DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 September 2002

Tuesday, 24 September 2002

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

Leave of absence

MR SPEAKER: I have received correspondence indicating that Mrs Cross will not be able to attend the Assembly this week on the grounds of ill health.

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

> That leave of absence be granted to Mrs Cross from 24 to 26 September 2002 on the grounds of ill health.

Chamber—seating

MR SPEAKER: I have also received correspondence from the Leader of the Opposition, Mr Humphries, advising that Mrs Cross is no longer a member of the Liberal Party in the Assembly. As a consequence, Mr Cornwell will now occupy the seat in the chamber previously occupied by Mrs Cross and further arrangements will be finalised following consultation with members.

Parliamentary Liberal Party—membership

MR HUMPHRIES (Leader of the Opposition): Mr Speaker, I seek leave to make a statement in relation to Mrs Cross' position in the parliamentary Liberal Party.

Leave granted.

MR HUMPHRIES: I thank members for granting me leave. Members will not be surprised to learn that, as of yesterday afternoon, Mrs Helen Cross is no longer a member of the parliamentary Liberal Party in the ACT Legislative Assembly. Mr Speaker, I think it is appropriate to formally advise the house of that matter and to explain the circumstances which have led to that decision. The working relationship between Mrs Cross and other Liberal MLAs—

MR SPEAKER: Mr Humphries, can I just intervene at this stage. I want to give you a little advance warning about any imputations that might flow from your exposé of events surrounding the changes in the Liberal membership in the Assembly. So I just caution you on that score.

MR HUMPHRIES: Mr Speaker, I take that warning on board, but what I propose to say is what has been said publicly already by me, and I don't think it will offend standing orders.

MR SPEAKER: Well, if it has been said publicly but it impugns a member, it still runs foul of the standing orders.

MR HUMPHRIES: I understand that, Mr Speaker. I am just saying that these are things I have said in a public arena where, of course, defamation might be a factor. So I have taken some care in what I have had to say; that is the point I was making.

The working relationship between Mrs Cross and other Liberal MLAs has become untenable in recent months, in spite of significant efforts on my behalf to achieve a reconciliation. Requests to meet with Mrs Cross to discuss the problems have been unsuccessful. Difficulties such as these have made it very difficult to establish an effective working relationship with her.

This is an option of last resort for the Liberal Party, but it is, I believe, unquestionably a decision which is good for the Liberal Party and will allow us to remain focused on our party mission in this place—which is, of course, about holding up a mirror to the government of the day and to present a Liberal alternative to the programs and mistakes of the Labor Party.

The parliamentary Liberal Party has had a number of concerns, which it has expressed to Mrs Cross over a period of a number of months, concerning her portfolio responsibilities, her relationship with the party and her relationship with her electorate. In particular, there has been frequent non-attendance at party room meetings, meetings of the Assembly itself and other party fora, which has given rise to great concern. Mrs Cross has been counselled and warned on several occasions previously that her non-performance was a problem.

Mr Speaker, the step was taken yesterday to end that concern within the party room by having Mrs Cross no longer a member of the party room. I wrote to Mrs Cross last night explaining the reasons for the party room's decision and listing the occasions when Mrs Cross has been formally counselled, warned or had other issues of concern about her performance raised with her. Mr Speaker, I seek leave to table that letter.

Leave granted.

MR HUMPHRIES: I thank members. I present the following paper:

> Parliamentary Liberal Party—Expulsion of member—Copy of letter from Gary Humphries, Leader of the Opposition, to Mrs Helen Cross MLA, dated 23 September 2002.

Mr Speaker, this decision was taken yesterday after extensive debate and discussion and, I have to say, with great reluctance. The decision was felt to be in the best interests of the party.

Mr Speaker, I can say to the Assembly that it is now my intention as party leader to ensure that the party's focus remains on the job for which we have been elected to this place, and I feel comfortable in the knowledge that that will be more possible in the future as a result of the decision which my colleagues and I took yesterday in our party room.

Petition
Blue Gum School

*The following petition was lodged for presentation, by **Mr Corbell**, from 487 residents.*

> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that the ACT Education Minister plans to declare the O'Connell Centre, Griffith, (the former Griffith Infants School) surplus to educational requirements, BEFORE considering a request from the Blue Gum School (which becomes homeless at the end of the year) for a long-term lease of the site.
>
> Your petitioners thereby request the Assembly to: support a motion that the O'Connell Centre, Griffith (the former Griffith Infants School) be retained as an education centre within the Education Portfolio; and that the ACT Education Minister offer the Blue Gum School a long-term lease of the site.

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

Legal Affairs—Standing Committee
Scrutiny Report No 19 of 2002

MR STEFANIAK: Mr Speaker, I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 19, dated 20 September 2002, together with a copy of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny Report No 19 contains the committee's comments on eight bills, 86 pieces of subordinate legislation and two government responses. The report was tabled out of session. I commend the report to the Assembly.

Electoral Amendment Bill 2002 (No 2)

Debate resumed from 29 August 2002, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (10.39): The Liberal Party will be supporting this particular bill. It provides for the deferral until next year of the start of the next redistribution of the electoral boundaries under the Electoral Act 1999.

Normally, under the existing provisions, that redistribution would have to occur as soon as practicable in October 2002. At present, it would require the Electoral Commissioner to divide the ACT into the current electorates, one of seven members and two of five.

Given the current proposals for the increased size of the Assembly, the government has brought forward this particular bill. It is a procedural bill and we will be supporting it.

MS DUNDAS (10.40): I am willing also to speak in favour of this bill as it addresses the issue of delaying the process of redistribution of the electorates for Assembly elections and hence is directed at purely a procedural process.

That having been said, I hope that all parties think carefully and critically about the proposed changes to the number and size of electorates in the ACT Hare-Clark electoral system. The central and primary purpose of a democratic electoral system—and particularly Hare-Clark—is to translate the votes of the people into a group of parliamentarians that are representative of the votes of the people.

I trust that the members of this Assembly will keep this principle, as well as the Hare-Clark principles entrenched by the people of the ACT, in reaching their conclusions about the future composition of this Assembly.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.41), in reply: Mr Speaker, I am grateful for the support of members of the Assembly for the Electoral Amendment Bill. As has been indicated, the Electoral Amendment Bill is a minor machinery piece of legislation simply to defer the redistribution process that the act currently requires to be undertaken as soon as practicable after the third Saturday in October 2002.

As members are aware, and as the community is aware, there is currently a debate within the Assembly—and there has been a standing committee report on the issue—on the appropriate size for the Assembly, and around an appropriate configuration of electorates should there be an increase in the number of members for the Assembly.

The issues around the appropriate size have long been debated in the Assembly and in the community. The bill before us today does not go to the issue of what an appropriate size of the Assembly might be, how many members we should have. It does not go to the issue of the configuration of the electorates. There are a number of suggestions on the table. The Labor Party has indicated that its preferred position is five electorates of five. However, we of course stand ready to negotiate on that, were there not to be majority support for an Assembly of five electorates of five members each. We believe that will be the best result for Canberra. We believe it is essentially more consistent with the current arrangements than any other configuration.

We currently have two electorates of five and one of seven. If one was to maintain the greatest consistency with the current arrangements and bear the greatest faith with the principles that Ms Dundas espouses, one would support five electorates of five. One would not look just to three electorates of seven and pursue of any sort of crass self-interest that any minor party or Independent might seek to gain from enlarging all electorates to seven. One would look at this thing as a matter of principle and put the best interests of the community first and support five electorates of five.

But, as I say, that is not what we are debating today. We are simply debating an amendment to the Electoral Act to delay the Electoral Commission beginning or looking at the possibility of a redistribution from October 2002 to April 2003.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Mental Health (Treatment and Care) Amendment Bill 2002

Debate resumed from 29 August 2002, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (10.44): Mr Speaker, the opposition will be supporting this bill as well. It tidies up what is a problem for a number of people, and that is the potential that, when they exercise their right of appeal under the 1994 act, they actually might find that the treatment goes ahead prior to the appeal being determined. This effectively stays the treatment until such time as an appeal can go ahead, which I think is very much a commonsense provision to overcome this problem with the current act. Accordingly, the opposition will be supporting it.

MS TUCKER (10.45): Yes, the Greens will also be supporting this bill. It makes an important amendment to the system of determining care and treatment, and sometimes control, for people with mental illness or suffering from a mental dysfunction.

Although a decision of the Mental Health Tribunal was always appellable to the Supreme Court, there was nothing in the law to allow the court to stop the treatment ordered from proceeding while the appeal was heard, which was obviously an anomaly. This amendment instates that right and it is up to the court to judge in a particular case whether or not to order a stay. This bill empowers the court to make that decision but does not require it.

There may be some circumstances where the tribunal believes that the person is at risk of harming themselves or others, and in which the treatment or control ordered might be best going ahead while the appeal is heard. But clearly, particularly in the case of treatment such as electro-convulsive therapy, treatment cannot be undone, whatever the legal outcome of the appeal. I am informed that a case just like this example, of electro-convulsive therapy, precipitated this bill. The person concerned was represented by Legal Aid, which passed on their concerns to the government.

MS DUNDAS (10.46): People with mental illnesses and people with intellectual disabilities are among the most vulnerable in our community, and are the most likely to have their human rights abused. While we normally believe that adults have the right to refuse medical treatment, this right is often withdrawn from people with mental illnesses or intellectual disabilities. And not only is the right to refuse treatment often overridden, but the right to liberty is also regularly violated.

The Mental Health (Treatment and Care) Act provides:

> The tribunal may make an involuntary psychiatric treatment order in respect of a person if—
>
> (a) the person has a mental illness; and
>
> (b) the tribunal has reasonable grounds for believing that, by reason of that illness, the person is likely to do serious harm to himself or herself or others, or is likely to suffer serious mental or physical deterioration unless subject to involuntary psychiatric treatment.

This means that a treatment order can be imposed on a person who presents no risk to themselves or to others. When a decision is made to impose medical treatment on a mentally ill person who poses no threat to others, the usual rationale is that if the person was well they would agree to the treatment. But often, when a mentally ill person recovers, they clearly state that they would not have consented to treatment regardless of the medical assessment that their illness was worsening.

For these reasons, we need as many safeguards as possible on the legal powers that can impose treatment on mentally ill people. I strongly support this measure, which empowers the Supreme Court to stay a treatment order while an appeal against it is being determined. But this fixes only part of the problem.

Mental health treatment orders are often issued for a period of six months, but it often takes longer than six months for an appeal to be heard. This delay often occurs in circumstances where a court would not necessarily be inclined to stay an order, so the appellant is forced to undergo prolonged treatment that they object to and have appealed against. I would like to see the government propose measures to ensure that appeals against mental health treatment orders are heard in a timely fashion. But this proposal represents a small improvement on the status quo, and I commend this initiative.

MS MacDONALD (10.49): I am rising to speak about this briefly, and from a personal perspective. As I have mentioned in this place before, my mother has a mental illness. She has undergone electric shock treatment, and I know that, if something along these lines had been available in the days when she was actually forced to undergo it, she would have a different quality of life from that she has now.

There are still cases where electric shock treatment is used for people with a mental illness. It is rare, and sometimes it is actually at the request of the patient. However, to force a patient into undergoing electric shock treatment when they do not actually want to do it, and they have appealed to their family and their family has said, “No, the doctors have said that this is what you should do,” is just making the assumption, as has been done in the past, that the doctors know the best treatment for the patient.

With mental health treatment, there is a lot of undiscovered country in that regard. This bill will allow a person to actually make an appeal to the Supreme Court, and I agree with Ms Dundas that it should be done in a timely fashion. I think this is highly commendable, and I commend the bill to the Assembly.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.51), in reply: Mr Speaker, again, I thank members for rising and supporting this bill. As Mr Stefaniak indicated, it is a quite obvious gap in the legislation that a person who is subjected to a Mental Health Tribunal order, and who has a right of appeal to the Supreme Court about that order, does not have a right to have the tribunal decision stayed until the appeal before the Supreme Court has been heard.

It is a quite obvious gap in the arrangements that pertain to the treatment of people under the Mental Health (Treatment and Care) Act, and of course it flies in the face of any orderly appeal process—the sort of process that of course applies in a whole range of areas and a range of instances across the board where people are subjected to decisions that potentially impact on them.

Of course, the irony in relation to this particular provision is that a person might be subjected to a treatment regime as a result of a Mental Health Tribunal order—for instance, as has been mentioned, convulsive therapy treatment, which could be very physically invasive and could cause very significant distress—in circumstances where the person is appealing that particular order.

The fact that the legislation as it currently stands allows the possibility that a person subjected to such an order and granted a right of appeal does not have an opportunity to have the treatment stayed until after the appeal is heard really is a very significant breach of rights—and, of course, it essentially renders the appeal process quite meaningless.

So this amendment to the Mental Health (Treatment and Care) Act simply responds to what is a quite glaring difficulty with the appeal process that applies to individuals who have been subjected to certain treatment orders which they wish to question and appeal.

It is a minor amendment, but we always need to be very mindful of any provisions that we make in relation to people with mental issues. It is an important piece of legislation. Although it is minor, it is extremely important because it goes to the protection of a fundamental principle—that everybody has a right of appeal against any decision which potentially impacts on them and on their rights. And, of course, a fundamental right of all of us is not to be subjected to any form of treatment, or to any action, to which we object.

I thank members for their support of this particular amendment. It is a tidying-up amendment. It is very important—not particularly significant in itself but potentially very significant to a range of people. I commend the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with detail stage.

Bill agreed to.

Civil Law (Wrongs) Bill 2002

Debate resumed from 20 August 2002, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

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

Publication of document

MR SPEAKER: Before I proceed any further, a letter was tabled in the Assembly today by Mr Humphries. I will be taking further advice in relation to it between now and when the chair resumes at 2.30 pm, but my interim advice from the Clerk is that this matter may well require a motion of the Assembly authorising its publication, because there are questions about whether or not this might be actionable. I just draw that to your attention to consider between now and 2.30.

Sitting suspended from 10.57 am to 2.30 pm.

Questions without notice

AMA medical indemnity insurance

MR HUMPHRIES: My question is to the Minister for Health, Mr Stanhope. I refer to an article in the *Canberra Times* of 21 September this year, reporting criticism by Dr Ian Pryor, president of the ACT AMA, of your approach to medical indemnity insurance and the Neave report.

The article states:

> Dr Pryor said yesterday the report failed to recommend changes to medical negligence rules to "make them fairer and more workable".
>
> "[It] represents a fundamental lack of understanding of the impact the medical indemnity crisis is having on medical practice," Dr Pryor said. "Doctors will respond to the report's inadequacies by continuing to cut back their practices and some will be forced to leave the profession."

The *Sunday Telegraph* of 22 September reported that the New South Wales AMA conducted a survey of 720 specialists practising in that state, which found:

> … 40 per cent were considering scaling back private work in high-risk areas like operations and obstetric services, and a third said they were considering early retirement.

The New South Wales Minister for Health, Craig Knowles, has described, and I quote, "the impact of any mass resignation by specialists as 'catastrophic'".

Is the minister aware of whether similar surveys have been conducted in the ACT and, if they have, what was their outcome? Does the minister reject the claims by Dr Pryor that he has displayed what Dr Pryor calls policy apathy, and that his lack of consultation with

the medical profession suggests, and again I quote, "a closed mind on the most critical issues at the core of the medical indemnity crisis"?

MR STANHOPE: Thank you for the question. The insurance crisis is a very important subject. Of course, the government had hoped to debate a significant plank in its response to the insurance crisis this morning, but you adjourned the debate. That is, of course, a reflection of your commitment to the issue. On the very day on which we bring major legislation before the parliament to deal with the insurance crisis, you and the crossbench combine to adjourn the debate and actually to prevent its introduction.

I think we need to put this in some context in terms of your commitment to the insurance crisis, and to some significant reform of the law of tort. The major response, and one of the most lauded responses by any government around Australia to the insurance crisis, is the Civil Law (Wrongs) Bill introduced by me to deal very much with the issues that we confront, and that are confronted by every jurisdiction around Australia in relation to not just medical indemnity insurance, but public liability insurance.

I think the Civil Law (Wrongs) Bill is the most major and significant piece of legislation attempted by any government in Australia to deal with tort law reform and negligence law reform. That is widely accepted, so I do not know why you did not want to debate it today, Mr Humphries.

Mr Humphries: I think Mr Stanhope is criticising a decision of the Assembly earlier today, which is in breach of standing orders.

MR SPEAKER: I did not hear him criticise it, but I will have a look at the *Hansard* in due course.

MR STANHOPE: Thank you, Mr Speaker. I just posed a rhetorical question: why did they oppose it?

Mr Speaker, in response to some of the specific issues raised by Mr Humphries: as I have announced on a number of occasions, the government has developed a three-stage plan for dealing with the insurance crisis.

The first of those was the Civil Law (Wrongs) Bill. Consideration of two other major reports, by the Ipp committee and the Neave committee, will now be dealt with by the government as the second stage of the process. Stage three of the process that we have set in train will deal in a measured, consistent and vigorous way with other aspects of insurance, and of course that includes the management of civil claims in our courts.

It will be of interest to Mr Humphries and other members of the Assembly if I go into some detail about the reviews. Both the Ipp and the Neave committees have undertaken detailed reviews of the law of tort. Both committees have made a series of recommendations that will have to be carefully considered. Some of the recommendations of Neave and Ipp are inconsistent with each other. Unlike the Ipp report, the Neave report has proceeded on the basis of an empirical assessment of the problems facing the insurance industry. Unlike the Ipp report, the Neave report largely endorses the current approach to the determination of liability in our courts.

I would think that it would perhaps be that particular aspect of the Neave report to which the AMA—with not a touch of self-interest—would have objected, including issues about the development of the standard of care and the basis on which negligence will be measured. Will it be measured by a coterie of doctors who will get together and decide for themselves if one of their colleagues has been negligent, or will we continue to do what we and every other common law nation or jurisdiction in the world has done, and leave those issues to the courts? The AMA has a position: they would like to decide for themselves whether or not one of their colleagues has been negligent.

There are some among us who think it would perhaps be best to leave those particular issues to the courts, and that certainly is my attitude to that. The AMA is agreeing, as they would. Professor Neave has concluded that it reflects a fair balance between the role the courts play as independent decision makers and the role of medical experts who give evidence.

The Ipp report proposes a radical restatement of the law of negligence. The Neave report proposes a series of more measured reforms, including a number of useful suggestions to improve the provision of information on common procedures. The Neave report does not favour the general imposition of any thresholds for recovery of lost earnings or other economic losses. However, it does propose a number of targeted reforms designed for specific purposes.

Both reports also recommend the shortening of the limitation period in an attempt to balance the need for certainty against the need to protect children and people with a mental incapacity from losing their right to sue, because some other person's father acted on their behalf. The reports are consistent regarding the issue of limitation periods. I think each of those reports suggests that the limitation period be reduced to three years. That is a significant change in the law as it stands, and an issue on which we should consult further, and about which we must think seriously.

The Neave report also proposes a number of practical measures to reduce the need to litigate, and encourage an early finalisation of disputes, including alternatives to litigation, the use of various forms of alternative dispute resolution, and the use of pretrial procedures to settle cases before they get to court. These recommendations will significantly reduce the need for litigation. They are consistent with the reforms proposed by the government in the Civil Law (Wrongs) Bill.

The proposals in both reports will be carefully considered by the ACT government as part of the second stage of the ACT reform process. I reject the comments made by Dr Pryor in the article to which the Leader of the Opposition refers. The ACT government has been involved at the national forefront of the consideration of issues related to medical indemnity insurance and public liability insurance.

Indeed, as I think all members would acknowledge, Dr Gregory, the head of the department of health in the ACT, has been instrumental in the work that AHMAC officers have done, and that AHMAC itself has done, in creating a measured response to the insurance problems facing the medical profession. In fact, the ACT has led the way. That has been acknowledged by all of my ministerial colleagues around Australia. It is acknowledged nationally that Dr Gregory has been fundamental to the reforms and the work that has been done in relation to medical indemnity insurance.

The ACT is at the forefront of change and reform in relation to insurance. We are doing it in a considered, measured, holistic and long-term fashion. We are interested in reforms that will not unduly affect the rights of citizens, clients and patients. We are interested in ensuring that there are sustainable reductions in premiums. Knee-jerk, ad hoc, quick-fling responses like those suggested by Mr Smyth will not do the job. There is no magic wand. There is no point thrashing around, as you have been doing, looking for quick fixes just to gain your moment in the sun. You will produce no results by responding in that way.

In relation to the other issue about which the Leader of the Opposition asks, namely the surveys that have been undertaken into the viability of medical practice, I believe, Mr Humphries, that either you or your colleague, the Deputy Leader, asked me a question on notice on this very issue some time in the last month.

I do recall responding to you in relation to my department's understanding of the number of specialists or general practitioners in the ACT who had resigned in the last year or so as a result of concerns about their capacity to find medical indemnity insurance. I have responded to that question and the answer was that, after undertaking inquiries throughout the ACT, my department was not able to identify a single specialist who had left the profession as a result of concerns about insurance.

My recollection is that my department's advice, which I provided for you—I do not have the answer here with me—was that one specialist has retired in the last year or so. The department's advice to me is that they could not identify a single specialist in the ACT who has resigned or left the profession—

Mr Cornwell: On a point of order, Mr Speaker: I understood that this government undertook to give short answers. This is almost a ministerial statement, and if the minister would like to make a ministerial statement, I am sure my colleagues would be delighted to hear it. There is so little on the notice paper today that we could well accommodate it.

MR SPEAKER: Mr Cornwell, whether or not the government gave a commitment to short answers is by the by when it comes to standing orders. As you would be aware, there is a standing order that deals with the issue of how concise questions ought to be. I do recall that Mr Humphries' question was quite detailed, and it invited a detailed response. However, I would invite the health minister to wind up at this stage.

MR STANHOPE: Thank you, Mr Speaker. In fact, I was drawing to a conclusion, but inane points of order, particularly emanating from that seat, Mr Cornwell, are dangerous. You will soon be asked to show cause why, if you do not lift your game, you should not be expelled. Mr Cornwell, be warned.

MR HUMPHRIES: I have a supplementary, Mr Speaker, sorry. Does the criticism of Dr Pryor, coupled with the endorsement of your approach by the Australian Plaintiff Lawyers Association, suggest the approach that you have put forward works more in the interests of plaintiff lawyers than in the interests of the doctors and the health system?

MR STANHOPE: No, the position that the government has taken on this is one that is designed to ensure long-term sustainable reductions in insurance premiums. That is the view we have taken: it is long term, measured, considered, rigorous and designed to ensure that there is that balance. A balance ensures that there are real reductions in premiums, and ensures that doctors and other medical professionals can continue to operate and provide the service which is so sorely needed by all of us.

It also ensures that people who are injured, people who do suffer damage as a result of negligent or reckless behaviour, are appropriately and justly compensated for the injuries that they suffer. It is a measured, considered, rigorous and sustainable approach and response that the ACT government is providing.

Commonwealth-State/Territory Disability Agreement

MS GALLAGHER: My question is to the Minister for Disability, Housing and Community Services, Mr Wood. Can the minister tell the Assembly what progress has been made in negotiations on the Commonwealth-State/Territory Disability Agreement?

MR WOOD: Thank you. In the week that I will be handing down a very detailed response to the Gallop report, it is appropriate to focus on disability. However, I am sorry to say that there has not been much progress, Ms Gallagher, since Mr Stanhope responded to a question I think in the last sitting period.

Negotiations are not yet concluded on a new agreement. The Commonwealth has agreed to roll over existing funding for a period to the end of October, for further negotiations, so we hope something will be resolved before much longer. We continue to receive funding, including unmet needs funding, at the levels of 2001-2002, and that is a little while ago now.

As the Chief Minister told the Assembly during the last sitting week, a letter has been received from Senator Vanstone formalising an offer of an additional $125 million, to be made available over five years, on the condition that jurisdictions match this fourfold. That $125 million would bring very little to the ACT in each of those years.

Mr Humphries: It is better than nothing, though, isn't it?

MR WOOD: It is better than nothing, but I think we should fight for a little bit of justice in this area, Mr Humphries. A joint response from all states and territories was sent to Senator Vanstone indicating that, while the offer of $125 million was a welcome step, in percentage terms it represented less than half of the Commonwealth's commitment to growth in funding for accommodation and support services under the current agreement.

I want to stress—and I think I will have the support of members over there—that in this case all states and territories are arguing about the level of funding from Amanda Vanstone. This is not really a political issue. I am sure you sat in ministerial meetings in your time in government where the states lined up against the Commonwealth, regardless of the political complexion—I see Mr Humphries nodding—of the states. This is a fairly consistent approach at ministerial meetings.

The ACT remains committed to increasing funding for disability services. However, the ACT still requires the ability to offer the funding mix in the budget to respond to local needs and demands. It is unreasonable for the Commonwealth to expect to have a level of control, as they contribute only 20 per cent of total funds for disability services in the ACT.

Senator Vanstone has more recently expressed her disappointment that the states and territories had not addressed her request for funding commitments. We are still arguing, I think quite fairly, for more money. A teleconference has been held between ministers of all state and territory jurisdictions to discuss the basis of a reply to Senator Vanstone's last approach.

Sheila McHale, the Western Australian minister who is chair of the community and disability service ministers council, sent a single response on behalf of us all requesting an opportunity to meet with Senator Vanstone. This response asked Senator Vanstone to confirm a date for a meeting with all ministers by 18 September. I regret that this has not happened.

The ACT, along with all other states and territories, is committed to continuing multilateral negotiations with a focus on the best possible outcomes for people with a disability. Ministers will meet with Senator Vanstone at any time. She can pretty well name the day. Meanwhile, October gets closer.

Public liability insurance

MR SMYTH: Mr Speaker, my question is to the Treasurer, Mr Quinlan. Mr Quinlan, on 20 August 2002, you said in this Assembly in relation to my legislation on public liability insurance:

> Not in our worst day would we puddle with the legislation that Mr Smyth is contemplating. It is totally inconsistent with what is happening across Australia and what is happening with the intergovernmental agreement, which is gaining the support of both the Neave committee and the Ipp committee in making sure that we do it properly.

Mr Treasurer, you sent a letter recently to Senator Coonan which said about the Ipp review:

> Its findings for the most part will have little bearing on the ACT legislative reform agenda; an agenda that will be implemented over the next 12 months.

Treasurer, why has the government decided to move away from a national approach, given that you have been advocating such an approach for the past two months? When did the government decide to go its own way?

MR QUINLAN: I find it quite bizarre that Mr Smyth is on his feet talking about a national approach when he has previously cobbled together a dog's breakfast of legislation completely oblivious to any national approach. However, the concerns that I have in relation to the Ipp report are concerns that have been canvassed in the educated media. We have some concerns. As Mr Stanhope advised the house in his very erudite

and articulate response to an earlier question, there are differences between the recommendations of the Neave report and the recommendations of the Ipp report.

There have been some significant criticisms of the Ipp report and, with that in mind, it was necessary to advise Senator Coonan of our position. The Ipp committee was put together by the Commonwealth effectively without any consultation with the states, and therefore without a national approach. What we are really saying when we write to Senator Coonan is that we are not going to blindly accept anything.

Mr Smyth: But you said that in August.

MR QUINLAN: Well, we said that the Ipp report was working and we expected it to come forward with some national recommendations.

Mr Smyth: "Which is gaining the support of both the Neave committee and the Ipp committee in making sure that we do it properly."

MR QUINLAN: Yes, and I am very pleased, Mr Smyth, to observe that you are now advocating a national approach.

Mr Smyth: No, I am not saying that. I am asking when you abandoned it.

MR QUINLAN: I am presuming that you will be withdrawing the legislation that you have put forward in the interests of pursuing a national approach.

MR SMYTH: My supplementary question for the Treasurer is, were his outbursts over the last couple of months prompted by embarrassment at the government's lack of activity, and is it because he was beaten to the punch by us that he has now abandoned the national approach?

MR QUINLAN: Again, I find this question contradictory: we were beaten to the punch by your approach, but why are we not involved in a national approach? Mr Smyth, that is not a question. The question contradicts itself and I do not think I am able to answer a question that contradicts itself.

Hill Corner, Yarralumla

MS TUCKER: My question is to the Minister for Planning and relates to the proposal by the St Nicholas Preschool in Hill Corner, Yarralumla, to acquire the adjoining pocket park to allow the redevelopment and enlargement of the preschool.

Minister, you would be aware that your land and property unit is currently negotiating with the preschool and consulting with residents over this proposal, and that the local residents are very concerned about the loss of their park. This land is zoned for community facilities, but has never been developed, and has in fact been maintained by the government as a park for decades.

I would like to know how the pursuit of this proposal by land and property squares with your recent announcement that the government will be reviewing the use of unleased, undeveloped urban land in the territory. I understand that PALM is compiling a list of

unleased, undeveloped urban land, and visiting sites to determine their relationship with surrounding features and the open space in that area. Blocks of land that are considered essential to our urban open space will then be formally made part of the urban open space network through a draft variation to the Territory Plan.

Minister, to be consistent with this broader view, shouldn't you be doing a review of all unleased land in the Yarralumla area before making any decision on this preschool proposal, rather than treating this block in isolation?

MR CORBELL: Mr Speaker, the previous government gave in-principle support for the direct sale of this parcel of land to the St Nicholas School, which operates a preschool facility on the adjacent block. The government has established a mechanism for dealing with land that is currently being considered by Land and Property for direct grant, as part of the open space audit process. I am happy to provide further details to Ms Tucker so that she can understand how the review mechanism operates in relation to those parcels of land that are being specifically considered by Land and Property at this time.

Further, I am currently seeking further advice from Land and Property as to the status of the commitment given by the previous government in relation to the St Nicholas School, and I will be reviewing whether or not it is appropriate to continue with the current process.

MS TUCKER: I think you might have said you were looking into this. Will the government be liable for compensation if it rejects the proposal, and also is the government actually able to consider allowing the preschool some redevelopment other than that within the current block boundary?

MR CORBELL: Mr Speaker, as I just indicated, I am seeking further advice on the status of the commitment made by the previous government, and whether or not the decision has the potential to be reviewed or indeed whether it should be reviewed. I am quite happy to provide further details to the Assembly and Ms Tucker once that advice has been received and considered by me.

Public liability insurance

MR STEFANIAK: My question is to the Treasurer. Mr Quinlan, you wrote a letter to Senator Coonan on 2 July querying the composition of a committee headed by Justice Ipp. The paper reported:

> In his July 2 letter, Mr Quinlan questions the independence and expertise of two of the four people appointed to the committee—Don Sheldon, who is chairman of the Council of Practising Specialists, and Ian McIntosh, who is mayor of Bathurst.
>
> "Inclusion in the panel of Dr Sheldon and Mr McIntosh needs to be revisited," Mr Quinlan wrote.
>
> "These nominees clearly represent special interests."

Mr McIntosh is on the committee to ensure that the views of the community are fully taken into account. Do you consider that the special interest that Mr McIntosh has, in your view, represents that of local government? How does the goal of local government

differ from that of the ACT government, that is, to ensure that ordinary citizens can use community facilities, such as sports grounds and parks, without the government paying excessive public liability insurance premiums?

MR QUINLAN: The only answer I can give to that, Mr Stefaniak, is that I think that is a blinkered view of what we would want to come out of this process, because what should also come out of this process is equitable treatment of people who are injured. It is not just a case of manipulating the insurance process, the law of tort and the Trade Practices Act, so that we can facilitate community activity by itself. Certainly, we want those things to happen, but at the same time we are responsible for protecting the rights of the individual.

In the machinations and the considerations of the Ipp committee, we wanted to see a completely objective approach which would have balanced both the needs of government, the needs of community organisations and the needs of individuals.

MR STEFANIAK: Treasurer, if the interest of the ACT government is similar to that of other local governments throughout Australia, why won't the ACT government pay its fair share of the costs of the Ipp committee? Is the view of the ACT government that the only special interest that should be represented on committees is that of the union movement, which is why Mr Whale, of the Transport Workers Union, was appointed to the board of ACTION?

MR QUINLAN: Let me just say that, on 1 July of this year, Senator Coonan sent letters to the state and territories in relation to the establishment of the committee that, collectively, we had decided should be put together. I think we actually talked about the term "three eminent jurists" who would be involved.

On 2 July, Senator Coonan announced the Ipp review, the composition of the panel and the terms of reference. Now, in the space of a day we had Senator Coonan moving from effectively inviting the states to participate and then arbitrarily setting up the committee and setting the terms of reference. That, Mr Stefaniak, lies at the heart of our problem with then being sent the bill for it and on an "each state or territory pays an equal share" basis.

I rather think that some of the process of setting up the Ipp committee has been more a case of making sure the letters are on the files, but there was no genuine consultation in the setting up of that committee. Several states and territories—South Australia, Victoria and the ACT, on my part—have rightly made our views known, as we should.

Conflict of interest

MR PRATT: Mr Speaker, my question is to the minister responsible for transport policy, Mr Corbell. The *Canberra Times* reported on 19 September 2002 about an averted stop work meeting of ACTION employees that was called by Mr Andrew Whale, sub-branch secretary of the ACT Transport Workers Union. The *Canberra Times* said as follows:

> On whether Mr Whale, also a member of the board of ACTION, might be seen to have a conflict of interest, Mr Corbell said that there were provisions if conflicts arose, as with any member of a board.

Minister, you had previously announced your philosophy on conflict of interest in the Assembly on 23 March 1999: "If there is a conflict of interest, you should take steps to avoid it." What provisions exist relating to the operations of the ACTION board if Mr Whale or any other board member has a conflict of interest? In particular, what issues, if any, trigger application of the procedures related to conflict of interest in Mr Whale's case? Can you advise the Assembly on how many occasions Mr Whale has been required to take action when problems with an actual or perceived conflict of interest have arisen?

MR CORBELL: Isn't it interesting, Mr Speaker? As soon as the Labor government appoints an employee representative to a board, that person is automatically targeted by the Liberal Party. Isn't it interesting that that ideological bent has come through. There has been no questioning of the other appointments to the ACTION board. They are all right, but because Mr Whale is a union employee he is automatically suspect. That is what the Liberal Party is saying to us, and it is an unacceptable approach.

All members of the ACTION board are required to abide by the ACT government's requirements for members of governing boards when it comes to conflicts of interest. It is the responsibility of the board itself to ensure that those provisions operate appropriately and in the circumstances where they should operate. I have confidence that the chairman of the board, Mr Butcher, will ensure that that is the case.

In relation to the question raised by Mr Pratt about whether such circumstances have occurred to date, I am happy to inquire of ACTION and advise the Assembly accordingly. The final point I would make is, if the Liberal Party had a problem with this appointment, why did they say it was okay when it went through the relevant standing committee?

MR PRATT: Minister, why did you appoint Mr Whale to the board of ACTION, given that there were always going to be problems with conflict of interest?

MR CORBELL: Mr Pratt's assertion is simply wrong. There is not necessarily going to be a conflict of interest. I would only make the point that, if the Liberal Party felt that it was inappropriate to appoint someone like Mr Whale to the ACTION board, they had an opportunity to say so. They had an opportunity to raise any concerns with me when the appointment was formally referred, I think, to the committee that Mrs Dunne chairs, for comment. I do not recall receiving any objections or expression of concern whatsoever.

Gungahlin Drive extension report

MRS DUNNE: My question is to the Minister for Planning. Minister, according to media reports, an independent assessment carried out jointly by your government and the AIS has been highly critical of the proposed western route for the Gungahlin Drive extension. It has drawn attention to noise levels, pollution and the general loss of amenity affecting the AIS. These are matters of deep concern which raise issues that should be carefully considered.

Have you, as minister, considered these issues? Do you accept the thrust of the report? Are you taking account of the comments made? When will you release the report?

MR CORBELL: The government has considered all of the issues raised during the consultation process of the Gungahlin Drive extension, including the details of the Fitch report.

Mrs Dunne: On a point of order, Mr Speaker: I asked about a specific report and not about the general consultation. This is a report about an inquiry about specific issues.

MR SPEAKER: I am sure Mr Corbell is coming to the point of your question. Resume your seat, please.

Mr Hargreaves: On a point of order, Mr Speaker: may I have your ruling, please, Mr Speaker. I understand that the issue of the AIS report and the government's response is the subject of a motion coming on tomorrow, and I will ask for your ruling as to whether the question is out of order.

Mr Humphries: It is not on the notice paper.

MR CORBELL: I am quite happy to answer the question. If Mrs Dunne was just a little bit less eager and gave me more than 10 seconds to answer her question, I would have done so. The government has considered all the issues raised both in the general consultation processes that have been held to date, and raised by Dr Fitch in his study. The government will be announcing its response shortly, and will be releasing full details of its response and a full copy of the report.

MRS DUNNE: Minister, will you now admit that the weight of evidence is against the western route, that this is compelling evidence, and that your policy is wrong-headed and has been from the start?

MR SPEAKER: I reckon you would be on pretty safe ground if you said that question has already been answered.

Mrs Dunne: I would take a point of order if you said that.

MR CORBELL: As I have indicated, the government is considering all of the issues that have been raised in the consultation process, including the issues raised by residents in Aranda, stakeholders in the Bruce precinct, residents of Kaleen and—

Mrs Dunne: The report says that east is best.

Mr Hargreaves: On a point of order, Mr Speaker: the minister has been attempting to answer the question. Mrs Dunne continually interjects. Would you please either instruct Mrs Dunne to cease her interjecting or warn her officially, Mr Speaker.

MR CORBELL: Mrs Dunne, the trick is whether or not you can get away with it.

Mrs Dunne: Your stopping is just theatrical poise, is it, Mr Corbell?

MR CORBELL: Mr Speaker, I think I have answered the question.

Gungahlin Drive extension

MS MacDONALD: My question is to the Chief Minister. Chief Minister, members will recall that in July you wrote to the residents of Gungahlin asking for their support in the government's bid to deliver on its promise to build the Gungahlin Drive extension along the western alignment, against the spoiling tactics of the Canberra Liberals and their mates in the Howard government.

Can you tell the Assembly, Chief Minister, what reaction you have had to this letter?

MR STANHOPE: Certainly. Thank you very much. It is a timely question and, of course, nothing has changed. We see still, even in the previous question, the Liberal Party's determination to serve its masters on the hill, to use whatever spoiling tactics it can to circumvent the will of the electorate.

Mrs Dunne: No, to serve the people of Kaleen and Bruce and the people of Aranda and Belconnen.

MR STANHOPE: The Labor Party went to the last election with a very clear position, policy and mandate.

MR SPEAKER: Be quiet and let the minister answer the question.

MR STANHOPE: The Labor Party had a very clear mandate, a very clear position, and the people of Canberra responded and responded appropriately. They responded by kicking you to death. They responded by ensuring a 16 per cent swing to this government on the basis of your appalling record in government, your appalling record in the environment, and your complete lack of interest in the needs of the people of Canberra.

It is interesting. I am more than happy to speak specifically about what the people of Gungahlin think. From the residents of Gungahlin I have now had 1,584 letters.

Mrs Dunne: I want to see them all.

MR STANHOPE: 1,584, which Mrs Dunne just dismisses as nothing, as far as I know. Of course, Mrs Dunne just makes the classic Freudian slip with her comment in this place—"only a few as far as I have been able to see". We have to ask the question we will always ask: exactly which mail are you reading when you come to that conclusion? Only your own mail this time, is it?

However, I had more than just the few letters that you have read this time, Mrs Dunne, or that your Liberal Party colleagues have read.

Mrs Dunne: Table them.

MR STANHOPE: I am happy to table them. 1,584 replies and 1,900 signatures. 1,900 people in Gungahlin have written to me to send the message to you—stop stopping their road from going ahead. That is what you are doing. You do not want the road built. You do not care about Gungahlin. You are more concerned about a few of your Commonwealth mates. You are more concerned to protect the Sports Commission than you are all of the residents of Gungahlin. You do not care.

You do not care about the people of Gungahlin. I know just from your behaviour in the last month or so, that you are the absolute rabble that you have shown the people of Canberra you are.

MR SPEAKER: Order! Would you just resume your seats for a minute. I am driven to the edge of desperation. There is a standing order available to me that enables me to remove the troublemakers. I am very reluctant to do that, because that takes away representation from a significant number of constituents out there. I want to see a little bit of order in this place. A little bit of banter across the house is acceptable from time to time, but an uproar like that is just not acceptable, so desist.

MR STANHOPE: I am answering the question, and the response that I have received is 1,584 letters from residents of Gungahlin, most concerned that the Liberal Party is doing everything within its power to ensure that the Gungahlin Drive extension is either not built at all, or certainly is delayed considerably. That is what you have achieved. Of course, that is the reputation you now have: the party of spoilers and the party that does not care—the party that does not care at all about Gungahlin.

The people of Gungahlin are not silly. They know what you are up to. They are awake to you, and they now know that every day's delay in the construction of that road is down to you. The people of Gungahlin are not stupid in the way that you think they are stupid. They know and, of course, we will keep telling them about your spoiling tactics. We will keep telling them about how you delay at every turn. We will keep telling them that you run to your mates in the Commonwealth to ensure that there is no quick resolution to the problems in the planning required to build this road, and you will pay the price that you should pay.

Rates and land taxes

MR CORNWELL: Mr Speaker, my question is for the Treasurer. Treasurer, following the passage of the Rates and Land Tax Amendment Bill 2002, would you please confirm that, if people have lived in a property for many years, they will be eligible for a rates rebate but, if they move from that property, the rebate will not apply? Minister, how does this help elderly people who wish to downsize their accommodation, thus freeing up their original property for perhaps younger people with families?

MR QUINLAN: Thank you, Mr Cornwell. It is a very sensible question to ask, because we have agreed across this place that providing a fair system for rating has been a vexed problem for some time. The system that we propose will not help those people who want to downsize. Neither will the system it is replacing, by the way. However, what the system that we intend to introduce will do is allow people who have spent many years living in an older suburb to stay there, if they wish, among the network of friends and associations that they have built up.

I think you have identified a problem, but it is a problem that exists now. There is no rates concession for moving into new premises. I suppose, under the current system, there is economic pressure from escalating rates that is forcing residents to move out. If we wanted to have a system where we were forcing people into the scenario that you talked about, then we would leave the current system in place. However, that is not what we want to do. We want to provide a system that allows people to stay in the home in which they have spent many years, if they want to stay in that home.

MR CORNWELL: Minister, I listened carefully to your response. There is, therefore, no incentive. If they are not going to get a rebate if they move out of a property that they have lived in for many years, they might as well stay in their large house, because there is no advantage in moving out. They are still in the same suburb. How does this fit in with your government's encouragement to curb the broadacre development of housing in preference for in-fill?

I cannot see what incentive there is for elderly people to downsize. If they can stay where they are, they will end up with a rate rebate if they have been in the property for many years. There is no incentive for them to move. How does this help your own government's argument that you wish to encourage in-fill?

MR QUINLAN: Mr Cornwell, if you are talking about people for whom there is no incentive, as you say, you are talking about properties of considerable value, I think. If we are talking about properties where this particular measure, the capping of rates at CPI—and that is what we are talking about, not rebates so much—is sufficient an influence to change a decision on selling, then the property must be worth a lot of money. For the rates differential to be substantial, it does mean that the original property, the home property, is worth a lot of money.

Therefore, I suggest to you that the rates change would be far less of an element in the economic decision to be taken, if it is an economic decision, than your question implies. If we are talking about a very substantial rates differential between going and staying, then we are talking about a very valuable property.

Students with disabilities

MS DUNDAS: My question is to the minister for education. Minister, what is the process regarding consultation and feedback on the draft instrument for assessing the needs of students with disabilities, especially considering the document states that all students who have an identified disability will have their levels of functioning in educational settings assessed using this document in its final form? Are you actually serious about consultation on this model?

MR CORBELL: I thank Ms Dundas for the question. The government is very serious about the development of this draft instrument. It is serious because, for a long time, there has been the need to establish a far more responsive mechanism to address and allocate resources to children with disabilities in the government school system.

In its development, the draft instrument has been through a long process of consultation to date, including with a specific reference panel of stakeholders that includes parents. That process is ongoing, and given the complex range of issues with which the instrument is seeking to deal, the reference group has been the first point of contact in the development of the instrument. Once the reference group has signed off on that instrument, or at least on its general directions, then we will be in a position to move forward.

I understand that a range of issues has been raised by a number of parents, particularly parents of children with a range of autism spectrum disorder concerns. Those are issues that I and the department of education are very conscious of, and at this time we are seeking to work through those concerns with those parents, and to highlight what the advantages are of the proposed new instrument.

MS DUNDAS: Considering your stated position of seeking to work with parents to highlight the advantages of this model, can you explain why you are actually pushing forward with this model despite the consistent opposition of parents to this approach over the last five years?

MR CORBELL: I do not accept Ms Dundas' assertion that there has been consistent and widespread opposition to the development of this instrument. These are difficult issues, there is no doubt about it. The way in which you determine how resources are allocated to children with disabilities is a very complex matter, and a matter that has to be handled sensitively.

Overall, the work of the reference group has been very good and has been conducted in a highly collaborative and professional manner. The department will continue to work through those issues. The bottom line is that we do need a better way of assessing the needs of individual children with disabilities in the system, so that we can make sure we give them the resources they need. This is not, as some people assert, about reducing the special education budget. It is not about that. I am happy to provide Ms Dundas with a further briefing on the matter if she feels that would assist her understanding of these issues.

Residential speed limits

MR HARGREAVES: My question is to the Minister for Urban Services. The minister would be aware that, during the debate on the introduction of a 50-kilometre per hour trial, I was critical of the former government's approach to the trial and I said that we should have a 50-kilometre an hour standard across town.

I was also critical of there being no trial of the 50-kilometre an hour speed limit in commercial and industrial areas. We have seen a death in Fyshwick recently, which I think can be partly attributed to speed. There is confusion in signage. There has to be an attitudinal change to get people to slow down. Could the minister advise the Assembly exactly where we are with the 50-kilometre an hour trial?

MR WOOD: Yes, I remember Mr Hargreaves raising this issue with me before. I remember other members raising the issue. In fact, I think there was a motion in the Assembly, was there not, about it? My response at the time was: "Let's work this

through, and see how it goes," because, to achieve a successful outcome eventually—if it becomes permanent—we do need to have the community on side with us.

That trial began in March 2001, which is 18 months ago, so we are substantially through the two-year period. I am aware of a report by the National Road Transport Commission that found adopting a default urban speed limit of 50 kilometres an hour would reduce the number of crashes. I am much aware of that. That has been raised before. Following conversations with transport ministers—and I had some when I was at a ministers conference a little while ago—it is quite clear to me that there is widespread support for such a system across Australia, in residential areas, certainly. I am also aware of what has been said in this Assembly.

I am aware that the issue was discussed at a road safety forum that Ms Gallagher opened just a week or so ago. I am aware of the Pedal Power view, and the conservation council's view. There are a lot of views about it. In view of all that, and what I think is coming across as fairly strong ACT community support, I will shortly take a proposal to the government on the future of the trial, and the possible early adoption of a 50-kilometre an hour default.

Any changes that would be proposed would also review the current system, which uses the Territory Plan as the basis for defining the 50-kilometre an hour streets. Mr Hargreaves, we would look at commercial areas, whether industrial or retail. However, changes there have to be made on a functional basis that will best meet the objectives of improving the safety of all road users, and maintaining the efficiency of the road system. In short, Mr Hargreaves, stand by for other announcements.

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

Gungahlin Drive extension

MRS DUNNE: Mr Speaker, I seek leave to make a statement.

MR SPEAKER: Pursuant to standing order 46?

MRS DUNNE: No, Mr Speaker. It is not a personal explanation. I seek leave to make a statement in relation to Gungahlin Drive.

Leave not granted.

Mr Humphries: Mr Speaker, can I take a point of order. It was often the case in the life of the previous Assembly that members would seek such permission. They were always granted leave. I ask that Mrs Dunne be given leave on this occasion, as was the case before.

MR SPEAKER: First of all, Mr Humphries, that is not a point of order. Mrs Dunne is entitled to seek my indulgence to make a statement pursuant to standing order 46. She did not do that. She chose to seek the indulgence of the Assembly. It has been denied.

Personal explanation

MRS DUNNE: I seek leave to make a statement under standing order 46.

MR SPEAKER: Have you been misrepresented, Mrs Dunne, do you think?

MRS DUNNE: I think I have been misrepresented by what the Chief Minister said.

MR SPEAKER: Go ahead.

MRS DUNNE: In question time today the Chief Minister said that we were doing the bidding of our mates on the hill in relation to Gungahlin Drive. I believe that that is misleading and an imputation on my integrity and that of other members. As I have principal carriage of the issue of Gungahlin Drive, the principal implication is against me.

We went to the election with a specific policy on Gungahlin Drive and, as an individual candidate, I made a clear commitment to the people—

MR SPEAKER: What is the personal dimension here?

MRS DUNNE: I am making that point just now. As an individual candidate, I made a clear commitment to the people of Belconnen—specifically Kaleen, Bruce and Aranda—to keep Gungahlin Drive as far as possible from their homes. It was also stated that we are doing nothing—

MR SPEAKER: I think you are debating the issue. If you have something of a personal nature you want to raise pursuant to standing order 46, I am happy to give you leave to do so. But if you want to get involved in a debate, do it by some other means.

MRS DUNNE: I sought leave to make a statement. We will do it other ways. There is more than one way to skin a cat.

Study trip
Paper

Mr Speaker presented the following paper:

> Study trip—Report by Mr Stefaniak, MLA—United Kingdom, July/August 2002.

Publication of document

MR SPEAKER: Members, during the sitting this morning, the Leader of the Opposition presented to the Assembly a copy of a letter from himself to Mrs Cross dated 23 September 2002. I undertook to take advice over the luncheon break and come back to the Assembly. Standing order 212 provides:

> All papers and documents presented to the Assembly and not authorised for publication may be made available to members, and, with the permission of the Speaker, may be inspected by other persons or copies thereof or extracts therefrom may be made.

I have taken advice over the luncheon break, and I have decided that, in the absence of an order of the Assembly authorising the publication of the letter, I will not be authorising its publication beyond members of the Assembly.

MR HUMPHRIES (Leader of the Opposition): Can I make a short statement in relation to that matter, Mr Speaker.

MR SPEAKER: You will have to seek leave.

MR HUMPHRIES: I do seek leave.

Leave granted.

MR HUMPHRIES: Mr Speaker, in tabling the letter this morning, it was not my intention to permit publication of the document in a way that would attract privilege. Since I have already published the letter—the letter was provided to the media last night—that step would be useless. It was merely provided to the Assembly in order to inform the Assembly about the contents. Therefore, I accept the ruling you have made.

Paper

Mr Stanhope presented the following paper:

> Remuneration Tribunal Act, pursuant to section 12—Part-time holders of public office—Determination No 107, together with statement—ACT Forests' Board of Advisors, dated 29 August 2002.

Executive contracts
Papers and statement by minister

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

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Long term contracts:
>
> Roger Broughton, dated 6 September 2002.
>
> Short term contracts:
>
> Tu Pham, dated 14 August 2002.
>
> Roger Broughton, dated 6 September 2002.
>
> Peter Gordon, dated 2 September 2002.
>
> John Thwaite, dated 28 August 2002.

Glen Gaskill, dated 5 September 2002.

Schedule D variation:

Peter Gordon, dated 5 September 2002.

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

Leave granted.

MR STANHOPE: Mr Speaker, these documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 27 August 2002.

Today I present one long-term contract, five short-term contracts and one contract variation. Details of the contracts will be circulated to members.

Papers

Mr Stanhope presented the following papers:

ACT Criminal Justice—Statistical Profile for the June 2002 quarter.

ACT Public Hospitals—Reports on Purchased Services—3rd and 4th quarters 2001-02.

Financial management instruments
Papers and statement by minister

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): For the information of members, I present the following papers:

Financial Management Act, pursuant to section 14—Instruments (2) directing a transfer of funds between appropriations, including statements of reasons.

I ask for leave to make a short statement.

Leave granted.

MR QUINLAN: Mr Speaker, I have tabled these instruments issued under section 14 of the Financial Management Act and statements for the reasons for the transfer of funds between appropriations by direction of the executive.

The first instrument relates to the 2001-02 financial year. Through an administrative oversight, the tabling of the original instrument of the previous government in August of last year reflected only one signature rather than the required two. The instrument being tabled today reflects a retrospective correction. The Assembly should note that the only change to the original instrument is in its authorisation. No monetary amounts were affected.

Members should also be informed that legal advice from the Government Solicitor has verified that this course of action is within existing legislative guidelines. The instrument provides for the transfer of $123,000 from the Chief Minister's Department to the Department of Treasury for an executive salary.

The second instrument relates to the 2002-03 financial year. The instrument transfers an appropriation of $1.2 million capital injection from the Department of Urban Services to the Department of Disability, Housing and Community Services. The transfer will provide for the fit-out of the recently established Department of Disability, Housing and Community Services.

I commend these papers to the Assembly.

Papers

Mr Quinlan presented the following paper:

> Territory Owned Corporations Act, pursuant to subsection 19 (3)—Statement of Corporate Intent—2202/03 to 2005/06.

Mr Corbell presented the following paper:

> Occupational Health and Safety Act, pursuant to section 96D—Operation of the Occupational Health and Safety Act 1989 and its associated law—Fourth quarterly report 2001-2002 for the period 1 April to 30 June 2002.

Mr Wood presented the following papers:

> Cultural Facilities Corporation Act—
>
> Pursuant to subsection 24 (8)—Cultural Facilities Corporation—2002/2003 Business Plan.
>
> Pursuant to subsection 29 (3)—Cultural Facilities Corporation—Quarterly report for 1 April to 30 June 2002.

Subordinate legislation

Mr Wood presented the following papers:

> Legislation Act, pursuant to section 64—
>
> Commissioner for the Environment Act—Commissioner for the Environment 2003 Report Determination 2002—Disallowable Instrument DI2002—170 (LR, 12 September 2002).
>
> Community and Health Services Complaints Act—Community and Health Services Complaints—Community and Health Rights Advisory Council—Appointment 2002 (No 1)—Disallowable Instrument DI2002—161 (LR, 26 August 2002).

Dental Technicians and Dental Prosthetists Registration Act—Dental Technicians and Dental Prosthetists (Fees) Determination 2002 (No 1)—Disallowable Instrument DI2002—159 (LR, 26 August 2002).

Environment Protection Act—Environment Protection Declaration of non-application of section 50 2002 (No 1)—Disallowable Instrument DI2002—162 (LR, 26 August 2002).

Gaming Machine Act—Gaming Machine (Required Community Contributions) Determination 2002 (No 1)—Disallowable Instrument DI2002—164 (LR, 2 September 2002).

Gungahlin Development Authority Act—Gungahlin Development Authority Appointment 2002 (No 3)—Disallowable Instrument DI2002—165 (LR, 2 September 2002).

Health Professions Boards (Procedures) Act—

Nurses Act—Nurses Board Appointments 2002 (No 1)—Disallowable Instrument DI2002—167 (LR, 5 September 2002).

Physiotherapist Board of the ACT Appointments 2002 (No 1)—Disallowable Instrument DI2002—168 (LR, 9 September 2002).

Physiotherapists Act—Physiotherapists (Fees) Determination 2002 (No 1)—Disallowable Instrument DI2002—160 (LR, 26 August 2002).

Podiatrists Act—Podiatrist (Fees) Determination 2002 (No 1)—Disallowable Instrument DI2002—163 (LR, 2 September 2002).

Public Places Names Act—Public Place Names 2002, No 11 (Street Nomenclature—Gungahlin)—Disallowable Instrument DI2002—171 (LR, 12 September 2002).

Radiation Act—Radiation (Fees) Determination 2002 (No 1)—Disallowable Instrument DI2002—169 (LR, 9 September 2002).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulations 2002 (No 1)—Subordinate Law SL2002-23 (LR, 30 August 2002).

Road Transport (General) Act—Road Transport (General)—Declaration that the road transport legislation does not apply to certain roads and road related areas 2002 (No 6)—Disallowable Instrument DI2002—172 (LR, 12 September 2002).

Road Transport (Public Passenger Services) Regulations 2002—Road Transport (Public Passenger Services) Approval of Taxi Security Camera Standards 2002—Disallowable Instrument DI2002—166 (LR, 2 September 2002).

Law Reform (Miscellaneous Provisions) Amendment Bill 2002

Debate resumed from 22 August 2002, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR STEFANIAK (3.39): Mr Speaker, the opposition will be supporting this legislation, although we will be keeping an eye on how it develops. It abolishes the common barrator. Whilst it was abolished over the border in New South Wales, along with the tort and offence of maintenance and champerty, it was not in some other jurisdictions. It is

important that we monitor this legislation to see what effect it has. I suspect it may not have a significant effect.

The law has moved on since these rather quaint offences were first introduced. They are common law offences. They go back to the law of England. As was pointed out by the Chief Minister in his presentation speech, these old doctrines have slowly waned in relevance in the face of renewed interest in access to justice. As he pointed out, the process was well advanced in the 19th century, when the Privy Council commented on these matters.

These doctrines have been replaced because of concerns about ensuring access to justice. The minister quoted the Federal Court in 1997 when it summed up the development of the law over the past century. Our courts in the ACT have designed appropriate rules to deal with these issues. New rules of conduct were set out by the Full Court of the ACT Supreme Court in 1996.

These offences have been abolished in many Australian and overseas jurisdictions. New South Wales abolished them in 1995. That is a pretty telling comment.

I thank the Chief Minister for the briefing I had and John Malouf for his quite witty email to me on the abhorrent and abominable offence of barratry. The opposition will be supporting the bill, although I sound a note of caution on the offence of common barrator. Whilst it has been abolished in New South Wales, it has been kept in Queensland. Whilst these old doctrines have waned in recent times, we will be keeping an eye on whether the current laws and the current practices of the court are sufficient.

MR HUMPHRIES (Leader of the Opposition) (3.41): As Mr Stefaniak has indicated, this bill ensures that the law of the territory reflects contemporary practice. It has already been made clear that the doctrines of maintenance, champerty and barratry, while relevant for many centuries, do not have relevance in the ACT at the present time. That point has been well made.

What is appropriate here needs to be reconsidered comprehensively. As part of that exercise, it is important and appropriate that we abolish common law concepts which have a particular set of definitions around them and particular common law—probably common law which is very old but nonetheless common law—applications and interpretations which would bear little relationship to the needs of the ACT, given that much of that common law would have been formulated a long time ago.

It is worth putting on the record, as Mr Stefaniak has done, that it may be a mistake to completely vacate the law or send a signal that we intend to completely vacate the field with respect to these offences. The offence of maintenance is about supporting somebody else's action. The common law barrier of champerty was about not allowing people to profit from somebody else's litigation.

It is still quite possible, even in this day and age, perhaps especially in this day and age, for litigation to be used as a powerful weapon or tool against other people and, moreover, for litigation to be used in a way which could be designed to do great damage to a defendant in these circumstances.

If you are a person of considerable means and wealth, for example, you might see it as being in your best interests to buy into a civil action against your enemy and use that litigation in order financially to crush the other party. It might not happen very often, but one might well imagine that that would be extremely disabling to the defendant, or perhaps even the plaintiff, in such proceedings. It is a fairly common rule of thumb, and one that I have certainly encountered in my experience in the law, that most forms of litigation result in only one party clearly profiting, and that is usually the lawyer. In circumstances where litigation is likely to be financially damaging to the parties involved, then to maintain or even exacerbate that litigation could be seen as being quite a serious problem.

In supporting this bill today, the opposition's message to the government is that we need to carefully monitor what transpires in the territory as a result of these changes. We need to be clear and sure that a person cannot use our courts—and particularly to piggyback on somebody else's litigation—in order to effect some purpose which would be contrary to the public good, to do this in a way which would be a distortion of the purposes of the justice system, in particular as a means to settle scores against parties to whom they may be opposed and who may be financially much less well off than they are.

That said, it is hard to argue that the framing of these original common law doctrines has great relevance in the ACT. If abuse did arise, it would be quite clear that new common law or statutory doctrine would need to be formulated to make it clear that people cannot use our courts in a way designed to effect non-legal or non-litigious purposes contrary to the public good of the territory.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (3.46), in reply: Mr Speaker, I thank members for their support for these amendments. As members have indicated, the Law Reform (Miscellaneous Provisions) Amendment Bill abolishes the three ancient common law actions of maintenance, champerty and being a common barrator. Originally the common law developed these doctrines to deal with particular types of abuse of the judicial system. In feudal times the common law was concerned to prevent a third person from buying into a dispute between two other people.

Maintenance prevented a person, generally someone with great power, from lending financial support to one side in a legal dispute. Champerty is similar to maintenance. Support is offered to get a valuable benefit or advantage. Being a common barrator referred to persons who were habitually moving, inciting and maintaining suits or quarrels. For example, it was an offence to suggest to someone on a number of occasions that they should sue another person.

These doctrines are on their final legs. They are no longer appropriate under the modern Australian legal system. There have been no recent reported cases involving maintenance, champerty or being a common barrator.

Both the offences and torts of maintenance and champerty have been formally abolished in many Australian and overseas jurisdictions. They were abolished in the United Kingdom in 1967. Most recently, in 1995, together with the common law offence of being a common barrator, they were abolished in New South Wales.

In the landmark decision in 1996 of re Robb and Rees, 134 FLR—I think this goes to the point that Mr Humphries was making—the Full Court of the ACT Supreme Court set out new rules of conduct in speculative actions on the basis that maintenance and champerty had ceased to have relevance in the ACT, as either a criminal offence or a tort, without prejudice to questions of public policy. In their place, the court set out comprehensive rules governing the conduct of solicitors undertaking speculative actions in the area of personal injury litigation. This bill today completes the process of abolishing these old documents.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Prostitution Amendment Bill 2002

Debate resumed from 29 August 2002, on motion by **Mr Stanhope:**

> That this bill be agreed to in principle.

MR STEFANIAK (3.49): Mr Speaker, this bill, which the opposition will also be agreeing to, implements the recommendations of a review undertaken by the department into the Prostitution Act 1992. The review, which followed a request made, I think, back in 1999, specifically looks at the public health and regulatory aspects of the act. It was considered that such a review was timely because the act had been operating for a number of years.

As was indicated by the Chief Minister in his introductory speech, there has been a lot of consultation. The main concern that arose about the existing legislation was the lack of any power to exclude unsuitable people from the industry. There is nothing in the act to prevent a person who had been convicted of, for example, a serious offence like child prostitution, from continuing to operate a brothel. The significant changes in the bill before us address that concern.

New offences have been included in the bill. A proposed definition of what is called a disqualifying offence will cover very serious criminal offences, especially crimes against a person—crimes in relation to children and offences dealing with things like drug trafficking and money laundering. These are particularly relevant offences. I think this a most important addition to the legislation.

When I left the Assembly at the end of the first Assembly and went into private practice with my old mate Bernard, one of my first cases was to draft an agreement for a brothel owner, brothels having then been recently legalised. We had a bit of trouble getting the fees out of him and I recall having to take him to court. I wasn't surprised to see that ex-client of mine, who was actually a fairly well-known felon, on television. I wonder whether he would have been able to operate had this particular bill been law at that time.

This very important provision will ensure that people who have been convicted of previous offences which are relevant to this industry and whom a reasonable person would not want operating a brothel, are in fact excluded. Accordingly, I commend that part of the legislation.

I thank the Chief Minister for responding to the scrutiny of bills committee report No 19. There was a concern that clause 26 would derogate from section 16 of the Spent Convictions Act 2000 by requiring a person to disclose previous convictions for the purposes of the Prostitution Act. I accept the fact that the government has the view that there is an important public purpose in ensuring that individuals with convictions for serious criminal offences are not in a position of authority in an industry where workers are vulnerable to exploitation and that the public purpose outweighs interference with the rights of the individual.

The scrutiny of bills committee is tasked in its terms of reference with looking specifically at issues such as civil rights and the liberties of the individual. This is one of the reasons why we don't need a bill of rights; and it is something that New South Wales is going down the track of rather than having a bill of rights. Although this arrangement serves us well, obviously on occasions government bills and private members bills put forward propositions that are contrary to the terms of reference of the committee and, in weighing the rights of the individual against the rights of the public, the committee quite clearly comes down with a decision that the public good rather than the rights of the individual must be upheld. Accordingly, I accept the government's explanation in relation to that point.

I want to refer to another issue, and I thank the Chief Minister and Attorney for a briefing on this. I recall some discussion when we were in government about medical certificates and the examination of workers in relation to sexually transmitted diseases. The Attorney, at page 4 of his introductory speech, talked in some detail about the bill removing from the act provisions relating to designated medical officers—"designated medical officers" being doctors nominated by the Chief Health Officer.

I made some inquiries and asked some questions in relation to that, as I had some concerns. I recall some conversations and arguments—they were more discussions than arguments—that I had in cabinet with Mr Moore about that point. I note as a result of that that doctors and also pathologists have dual reporting obligations for sexually transmitted diseases. That was not the case before, hence clause 17 of the bill. There is now no scope for forum shopping, which was a concern before. I recall when I was last looking at this matter that that was a concern the department had.

I was surprised to see in some interesting information that the Gilmore Clinic found in their survey that the incidence of sexually transmitted diseases amongst prostitutes was in fact lower than that in the general community. So I think that shows the system is working.

In conclusion, Mr Speaker: I am glad to see that the bill is on the table. It proposes some good advances which have resulted from a lot of consultation following the 1999 review. I am pleased to see that this work is now being taken forward by the current government and put into legislation. Accordingly, the opposition will be supporting this bill.

MS DUNDAS (3.56): Mr Speaker, as we would all know, prostitution is commonly known as the oldest profession and, to my knowledge, taking money in exchange for sexual acts has never actually been illegal and nor should it necessarily be. Sex workers provide services to disabled, lonely and social inept people who otherwise might have no sexual contact. And while paying for sex has always been legal, many parliaments have attempted to outlaw soliciting and the operation of brothels.

As history has proven time and again, outlawing brothels does not stop prostitution. Instead, large brothels are forced to close and small illegal brothels become more numerous. In addition, a high proportion of sex workers begin to operate out of escort agencies, with adverse consequences for their health and their safety.

While it seems largely possible to keep under-age activity and immigration offences out of a regulated industry, these problems flourish in an unregulated industry. In other jurisdictions police corruption has also gone hand in hand with illegal brothels, providing another strong argument in favour of legalisation. Historically, the Australian Democrats have fought for the legalisation of prostitution in other jurisdictions for all of these compelling reasons, and especially the safety of the workers involved.

Thankfully the ACT Assembly was progressive enough to pass the Prostitution Act in 1992 to keep the industry above ground and regulated. And just as it is in the public interest to regulate to prevent minors working in brothels, so too is there benefit in ensuring that the historic links between the sex industry and crime do not re-emerge, and that is the main aim of this bill.

I support the decision to allow people with convictions for minor offences to operate brothels and escort agencies but I also accept the decision to bar operators convicted of the more serious offences listed in the schedule of this bill. These offences all appear to have some connection with the kinds of offences historically associated with illegal brothels.

I also support the changes in the bill that improve confidentiality for operators of brothels and escort agencies. It is difficult to see what reason an ordinary member of the public would have for viewing the personal particulars of operators unless he or she was planning to harass the operator. So the limited list of people entitled to inspect the register does make sense.

The penalties under this bill appear a little uneven. I have difficulty seeing why deliberately providing misleading information to the government is a less serious offence than failing to notify the government that a brothel has ceased to operate. However, I have researched this and understand that the misleading information penalty has been set with reference to similar provisions in other acts, and for the sake of consistency I will not be seeking to amend it. So, overall, I am happy to provide support for this piece of legislation.

MS TUCKER (3.59): I will speak briefly. The Greens also support this bill. I think this is a very important improvement to the legislative framework. I also am comfortable with the responses to the scrutiny of bills committee report, in that I think there is a public interest which takes priority over the Spent Convictions Act.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.00), in reply: I thank members for their contribution to the debate. I would like to summarise and wrap up consideration of the bill. The bill essentially makes some finetuning amendments to the Prostitution Act. I think these amendments are significant and I also think they significantly improve the framework around the operation of the Prostitution Act and the regulation of the sex industry in the ACT.

The amendments, as Mr Stefaniak indicated, had their genesis in a review of the act that was undertaken by the Department of Justice and Community Safety in consultation with the Sex Industry Consultative Group. The most significant change made by the bill is the inclusion of the new offence provisions that will have the effect of excluding persons from the industry who have been convicted of particular disqualifying offences. The amendment will address the principal concern that has arisen with the existing legislation, which is the lack of any power to exclude unsuitable people from the industry.

The proposed definition of "disqualifying offence" comprises serious criminal offences, including crimes against a person, in particular those relating to children, and offences relating to drug trafficking and money laundering. The exclusion of persons who have a prior conviction for these types of serious offences is essentially a risk management mechanism. Such a mechanism is employed in many spheres—for example, police checks are undertaken to ensure that convicted child sex offenders are not employed as childcare workers.

The traditional link between organised crime and prostitution cannot be ignored and this is the basis for defining "disqualifying offence" by reference to these particular crimes. These amendments will have the effect of promoting the safety and welfare of sex workers, who are generally acknowledged to be vulnerable to exploitation.

The bill also includes some important amendments in relation to sexually transmitted diseases. The bill makes consequential amendments to the Sexually Transmitted Diseases Act 1956 to update the definition of STD in line with current expert medical advice. The bill also removes the current provision in the act in relation to designated medical officers. A designated medical officer is a doctor nominated by the Chief Health Officer for the purposes of the act.

Under the act, brothel owners are required to take reasonable steps to ensure that a sex worker does not provide commercial sexual services when infected with an STD. The effect of the designated medical officer provision is that, where a brothel owner relies on an examination by a designated medical officer to satisfy himself or herself that a sex worker is not working with an STD, he or she should rely on that as evidence in any subsequent prosecution. The rationale underlying the designated medical officer provisions when they were enacted was to minimise the potential for sex workers to shop around for false certificates that they do not have an STD infection.

STDs are notifiable conditions under the Public Health Act and, as such, are required to be notified to the Department of Health and Community Care by both the testing pathologist and the medical practitioner. The department follows up on all STD notifications with the relevant medical practitioner to ensure that the infected person has

been treated correctly and also to ensure that the contacts with the person have been followed up. Mr Stefaniak particularly noted that the notification procedure in the bill requires notification by both the pathologist and the medical practitioner. In addition, follow-up action by the department of health provides a sufficient deterrent to medical practitioners issuing false certificates and designated medical officer provisions are no longer considered necessary.

The bill also amends the act so that the registrar may not make the names and addresses of sole operators available for inspection other than to authorised persons. The amendment is designed to protect the confidentiality of sole operators who may operate lawfully from their homes and may be unwilling to operate within the regulatory framework if their names and addresses are available for public inspection. There is no compelling public interest in private workers' details being available for public inspection.

In summary, the amendments in this bill do not make any radical changes to the law. They are essentially fine tuning amendments but they do, as has been indicated, improve the framework that has been devised through this legislation in the ACT for the control of sex workers and the sex industry. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

Motion (by **Mr Wood**) proposed:

> That the Assembly do now adjourn.

Gungahlin Drive extension

MRS DUNNE (4.04): Mr Speaker, members of the government have misrepresented the intent of members of the Liberal Party in relation to Gungahlin Drive. Earlier in question time today the Chief Minister said that we were about doing the bidding of our mates on the hill—a clear implication that we were doing something nefarious, it would seem, on behalf of the federal Liberal Party.

I want to put on the record that I, as an individual member, and all Liberal members went to the last election with a clear commitment to build the Gungahlin Drive extension via the eastern route, to build four lanes, and to build it by 2004. In addition, as a person seeking election in Belconnen, I went with a specific undertaking to the people of Kaleen, Bruce and Aranda to keep the Gungahlin Drive extension, a road that is essential, as far as possible away from their homes, and I intend to stick to that commitment.

It was also stated that the people on this side of the chamber, the parliamentary Liberal Party in the ACT, have done nothing for the people of Gungahlin. I think we need to put on the record just what has been done for the people of Gungahlin. After all, it was under the auspices of the former Carnell/Humphries government that Gungahlin got under way. We established the Gungahlin Development Authority. We built the Gungahlin town centre. We moved the Gungahlin town centre to create the 1996 international reserve of the year and part of the Canberra Nature Park. We built the town centre.

We built Horse Park Drive. We brought forward the building of an extension of Flemington Road. We built the community centre, the library—the list goes on—and we made a strong commitment to the people of Gungahlin to build Gungahlin Drive, four lanes, by 2004.

We have done everything that we can to keep that commitment. We did the planning. If the new government had stuck to the previous commitment, they could have begun to build that road by 1 July this year—by 1 July 2002. But what we have had from the other side is a fair amount of obfuscation under the guise of an election commitment.

But we did not break our word to the people of Gungahlin, unlike those people opposite who eventually promised to build not a four-lane road but a two-lane road, not by 2004 but by 2005. The jury is out on whether they will ever be able to achieve that because to do that they would have had to start the draft variation by May this year, and here we are in September and we don't see it. The people opposite are the only people in this place who have let down the people of Gungahlin by promising to build half a road at least a year late.

Canberra Vikings

MS MacDONALD (4.07): Mr Speaker, I rise today to congratulate the Canberra Vikings on their sterling victory on the weekend against Easts in Brisbane. Of course, everybody in this place would know of my recent campaign to try to get a Wallabies World Cup game played in Canberra next year. Unfortunately, that wasn't successful, and a great shame it is, too. A number of the Canberra Vikings play for the Brumbies and, of course, we know a number of Brumbies are in the Wallabies. So they would feel right at home if such a game were played here.

It is great to see that the Vikings have managed to defend their title this year at that level. Unfortunately, the Vikings didn't win their match against Royals in the local competition but they had a sterling game anyway.

Canberra Vikings
Wests Rugby Union Club
Belconnen Magpies

MR STEFANIAK (4.08): Ms MacDonald has stolen part of my thunder but I will reiterate what she said. I also extend my congratulations to Laurie Fisher and his team for their magnificent effort. I won't go over the ground covered by Ms MacDonald, but well done. I congratulate them.

Recently I had the pleasure of playing with Laurie Fisher's two brothers—his older one and his younger one. It is always dangerous being a fifth grade coach at university when your side is short of players. However, I must admit I had never played at Berridale before.

I also congratulate Laurie Fisher on joining the Brumbies staff. Certainly the flogging which the Vikings gave to their opponents in the grand final in Brisbane is testament to his coaching skills and the skills of the team. It is crucially important that we have this intermediate level of rugby between club and Super 12.

Whilst on things rugby, might I again congratulate my old mate Geoff Stokes on getting Wests first grade, a team in my electorate, into the grand final yet again. They started off incredibly slowly this year and came home with a wet sail. The sad thing is they are playing my old team, Royals, and I have some dual loyalties there, I suppose. I will probably be going for my old club, which I played many seasons with. If they win I think it will be the first grand final they have won in first grade since 1991.

Finally, I would like to congratulate the winners in that other code of football, Australian Rules. It was absolutely fantastic to see the Belconnen Magpies win their first ever premiership after many years of trying. They have been in four of the last five grand finals. They won most convincingly, being about 20 points ahead at quarter-time and then extending that a bit at half-time, and really putting it on in the third and fourth quarters. It was an excellent day.

I joined the team for a few drinks at the club afterwards. I think they were still celebrating on Wednesday. So, a brilliant effort and a well deserved win which was a long time in coming. It was great to see the Magpies first grade Aussie Rules team from Belconnen win the first grade premiership for the first time ever.

National youth event

MS DUNDAS (4.10): I rise to talk not about football but about the national youth event held by Guides Australia over the weekend down the Cotter Road at Camp Cottermouth. On Friday I had the pleasure of attending this conference and meeting some of the young women at the camp. I was able to talk to them about their lives and their experience, and about opportunities for leadership. While I spoke about the participation of young women in public life and the opportunities for leadership, I was struck by not only the optimism of these young women at the camp but also what they have achieved and what they plan to achieve.

The theme of the weekend was "Leadership in the outdoors" and the event brought together young women aged 13 to 16 and their peer mentors from all around Australia. These young women had in some way already shown themselves to be community leaders and, hopefully after the weekend, we will be seeing a lot more of them. Although they are not yet old enough to vote, they are, of course, old enough to pay taxes—a point not lost on these young women who are community leaders and are active in their everyday lives.

It is worth noting that to be leaders these young women have to take opportunities that might not have arisen before. For many, that opportunity comes through participation. So their goal is still to change the world and to get more women into leadership roles. These young women are active in their everyday lives. We spoke at the camp about "girl power", and it is interesting to see how much our idols, ideals and values can change in less than a generation. The "girl power" idea is about shaping girls who can take charge of their lives, who have good self-esteem, who won't be pushed around, who have goals and who don't have to have sex or drop out of school in order to fit in.

The young women leaders that I was able to meet at the weekend are starting from the premise that equality is theirs and they are working to make it a reality. I believe that the challenge is to embrace the spark in this next generation and encourage others to also participate and not rely on someone else to stand up and take on their fight.

Leadership for these young women is far more than just being at the top of their field. It is about listening and recognising skills in others; about people's inner experience of values such as dignity and self-respect; and about how we can change the world to make all of this a reality.

Working in politics, I am often confronted with the stereotype that young people are apathetic and don't wish to be involved. I wish some of these critics had been with me at the national youth event on the weekend. These young women leaders have a high level of optimism. They are taking on life and embracing the challenges of the future as well as looking forward to their future. I wish them all well, and believe me when I say that we have not seen the last of them.

Outward Bound Australia
Collingwood Football Club

MR HARGREAVES (4.14): I want to let the house know about a trip I took to a place on the Naas Road near Tharwa in the delightful and picturesque electorate of Brindabella where I was treated to an inspection of the Outward Bound Australia compound. I wish to put on the record my appreciation to Wendy Machin, the marketing manager, and Karim Haddad, the schools director, who showed me around this national training organisation. It is an amazing place and I would encourage every member to go and have a look at it. This facility provides leadership and self-esteem building for young people. You don't have to be disadvantaged and you don't have to be in trouble to go there. It just enables people to get an idea of their own potential and give it a run.

The program run by Outward Bound is based on physical activity and survival.

Mr Wood: Did you climb over the equipment?

MR HARGREAVES: I took one look at the equipment, realised that I was 47 years too old and thought, "No, this is for young people." I recommend very strongly that people go out and have a look at this fantastic facility which is being run by a fantastic organisation. Outward Bound operates Australia-wide. Thousands of kids across Australia are going through their programs. I also was struck by the training opportunities for Australian Rules football at the camp on the Naas road. This facility would adequately suit the needs of a premier Australian Rules football team.

I also want to express my own heartfelt and humble appreciation to the Collingwood Football Club for regenerating interest in Australian Rules right round this country. It is due to their achievements this year in getting into the grand final in Melbourne that we have such an interest here in Canberra—an interest that sparked on the Belconnen Magpies to win the premiership this year. They were led by their glorious comrades in that fair state of Victoria.

I thought the effort by Collingwood to reach the grand final was a magnificent achievement and I look forward to celebrating their success on Saturday. Whilst I do, of course, wish that other team all the very best, I cannot help but think that in the interests of the international propagation of our sport the good old black and white will have to reign supreme.

Apologies
Assembly—members

MR HUMPHRIES (Leader of the Opposition) (4.16): Mr Speaker, I won't talk about football.

MR SPEAKER: Thank you.

MR HUMPHRIES: What I will do is tender an apology to Mr Hargreaves because I misrepresented him.

Mr Hargreaves: You old lion, you.

MR HUMPHRIES: Mr Speaker, I will ignore the interjections. In debate on an MPI on 28 August I accused Mr Hargreaves of using the phrase "subverting the constitutional process". He denied that at the time. I have checked the *Hansard* and he was quite right. What he said was:

> They must subvert the democratic process and revert to the constitutional monarchy model.

So I correct the record there and tender my apology.

Mr Speaker I also noted a comment by the Chief Minister earlier today relating to the adjournment of the Civil Law (Wrongs) Bill. The Chief Minister was critical of the fact that the house had adjourned that bill, apparently against the wishes of the government. I am a bit intrigued by the comment, Mr Speaker, and I understand that you are checking whether that was a breach of standing orders. But quite apart from that fact, I am just intrigued by how it is possible, in a house where at the present time the government has eight votes and everybody else has eight votes, for a motion to be passed to adjourn a particular bill.

It seems to me that if everybody else thinks it should be adjourned and you think it shouldn't, that motion must fail on equality of votes. Perhaps Mr Stanhope or his colleagues weren't quick enough to rise to their feet and simply say that they didn't

support the motion or say "the noes have it" when that particular vote was cast. I don't know, Mr Speaker.

Mr Hargreaves: We were just trying to be nice to you for once, Gary; just trying to be nice to you like no-one else is.

MR HUMPHRIES: I will encourage that trend. It won't last for very long, Mr Hargreaves.

Question resolved in the affirmative.

The Assembly adjourned at 4.18 pm.