy season was, I think, disappointing for all, particularly for the 130-odd Brumbies supporters who jumped on the plane and went to Christchurch. That included the Deputy Chief Minister and minister for tourism, Mr Quinlan, who is also the minister for sport.

Whilst it was sad, none of those on the plane coming back were disappointed or dismayed that we had lost because they thought their team had played well on the night. We would like to acknowledge that, perhaps what you saw here on the television did not show how tough the game was. It was physical and unrelenting. The Brumbies really did perform very well against what could only be described as an enormous crowd of 39,000. I am not sure what the generic name for someone from Christchurch is, but the Crusaders supporters were very vocal.

We, who were there to support the Brumbies, were as vocal as we could be. After a season, when they went through a slump, they came back and made every game play. It was great to be there on the night they defended the cup. It was an outstanding effort on the part of all the Brumbies. It certainly was for those on this side of the house and, I am sure, for all members of the house.

I would like to acknowledge what tremendous sportsmen the Brumbies are, and what tremendous ambassadors they are for the people of Canberra. As we saw in this morning's *Canberra Times*, the outstanding effort they made was rewarded—with 10 Brumbies making the Australian side. I think that says that elite sport, or senior sport, here in the ACT has a very good reputation and a good future. More importantly, I think it says that junior sportsmen and women can aspire to those elite teams, the A-grade sides. Junior rugby especially has a great future in the ACT, because it consists of a number of teams. The Valley Vikings are doing well in the Brisbane competition. Each of those players can aspire to be a Brumby, to play for their city in the Super 12 and ultimately aspire to be in the Australian team.

I say, "Well done, Brumbies!" On the night, they played as well as they could have against what turned out to be a superior side. I can assure you that, when they scored that try and they came back and it was 14/13, the Crusaders supporters were numb at the very thought of losing—you could see the looks on their faces. Losing to the Brumbies, at home in Christchurch, was not something they were looking forward to. For a few minutes there, we all had a really good time. After that, unfortunately, the Crusaders got on top.

Well done to the Brumbies, well done to the Brumbies management—to people like Mark Sinderberry. Well done to the coach and to all those who helped. And well done to the players, who gave their all on the night. They are great ambassadors for Canberra.

Belconnen pool

MR STEFANIAK (5.55): I am glad to hear that my colleague went to the Brumbies. Unfortunately, I was at a 50th birthday party and had to keep checking on the scores at a club in your electorate, Mr Wood.

Mr Speaker, this is a subject I was loath to raise as a question a month or so ago, when I heard there might be some difficulties with this. This capital works project has had a rather tortuous history over about six years. That is an issue dear to your heart and mine—the Belconnen pool. I had high hopes, but a number of things went wrong over a period of time, starting with a competition policy complaint in January, 1998, just when we had money in capital works for project. Unfortunately, after that was sorted out, there

was a company bust-up with the preferred tenderer, but we eventually got there. Indeed, contracts were finally exchanged in the caretaker period in October or November of last year. I was a bit concerned because I had not heard what had happened since then. When I heard, on the grapevine, that there might be some further problems, I thought, "Oh no, here we go again! What next?"

I was delighted, when I drove past today, to see what I trust is the start. I saw that some fencing was going up around the site—a big cleared area near Benjamin Way. I trust I am not mistaken, and that this is at last the start of the pool.

As I said, I was somewhat loath to ask the question in this house about a month ago, because of the length of the project when we were in government. But I am certainly hopeful that this might be the start and that there will be no further problems. This is an excellent project. I announced the successful tenderer back in July or August of last year. It is a very exciting project and I sincerely hope it now goes ahead, with no further problems. Let us keep our fingers crossed and we can still have that challenge water polo match in the not too distant future.

Question resolved in the affirmative.

The Assembly adjourned at 5.57 pm.

5 June 2002

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Schedules of amendments

Schedule 1

Discrimination Amendment Bill 2002

Amendments circulated by Mrs Cross

1
Clause 4
Page 2, line 7—

omit clause 4, substitute

4 Interpretation for Act
Section 4 (1), new definitions of *potential pregnancy* and *pregnancy*

insert

potential pregnancy—see section 5A (Meaning of *potential pregnancy*).

pregnancy includes potential pregnancy.

2.
Clauses 6 to 9
Page 3, line 1—

[oppose the clauses]