# DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

## HANSARD

14 November 2002

**Thursday, 14 November 2002**

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**MR SPEAKER** (Mr Berry) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

## Petition
### TAB agency

*The following petition was lodged for presentation, by* **Mr Quinlan**, *from 350 residents.*

> To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the ACTTAB Board has declined to renew the Agency Agreement for the Charnwood ACTTAB Agency with Mr Ian De Landelles.
>
> Your petitioners therefore request the Assembly to call on the ACTTAB Board to reverse their decision and to renew Mr De Landelles' Agency Agreement for a further 3 years.

*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.*

## Privileges—Select Committee
### Report

**MS TUCKER** (10.32): Mr Speaker, pursuant to order, I present the following report:

> Privileges—Select Committee—Report—*Unauthorised diversion and receipt of a Member's e-mails*, dated 13 November 2002, including a dissenting report dated 13 November 2002, together with the minutes of proceedings.

I seek leave to move a motion authorising publication of the report.

Leave granted.

**MS TUCKER**: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

**MS TUCKER**: I move:

> That the report be noted.

Mr Speaker, the Privileges Committee considered the commentary on privilege and contempt and precedence from the Commonwealth parliament. The committee unanimously adopted four criteria against which the actions complained of were to be judged: improper interference in a member's ability to discharge his duties as a member, serious interference, intent on the part of the person responsible, and action directly related to the member's duties as a member.

In determining whether contempt had occurred, the committee considered two separate issues in this inquiry. The first event was the original diversion of Minister Bill Wood's emails to Michael Strokowsky, an employee of the Liberal opposition. This diversion occurred at system management level in InTACT. The second issue was the continuing unauthorised retention and use of these emails by Mr Strokowsky.

On the matter of the diversion within InTACT, the committee concluded that it could not identify contempt. This is because, even though the diversion itself was improper, serious and did interfere with the free performance of the member's duties, no person was identified as responsible for this diversion, and therefore it was not possible to establish intent.

However, the committee has recommended that the role of InTACT as the Legislative Assembly's IT service provider be reviewed by the Standing Committee on Administration and Procedure. It was of great concern to the committee that system logs maintained by InTACT at the time of the diversion did not enable identification of the person responsible. InTACT has assured the committee that since then rights of access have been significantly restricted and security vetting of staff has been considerably improved, but it is important that the Assembly, through the Administration and Procedure Committee, be able to fully inquire into the adequacy of security of information technology services.

On the second issue, the continuing unauthorised retention and use of the diverted emails by Mr Strokowsky, a majority of the committee members concluded that the actions of Mr Strokowsky did meet the criteria for contempt. They were an improper interference of the free performance of Minister Wood's duties. They were a deliberate breach of the privacy of Mr Wood's free communication with the electorate, his officials and his colleagues.

On the second criterion, there was a serious interference. The committee believes that the principle that persons wishing to communicate with a member of this place in confidence, secure in the knowledge that their correspondence will not be "eavesdropped", is an important principle, and a breach of it is a serious matter. This place also requires all of us to be able to place trust in the ethical behaviour of our colleagues and staff. A betrayal of that trust is also serious.

The criterion of intent is also clearly established. Mr Strokowsky retained, copied and passed on to his colleagues copies of Mr Wood's emails. His intent to make use of the emails for political purposes is quite clear. His understanding that he should not be receiving the emails is also clear.

The criterion of the interference being to the member's duties as a member is also established. All the emails relate to Mr Wood's duties as a member or a minister.

In arguments put it will no doubt be said that this matter is not serious because no great damage resulted to Mr Wood. But seriousness is not simply a matter of actual harm. Breaching a principle or practice vital to the functioning of this place is serious, irrespective of the outcome. Mr Smyth, in his dissenting report, stresses:

> Section 4 of the *Parliamentary Privileges Act* seems to suggest that before anyone can be said to have committed a contempt, a person needs to have done something positive that subsequently has the effect of interfering (or may interfere) with the free performance of his or her duties as a member.

However, Erskine May, the guide to British parliamentary practice, describes contempt as "any act or omission which obstructs or impedes either House". The argument from Mr Smyth that Mr Strokowsky is relieved of an ethical obligation to act because it was not he who caused Mr Wood's emails to be diverted to him is an ethical position he can defend himself. This point is not relevant anyway, because our finding of contempt is based on the positive actions of Mr Strokowsky. He retained, used and distributed Mr Wood's emails, knowing that he was not the intended recipient of those emails.

Mr Smyth also states that he feels there is an element of retrospectivity in the committee's finding against Mr Strokowsky because we are imposing a new standard. He is apparently claiming it is not an accepted standard now that if a person receives someone else's emails over a period of time they have a responsibility to correct the situation and not to continue receiving, copying and distributing copies. The majority of the committee do not agree with Mr Smyth on this. In fact, Mr Strokowsky himself stated in evidence, as did other Liberal staff, that it is not appropriate to read, retain and use other people's emails unless you are authorised to do so. It was another Liberal staff member who first alerted the appropriate people to the issue because they were so offended by the behaviour. I think it was an accepted standard.

During the inquiry the committee was accused of considering matters irrelevant to its terms of reference. I ask members to read the report. We were very careful to restrict our inquiries and our comments to matters bearing directly on the issues of privilege and contempt.

It will also be put that we are setting an unreasonable standard that does not reflect the community's view of the privacy of people's emails. That is the standard we have applied. That is the standard every member of this place would apply. If Mr Strokowsky had applied it, we would not be debating this matter today.

It has also been said that we have accepted hearsay and gossip. Again, I ask members to read the report. In writing this report, the committee relied overwhelmingly on the police statements given by Mr Strokowsky and others and public evidence corroborated by other evidence. In my opinion, it would have been possible for the committee to reach its conclusion based almost entirely on Mr Strokowsky's police statement, his evidence to the committee and hard copies of the emails involved.

Finally, this is an important matter. Mr Smyth, in his dissenting report, stresses the need for us to be circumspect and restrained in finding contempt. I can assure members I applied that principle in my deliberations on this matter. I have heard the argument that

this matter is not serious enough to warrant contempt, but it comes down to a judgment call on the value you place on respect for privacy.

As a society we have clear standards articulated in legislation on other personal communication such as letters and telephone calls. The question we dealt with in this inquiry is really no different. While there are specific issues relating to the nature of email communication, such as the need to open an email to see who the intended recipient is, this report clearly distinguishes between unauthorised receipt only and the continuing unauthorised receipt, retention, copying and distribution of email. This is not just a judgment call on the question of privacy; it is also a judgment call on the importance of us in the Legislative Assembly setting very high standards.

This report has serious implications for the work of the Assembly and its standing in the community. It is important that as community leaders we show ourselves willing to apply reasonable standards to our work. This inquiry was very difficult for everyone concerned and it was not a pleasant task. I am aware of the possible consequences of our findings. If members read the report, they will find it careful and measured. I would ask those of you who follow me in this debate to adopt the same approach. Please do not trivialise this important issue by using it as an excuse for some partisan head-kicking.

We believe that Mr Strokowsky's actions meet the criteria of impropriety, seriousness and intent and directly relate to Mr Wood's duties as a member. So we have concluded that Mr Strokowsky is guilty of contempt of the Legislative Assembly. We have recommended that Mr Strokowsky make a prompt and unreserved apology for his conduct in this matter to the Legislative Assembly in writing through the Speaker.

In view of the adverse effect that this finding of contempt will have on Mr Strokowsky's professional reputation, the committee made no further recommendation for the imposition of a penalty.

The committee found no evidence to suggest that any member of the Assembly had any knowledge of Mr Strokowsky's access to Mr Wood's emails. Nor did it find evidence that any other member of the opposition's staff in the Assembly had sufficient knowledge of the access and use being made of the emails to suggest that any other staff member could also be in contempt of the Assembly.

**MR HARGREAVES** (10.44): These are not very pleasant occasions. I wish to comment on the way in which the committee went about its business. I thought the contributions made by Mr Smyth and by Ms Tucker were in the correct spirit. In my view, the committee gave very honest consideration to a very serious matter, even though it was a difficult one. I would also like to express my appreciation, and I am sure Ms Tucker's and Mr Smyth's, to the committee secretary, Derek Abbott, who did a lot of the research into parliamentary precedents and the references which were particularly helpful for those of us who do not have that kind of knowledge.

Ms Tucker indicated to the Assembly pretty well what the deliberations were all about and what approach was taken. It needs to be stressed that although the committee was unable to make a finding in respect of some situations it does not mean that those situations did not exist. We had no evidence to say that they did exist or did not exist.

For example, we know that the diversion was not accidental. We do know that it was probably an officer within InTACT who did the diversion. We do not know what the intent was. We do not know whether it was an act of deliberate diversion for political gain or whether it was just incompetence. We did not have evidence either way, so we were unable to make a finding.

Likewise, when it came to assertions by some witnesses that X may have been the case, the committee was unable to find evidence either way. Where you read in the report that there was no evidence to suggest X, it does not provide an exoneration, nor does it make a finding of an actual happening.

Mr Speaker, I want to address a couple of issues in the report. I want to address the role of InTACT. I want to talk about how I considered the evidence regarding Mr Strokowsky, the penalties, Mr Smyth's dissent, and we will see how we go from there.

I found the assistance given to the committee by InTACT to be appalling. I thought it was dodgy. It was self-protectionist. They need to take a good long hard look at themselves and their public service obligations to provide assistance to their parliament. I felt that getting a contribution from InTACT was like extracting teeth.

It was of concern that InTACT said it could not recover all the emails, yet months later, when the committee ordered them to do so, they produced them. Either they were trying to avoid the issue or they were incompetent. I do not really care which.

Had they been able to produce the emails, the committee would have concluded its deliberations considerably earlier, and there would have been considerably less stress on people affected and named within the report. In this sense my sympathies go to Mr Strokowsky, because I think that could have been avoided. Despite the finding in the report that what Mr Strokowsy did was not acceptable, I lay a lot of that at the feet of InTACT.

The officers who appeared before the committee need to examine their behaviour. I was not impressed by their behaviour. I felt that they were unhelpful, to the point of trying to avoid the issue. Whether they were trying to cover up something or whether they were trying to cover up for somebody else is now for conjecture, because the hearings are over. But I had that suspicion for quite some time and I still have it, and I share it with the Assembly.

I wanted a finding of contempt against a person or persons unknown in InTACT. There are four criteria for finding contempt. If you find only three, bad luck; you cannot make a finding of contempt. I accept the view of the committee that we cannot find contempt against InTACT or an officer within InTACT. It was with extreme regret that I took that position, because I am convinced that such a contempt exists. I just wish I could identify the officer who perpetrated it and discover their intention. As Ms Tucker said, a finding of contempt requires evidence that there was improper interference, serious interference and intention and that the interference related to a member's duties. We determined that three of those applied.

I turn to Mr Strokowsky and the criteria for contempt. The first criterion is improper interference. Improper interference, as Ms Tucker said, can occur through omission. Leaving open the possibility that something will drop into the lap, in my view, is an omission. Nothing was done to close that up. It also goes to intent. I believe that the continued retention of a number of emails was integral to the whole issue.

Another criterion is improper interference in the free performance of a member in his or her duties as a member. The very first email had a considerable amount of sensitive material within it. Whether Mr Strokowsky knew or did not know that Mr Wood was not receiving that email, delay of that communication from that agency had nasty consequences.

The contention that these emails might have been intended for Mr Strokowsky cannot be sustained. Nothing will convince me that a communication from a union to a minister indicating the attendees and the agenda for a meeting between that union and the minister was intended for an opposition staff member. Nothing will convince me that, as with the first email, an agency dealing with people's difficulties would deliberately send a copy of the details to a staff member of the opposition when dealing with the minister. Nothing on earth will convince me that a staff member of the minister's office would deliberately send a copy of correspondence he was having with his minister to a staff member of the Leader of the Opposition. No way in the wide world could anybody believe that.

We talk about serious interference. I believe that was proved. I have mentioned already the particularly sensitive email. There were 38 emails altogether, but it needs to be noted that they were in two periods. The first period was from 27 November to 16 February, when there were 23 emails. During that period Mr Strokowsky was on leave. How one gets to be on leave when one is an unpaid volunteer is, I am afraid, beyond my comprehension. However, for the sake of the argument we will not go down the pedantry trail.

From 16 February to 26 February or thereabouts there were a further 15 emails. During that period one of them was shared with the Leader of the Opposition's chief of staff. To her credit, she was quite concerned and quite agitated about it. The other one was taken to Mr Moore, a staff member of Mrs Cross, who too had some concerns about it. They are two that were copied and shared about.

Another one was sent very late in the piece. It was retained for about a month after others had been deleted. It seems to me that it was hung on to for possible use later down the track. It was in his possession. We have copies of that email. We have seen the emails. If the first 23 had been inadvertent and the person had said, "Whoops, look at that, you beauty" and decided to delete the lot, fine. The following 15 were not. I do not accept that at all.

The intention to use them for interference in the minister's duties is borne out, in my view, by the retention of the opportunity. We talk about the defence of it falling off the back of a truck. I do not believe that is so. That usually is so when you get one or maybe two. But to make sure that the truck goes past your place and goes over a speed hump to make sure that things falls off there for three months—I am sorry, I do not agree with that.

There is nothing accidental about keeping it open. In fact, it was not the first time. He had access to Mr Stefaniak's emails as a leftover from his previous job. But he was a volunteer in the Leader of the Opposition's office. It was not until one of Mr Stefaniak's staff insisted that that be closed down that it happened. It was sitting there available to Mr Strokowsky from when the Liberal Party became the opposition to the time when he went on leave. It was also available to him after he went on leave, until such time as he was pressured to close it down.

With those three, for me it was pretty clear that there was an intention to interfere. The rough and tumble of politics I reject because of the period involved and the sensitivity of the emails involved. I have not touched on the fact that some were pure constituent ones and some were ministerial ones, but I will come to that.

The fourth criterion is that the interference is related to the member's duties as a member. The minister is a minister appointed by the Chief Minister, but the minister is a member of this Assembly, and in his activities he is in a sense accountable to this Assembly. I believe that there was such interference. There were housing issues. There were a number of issues, not to forget the constituent ones. I looked at the 38, and I found about six which were constituent ones or general ones. The other 32 or thereabouts related to ministerial work.

That was keeping an opportunity open so that the minister would be embarrassed or so the opposition would have some ammunition against the government of the day. Be that as it may. If it is once or twice, I say good luck to you. That is the way it goes. We all hope that will happen. But I do not accept that keeping an opportunity open for three months is appropriate behaviour. I am pleased to say that that attitude is shared by senior staff members from the Liberal Party corridor and others who gave evidence to the committee.

You have to think of something pretty seriously if you are going to start a process like this in train and then cause the stress and illness that people suffered over the period of the inquiry and continue to suffer. I feel some sympathy for those people.

Mr Smyth, in his dissenting report, gave a fairly significant list of what the penalties could be. But it needs to be understood that punishment must fit the crime. If we are talking about precedent here, we need to be mindful of that. We need to be mindful of the dignity of the chamber, the dignity of the house. We need to be mindful of the fact that the hearings dragged on and that Mr Strokowsy has paid a penalty in the press already. *(Extension of time granted.)*

Notwithstanding how angered some members might feel about the process and the implications for them, we need to have regard to the future. I would have preferred a stiffer penalty, but I bowed to the committee, in the sense that we needed to put the high jump bar, I guess, at a certain level and have regard to the future. I will not go down that track too far.

Mr Smyth's dissenting report talks about two things, essentially. First, he does not believe there was a contempt. Each member is entitled to their belief. Mr Smyth has given his arguments. I disagree with him and the chair disagrees with him.

But most of his dissenting report says, "Yes, but if he is guilty we should not really give him a penalty at all. We should not find contempt, because we have to have more regard for the dignity of the house than the fact that there was an invasion of the privacy, and interference in the duties, of a minister of this Assembly." Sorry about that. I do not agree with that. I think that that is not on.

Mr Smyth says that in the past in the big house up on the hill they have had the attitude of almost finding contempt and then thinking, "No, we will not take that extra step, because it will bring the dignity of the house down. It will lower it." If something is wrong, then it has to be exposed and it has to be fixed. We do not say, "My reputation as a really nice person is going to go down if I am associated with this wrongdoing, so I will just sweep it under the carpet." That is what it is. It is just sweeping stuff under the carpet. I think we have a greater responsibility to raise the dignity of this place by saying we will not tolerate unacceptable behaviour. We found this to be unacceptable behaviour—the majority of the committee, anyway.

It was not a pleasant thing for us to have to do. Yesterday in question time I heard an imputation when Mr Smyth said to Mr Humphries that Mr Stanhope must have known something about the report and that perhaps there had been a breach of privilege. I would like to put on the record that I absolutely reject that. If he wants to repeat that imputation, I would like to see it by way of substantive motion. I would love to defend it. I would also love him to repeat it outside this chamber, because I could do with a second house to invest in for my children.

Not only have I not shown the report to anybody; I have not shown any page or any word to the Chief Minister since the inquiry started. I have not discussed any of the detail with the Chief Minister at any time. I strongly reject that imputation, if it was directed to me. If it was directed at the chair, then I take even stronger objection. If there has been any leaking from this committee, it certainly was not by the chair, and it certainly was not by me. Somebody else can add the numbers up.

**MR SMYTH** (11.03): Mr Speaker, thank you for the opportunity to address my dissenting report to the Select Committee on Privileges inquiry. I do not believe that contempt has occurred, because the criteria have not been met. I say that because Speaker Snedden said in the House of Representatives on 8 November 1979:

> The privileges of the House are precious rights which must be preserved. The collateral obligation to this privilege of freedom of speech in the Parliament will be challenged unless all members exercise the most stringent responsibilities in relation to them.

The fourth edition of *House of Representatives Practice* suggests that it is the duty of each member and of the House of Representatives as a whole to refrain from any course of action prejudicial to continued respect for its rights and immunities. This not only means exercising responsibilities in the stringent manner referred to in the quotation from Speaker Snedden but also means exercising or invoking its powers when exercising its penal jurisdiction—that is what proceedings relating to whether someone has committed a contempt is: the exercise of the Assembly's penal jurisdiction—in a sparing

fashion. It also means that where a penalty is handed out the penalty is appropriate to the offence committed.

Part and parcel of this responsibility is applying the law of contempt as it is and not how people would like it to be.

The act that established the Assembly, the Australian Capital Territory (Self-Government) Act 1998, provides powers for us. Section 24 sets out the powers, privileges and immunities of the Assembly. It says:

> (1) *powers* includes privileges and immunities, but does not include legislative powers.
>
> (2) Without limiting the generality of section 22, the Assembly may also make laws:
>
> (a) declaring the powers of the Assembly and of its members and committees, but so that the powers so declared do not exceed the powers for the time being of the House of Representatives or of its members or committees; and
>
> (b) providing for the manner in which powers so declared may be exercised or upheld.
>
> (3) Until the Assembly makes a law with respect to its powers, the Assembly and its members and committees have the same powers as the powers for the time being of the House of Representatives and its members and committees.
>
> (4) Nothing in this section empowers the Assembly to imprison or fine a person.

The Legislative Assembly has not declared its powers. However, the federal parliament has passed the Parliamentary Privileges Act 1987. Pages 59 and 60 of *Odgers' Australian Senate Practice*, 10th edition, advises that the statutory definition of contempt is as follows:

> Conduct (including the use of words) does not constitute an offence against a House unless it amounts, or is intended or likely to amount, to an improper interference with the free of exercise by a House or committee of its authority or functions, or with the free performance by a member of the member's duties as a member.

The explanation of this is:

> Enactment of this provision means that it is no longer open to a House, as it was under the previous law, to treat any act as a contempt. The provision restricts the category of acts which may be treated as contempts, and it is subject to judicial interpretation. A person punished for a contempt of Parliament could bring an action to attempt to establish that the conduct for which the person was punished did not fall within the statutory definition. This could lead to a court overturning a punishment imposed by a House for a contempt of Parliament.

To retain community respect for the institution of the Assembly and its ability to penalise contempt, the law should be applied rigorously. Otherwise, the Privileges Committee runs the risk of being considered nothing more than a kangaroo court, as does the Assembly if the majority of the report is endorsed, and community respect for the Assembly as an institution will be diminished. In each case the committee is obliged to

ask itself: does the action of the person accused of contempt fall within the formula set out in section 4 of the Parliamentary Privileges Act?

Has a contempt been committed in this case? The principal issues in this matter are whether the passive receipt of unsolicited emails constitutes a contempt of the Assembly and whether a person has committed a contempt by failing to tell another that apparently their email had been misdirected.

Section 4 of the Parliamentary Privileges Act seems to suggest that before anyone can be said to have committed a contempt a person needs to have done something positive that subsequently has the effect of interfering, or that may interfere, with the free performance of his or her duties as a member.

In context, if anyone had hypothetically taken action to redirect emails from Mr Wood's office, it would probably constitute contempt, as would the behaviour of inciting someone to do such a thing. However, passively receiving unsolicited information does not appear to fall within this definition. You cannot help receiving emails that are directed to your computer.

As to the second major issue, the majority report seems to suggest that the continued receipt of email in error imposes on the recipient an obligation to advise the author of the receipt and that the failure to do so can be regarded as being a contempt of the Assembly.

Section 4 of the Parliamentary Privileges Act does not require someone to do something positive to correct a particular course of action, and it does not cover an act of omission. It recognises as contempt only things falling within the ambit of the section that people actually do which do or may interfere with the free performance by an MLA of their duty. It therefore follows that the passive receipt of unsolicited information and a failure to tell someone about a possible misdirection of emails cannot be regarded as a contempt of the Assembly.

As the majority report recognises at paragraph 2.23, there is a distinction between what you may consider to be contemptible behaviour and behaviour that is a contempt of the Assembly. Given the different nature of email as a method of communication and the lack of established rules as to its use, should the Assembly wish to make rules about email etiquette (including the use of information gained from misdirected emails) and provide sanctions for breaking them, it is open to the Assembly to do so as anticipated by paragraph 24 (2) (a) of the self-government act of 1998.

However, for the committee to formulate a standard of behaviour for the first time, then, when conducting an inquiry in exercise of the Assembly's penal jurisdiction, apply that unannounced standard to someone without appropriate reference to section 4 of the Parliamentary Privileges Act is tantamount to applying legislation retrospectively. That is wrong.

Restraint in exercising the Assembly's jurisdiction is very important. As previously noted, it is a well-established principle that exercising its contempt jurisdiction is something a parliament should do sparingly. In the House of Representatives there have been 187 attempts in the last 102 years at determining whether breach or contempt has been committed. All but 17 of those have been rejected.

The majority report displays a degree of preciousness when attempting to distinguish between unsolicited information received because of computer error and unsolicited information received because someone wanted a politician to receive it—information that has fallen off the back of a truck, or a leak. The fact is that in each case a politician or their office receives unsolicited information without authority of the person to whom the communication is directed.

Assume the information received by means of computer error revealed, for instance, that a member was involved in the commission of a criminal offence or was engaged in behaviour designed to advance the cause of a political party or a supporter, or revealed that government actions, or indeed inactions, were so egregious that it was in the public interest to draw them to the attention of the Assembly.

What would any non-government party do? Ignore the information? Pretend it had never seen it because it was received by email error? Put another way, is there a material difference between receiving information over a period of time by computer error and receiving information over a period of time from a political staffer, a journalist, a public servant or a member of the general community? In some circumstances oppositions are able to perform their functions only because of the receipt of confidential information.

Before deciding that this matter is a contempt of the Assembly, the committee should have been sure that it would not be seen as being hypocritical for not equally regarding as a contempt receiving any communication directed personally to a member which is not covered by parliamentary privilege and thus placing the standing of the Assembly as an institution at risk.

How do other places, most appropriately the House of Representatives, handle contempt cases? It is from the House of Representatives that we draw our practice? The House of Representatives has dealt with two similar cases. One concerned a black-ban on mail delivered to MPs by the Communication Workers Union, called in my report the mail services case. *(Extension of time granted.)* The second concerned placing an MP's electorate office phone numbers in classified advertisements with the intent to block the MP's phones, called in my report the telephone case. Those cases are examples of how a parliamentary body with experience in dealing with privilege matters deals with such matters in a political environment. Summaries of each case form an appendix to my report, and I would urge members to read them.

In each case the House of Representatives Privileges Committee noted the need to display restraint in the exercise of the House of Representatives penal jurisdiction and took no further action. This was even so in the mail services case, in which a trade union took a positive act to black-ban the delivery of parliamentary mail. There great weight was given to the fact that there was no intention to offend against the law protecting the house. In the telephone case the Privileges Committee decided it would be inconsistent with the dignity of the house to take the matter any further.

The Assembly shares with the House of Representatives rulings relating to privilege. So that each institution can continue to draw on decisions of the other, it is highly desirable to ensure, as far as possible, consistency of approach.

Unlike other jurisdictions such as the federal parliament, the Assembly cannot fine or jail anyone for committing contempt. I think that is a thing we should avoid. Nor can it refer anyone to the DPP to be prosecuted for committing a contempt of the Assembly. There is no relevant offence.

Practically speaking, all it can do is ban them from the precincts of the Assembly, censure them, admonish them or, by resolution, make a statement commenting on their behaviour. To hand out a positive finding that someone is in contempt in any circumstances where there is a possibility that a finding of contempt can be made rather than in a sparing way means the shame of denunciation, the only effective sanction the Assembly has, is diminished.

The House of Representatives Committee of Privileges, commenting on the disruption caused to the work of the electorate office of the honourable member for Wentworth, said:

> In assessing the matter, the Committee was aware of the widely held view that Parliament should exercise its penal jurisdiction as sparingly as possible, and only when satisfied that to do so is essential to provide reasonable protection for the House, its Members or officers from improper obstruction or attempt at or threat of obstruction as is causing, or is likely to cause, substantial interference with the performance of their respective functions. This is not merely a widely held view but one which has been adopted as a guiding principle and one which guides the Speaker, the Committee of Privileges and Members of the House. This principle has not been formally adopted in the Commonwealth Parliament. Despite this, the Committee acknowledges that it is supported by many, and it is a principle which commends itself to this Committee. It was also recommended by the Joint Select Committee on Parliamentary Privilege for adoption by the Parliament.

The federal houses of parliament use their powers to find contempt in a sparing manner. In the mail services case the positive act of black-banning politicians' mail was not seen to be a contempt, because of the recognised philosophy of restraint in finding contempt, the absence of any intention to offend the law that protects the house, and the limited duration of the disruption. It also required the presence of substantial interference with the performance of a function.

Applying these standards to the present case, there is no evidence that anyone intended breaching any laws protecting the operation of the Assembly, and access to Mr Wood's emails by a Liberal Party staffer was for only a limited period. However, the general flow of communications to Mr Wood continued. There was not, nor could there be, a significant impediment to the work of the minister. No significant impediment to the work of the member has been proven.

The Senate has also passed a number of resolutions to assist the chamber in deciding whether matters should be dealt with as a breach of privilege and how such matters should be conducted. In privileges resolution 3, criteria to be taken into account when determining matters relating to contempt, the Senate declared that it would take into account when, inter alia, determining whether a contempt had been committed the existence of any remedy other than that power (to judge and deal with contempts) for any act which may be held to be a contempt.

In this case there was a remedy. Once the Assembly secretariat was informed of the situation, the emails were routed to the correct office. No grand political conspiracy was discovered. All that was proved was that for a period a volunteer, subsequently employed as a staffer, received emails that properly should have been received by Mr Wood, as a result of a technical bungle by InTACT. *(Further extension of time granted.)*

Even assuming the presence of behaviour that falls within the terms of section 4 of the Parliamentary Privileges Act, which is doubtful, to make such a finding in such a situation will simply lead to a reduction in the respect of the Assembly as an institution, as well as reducing the effect of being impugned as being in contempt of the Assembly where there is a real case for such condemnation.

The Assembly should consult its dignity and decide not to take the matter any further, the resulting effect being that the community might welcome signs of restraint in such a matter as evidence of the maturity of the Assembly as an institution, an institution which could look at a problem but have the wisdom to use its power judiciously and only when necessary.

Like other members of the committee, I would like to thank Mr Abbott, the secretary of the committee, for his assistance and thank my fellow committee members for the way in which the inquiry was conducted.

**MR SPEAKER**: Before we go any further, I will read to members the relevant provision of the standing orders in relation to extensions of time. Standing order 69 (j) states:

> Extension of time—with the consent of a majority of the Assembly, to be determined without debate [that is, a motion], a Member may be allowed to continue a speech interrupted under the foregoing provisions of this standing order for one period not exceeding 10 minutes. Provided that no extension of time shall exceed half the original period allotted and any Member may be granted leave by the Assembly to conclude their speech within a period of time which is no greater than half the original period allotted or for the period specified in the request for leave.

In future I am going to adhere to that standing order. If members wish to exceed the provision of the standing order, they will have to move a suspension of standing orders. Strictly speaking, Mr Smyth, you ought to have sought to suspend standing orders.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.21): Mr Speaker, I would like to take the opportunity to thank the committee for the work that it has done on this inquiry. We are a very small parliament, and in a parliament as small as this there is a level of interaction and indeed friendship between all sides of the Assembly that makes this Assembly unique in Australia. As a result of that, we acknowledge that an inquiry of this sort into the behaviour of members of this place, members whom each of us know, would have been extremely difficult for the committee. It certainly would have been difficult for the committee, nevertheless necessary and vitally important if the parliament is to be completely free to exercise its powers, and to exercise them in a way that the community has an expectation and a right to have them exercised.

The findings of the committee, as we note from the presentations made by the chair and the deputy chair today, are certainly grave. A particularly grave finding of contempt has been made against a member of the staff of the Leader of the Opposition. That is extremely serious. In the history of this parliament, without question, it is the most grave and serious finding against any member of staff of this place.

The government will take the opportunity to read the report and to digest it and to read and digest the minority report, and we will give due consideration to an appropriate response. Of course our response will be guided by the detail and content of the report, once we have had an opportunity to digest it, and our response too will be guided by the response of the staff member of Mr Humphries found in contempt. Indeed, our response will be guided also by the response of the Leader of the Opposition.

It needs to be remembered that this contempt occurred in the office of the Leader of the Opposition. This contempt was perpetrated by a senior member of the staff of the Leader of the Opposition. This contempt was brought to the attention of the chief of staff of the Leader of the Opposition. This contempt was made known by members of the staff, one assumes, of the Leader of the Opposition. The government awaits with interest the response of the Leader of the Opposition to those facts. This report reveals that there was a serial interference with the mail of Mr Wood, an interference that occurred over a number of months, an interference that involved significant numbers of pieces of personal mail.

We have just heard from Mr Smyth his interpretation of the events. I guess Mr Smyth's interpretation of these most serious events causes me some concerns, to the extent to which he seeks to apologise for, exonerate or explain away, the seriousness of the diversion of the personal mail of a minister of the ACT government, as if it were just some mere flippancy, some bagatelle, something that is not serious, something that is not a grave offence of itself, let alone something that should become embroiled in discussions around whether or not technically it is an offence. It is a most serious and grave interference. It is morally reprehensible.

To use an analogy, this is no different to reading one's neighbour's mail if Australia Post accidentally drop it into one's letterbox at home. Not a single member of this community would think that that behaviour was acceptable by any standard. If Australia Post accidentally drops a letter of my neighbour's in my letterbox, it is somehow right, appropriate, moral or explicable that I open that envelope, read that mail and use it for whatever purpose I deem appropriate. Not a single member of this community would accept that that behaviour is appropriate or defensible. Yet we have just seen an attempt to defend that very sort of behaviour in relation to electronic mail.

Let us not be confused by the technology here. An email is a piece of personal mail. It is personal, private communication. It is no different from the mail delivered by Australia Post. Yet the Deputy Leader of the Opposition is already building a defence around that behaviour.

There has already been some internal Liberal Party fallout from this affair. This affair has been particularly damaging to the reputation of this place. It is particularly damaging to the reputation of the member of staff found guilty of the contempt. It is particularly damaging to the reputation of those other staff who knew but did nothing, and it has been

particularly damaging to the lives and welfare of those members of Liberal Party staff who did do something and who, as a result of doing something, have effectively been hounded out of this place and are now on extended sick leave. A range of issues will continue to be of enormous significance.

The government will take the time to read this report. We will digest it. We will read Mr Smyth's explanation of the events, and we will digest that. We will determine a formal response.

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (11.27): Mr Speaker, the report is damning of certain actions by a senior Liberal staffer. But it is still a disappointing document. It fails to enforce necessary high standards for this Assembly. More damming today is the Liberals' pathetic effort to dissemble, distract, obfuscate—a ramble to avoid the issue. Again, they have displayed no principles, no standards. People are saying it was only passive receipt of emails. If you think so, read paragraph 3.47 of the report.

The report says that a contempt has occurred. It acknowledges how serious that is. The conclusions are clear and I think generally supported by all members of the committee. Mr Strokowsky received, by whatever means, emails meant for me. I never got them. He did not tell me. He did not say there was a problem that needed fixing. More than that, he opened them, read them, downloaded them and distributed them. The committee found that that is a gross contempt.

Ms Tucker's speech was strong, but I find that for this most serious breach the action proposed in response is weak, inadequate. What is the sanction? A prompt and unreserved apology. An apology a year after the event—as easy and as minor as that. With the government and members, I will examine the report in detail, but it is clear the punishment does not fit the crime.

It remains now for Mr Strokowsky, Mr Humphries, the Liberal opposition and others to determine what enforcement is necessary to uphold high standards in this place.

**MR HUMPHRIES** (Leader of the Opposition) (11.30): Mr Speaker, it does appear as if we are getting into a debate about this report before members who were not on the committee have had a chance to read the report. I hope that that will not be the case. I hope members will take this report away and read it and consider it before comments or decisions are made about what action should be taken in response to it.

I want to make a couple of comments. This report makes a very serious finding against a member of the staff of the opposition. I want to correct the Chief Minister with respect to one matter. The committee was told, and in fact reported in its report as far as I can see, that the staff member concerned was a staff member of a number of members of the opposition, not merely of the Leader of the Opposition.

We will have a look and see what the report says in its entirety, but it makes a very serious finding about the staff member. It is a matter that all members of the Assembly, including members of the opposition, deserve to take seriously and consider seriously. I will do so in conjunction with my colleagues. I will look at both the majority report and the dissenting report of Mr Smyth.

The Chief Minister spoke at length about matters internal to the Liberal Party. With great respect, he should restrict comment on matters he does not know fully about. I can assure him he does not know the full story about issues happening within the Liberal Party.

In some ways with my first-blush reading of this report, I am surprised at the report. A great deal of what was said before the committee was intemperate, extremely prejudicial and seems to me to have been based on things that were not properly secured or supported before the committee with evidence. But the committee, I note, discarded a great deal of that, and the report is strictly on what it sees as matters that were more substantially proven before the committee. Although I am not sure I agree with the finding of the committee, to the extent that it did that I think it has done a service to the committee process in this Assembly which, as I have said earlier in the life of this Assembly, has been diminished by processes in recent years.

I repeat that the opposition intends to consider this report very seriously, acknowledging that with each new decision made by the Assembly as a whole or by an Assembly committee standards are set by virtue of those decisions. Those standards, whether we like them or not, whether we agree with them or not, become standards by which the Assembly has to live. To that extent serious consideration of this report has to precede a proper debate about the contents of the report.

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

## Planning and Environment—Standing Committee
### Report No 9

**MRS DUNNE** (11.34): Mr Speaker, pursuant to order, I present the following report:

> Planning and Environment—Standing Committee—Report No 9—*Planning and Land Bill 2002 and Associated Legislation*, dated 13 November 2002, together with extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising publication of the report.

Leave granted.

**MRS DUNNE**: I move

> That the report be authorised for publication.

Question resolved in the affirmative.

**MRS DUNNE**: I move:

> That the report be noted.

Mr Speaker, in presenting report No 9 of the Standing Committee on Planning and Environment, relating to the Planning and Land Bill 2002, I have pleasure in presenting a unanimous report. The fact that it is a unanimous report may come as a surprise to many members. It is testament to the work of the committee.

The committee started from the premise that governments have the right to seek to implement their policies. It also took the view that this Assembly must carefully consider the merits or otherwise of the policy and whether the legislation tabled meets the objectives of the government to provide—to quote the minister in his introductory speech on 27 June—"a more robust and independent system of planning and land development for the ACT".

With this in mind, the committee restricted its examination of the legislation to the actual terms of the bill and the consequential amendments and accompanying documents. In its recommendations, the committee draws attention to clauses in the legislation that are defective, lack clarity or appear to be counter to the government's stated objectives.

In the report, there are 22 recommendations. The most important recommendation is the first one, which reads:

> The committee recommends to the Assembly that this legislation not be rushed through to meet artificial deadlines. The committee understood that the government originally wished to have its new structure in place on 1 January 2003. It has been advised that 1 July 2003 is a more realistic starting date.

I might add that we were advised by PALM and I have been told by constituents that the minister is saying in his correspondence that the starting date will be 1 July 2003. The key piece of advice from the Planning and Environment Committee to this Assembly is: don't rush it. There are other important recommendations; they are all important, but I will dwell on some.

In the committee's deliberations and in consultation with the community, many things arose. For the majority of the committee and most who made submissions, the ministerial statement of planning intent was one of the most contentious issues. The thing that arose about that is: how does the ministerial statement of planning intent sit in relation to other legislated documentation that relates to planning; in particular, how does it relate to the Territory Plan?

We are concerned that the ministerial statement of planning intent may be a way of subverting other pre-eminent pieces of planning documentation and there are possibilities that at some future time a Russ Hinze type of planning minister may be able to use a statement of planning intent to override the Territory Plan and to authorise unsuitable developments or changes to planning law. There is a need for the Territory Plan to be reinforced in its primacy as the principal tool for planning in the ACT. The committee recommends that the primacy of the Territory Plan should remain and that this new legislation should reflect that.

It will come as no surprise to the minister that the Land Development Agency was strongly opposed by the planning, building and property organisations which made representations to the committee. They pointed to the inherent conflict in the aims of the authority. There was constant risk of conflict between sound business practice and planning objectives. There were bland assertions by the minister that everything would be all right, but there is not enough underpinning the legislation as it currently stands to ensure that sound business practices will not override the planning principles. To that extent, the committee recommends that it be made explicit in the legislation that the

agency is bound by the same planning principles as the Planning and Land Authority also being established by the bill.

We also note in relation to the Planning and Land Authority that none of what has been proposed by way of great windfalls, although we did not dwell on this at length, has been tested. We know that there is a pilot program going on at the moment. I would note—this is not so much a view of the committee but my own view—that from briefings that have been received by members and at the estimates we have seen already that this pilot is probably going off the rails.

At estimates and elsewhere we were advised, for instance, that the average price of a block of land under the government's new socialised land development policy would be $85,000, but, at the trial being conducted at Yerrabi stage 2 by the Gungahlin Development Authority in conjunction with private industry, the starting price for blocks of land is $140,000 and the price rises to $175,000, that is, twice the $85,000 planned average price. In discussions at the time the minister brought forward his proposal for land development we were told that $85,000 was a conservative price and that the land prices in Gungahlin at that time, that is, in July, of $101,000 represented abnormal profits and unsuitable profits to be made by the development industry. Suddenly, we are finding that the ACT is proposing to make even larger profits, ranging from $147,000 to $175,000.

The committee also raised a number of times with officials the implications of competition policy for the establishment of the Land Development Agency. Again, we received bland assertions that there were no implications, but at this stage we are not convinced on that and there is advice to the government that the ICRC should look at the competition policy implications before it proceeds. With the Land Development Agency, we have to be cautious. The Land Development Agency is not like Landcom, which is often mentioned by the minister. Landcom is not a monopoly. The minister proposes to establish a full monopoly in the ACT and we have seen only this week that Standard and Poor's have great reservations about the implications of the establishment of that monopoly for the ACT's debt risk.

In addition to these concerns, the committee and members of the community were particularly concerned about the implications of clause 17 (2) of the bill, which delegates to the Land Development Agency the right to issue its own leases, which could be characterised as putting Dracula in charge of the blood bank. The committee has specifically recommended that this clause not be proceeded with.

Turning to the principal structure of the Planning and Land Authority, there was generally accepted recognition that it was time for a change and that there needs to be a review and a revivification of the planning structure in the ACT. There is constant evidence that morale in Planning and Land Management is currently low and that there is deskilling. That was raised by me in estimates when I pointed to the fact that about 30 per cent of the staff in Planning and Land Management had turned over in the past year. We have been given bland assurances that everything is okay, but that is not what we are hearing from the community. There is a feeling in the community that there needs to be a change in the structure of PALM so as to re-establish morale. Canberra seems to be giving up its reputation as the pre-eminent planned city of the world by deskilling in PALM and low morale.

**Mr Corbell**: This is from the party that cut $1.5 million out of PALM in the last government.

**MRS DUNNE**: Observations come to my office every day—

**Mr Corbell**: Ask Brendan Smyth how much money he cut out of PALM in the last government.

**MRS DUNNE**: Every day when I come in I find a new piece of correspondence—

**Mr Corbell**: He cut $1.5 million out of PALM.

**MRS DUNNE**: Mr Speaker, do I have to stand and take my own points of order? I would like to be heard. The minister will have his time to respond. He will have an opportunity to make a formal response.

**Mr Corbell**: What absolute gall!

**MR SPEAKER**: Order, Minister!

**MRS DUNNE**: I don't have a problem with saying that if we did something wrong we should address it. If the members on this side of the chamber contributed to the deskilling of PALM, I don't have a problem with saying that. We have to face up to it.

**Mr Corbell**: Well, admit it.

**MRS DUNNE**: I have said that there is an obvious deskilling in PALM. I don't have a problem with saying, "Let's face reality and let's look forward and make it better."

**Mr Corbell**: You slashed PALM's budget.

**Mr Cornwell**: Can we have some order, please, Mr Speaker? We have got a lot of work to do.

**MR SPEAKER**: Order! Mrs Dunne, please direct your comments through the chair.

**MRS DUNNE**: I apologise. Mr Speaker, there has been an obvious deskilling in PALM. I do not resile from the fact that people other than those in the present government may have contributed to it. But the important point now is to recognise that this is the situation and to move on.

As a personal observation, every day for the past three weeks I have received a complaint about lack of morale in PALM, problems in PALM, mistakes made in PALM. They go on on a constant basis and are a sign of something wrong. There is a constant feeling in the community that we need to do something and, because of that constant feeling in the community that we need to do something, there is general support for the establishment of the Planning and Land Authority.

As to addressing that change, I am concerned and the members of the committee are concerned that there seems to be a lack of preparedness for the change. There was concern that rank and file staff were not being embraced by the process. When members of the legislation task force were questioned about what processes for change management were in train, we did not get a satisfactory answer. There seems to be no preparedness for this change.

In relation to this change, the linchpin will be the new chief planning executive. The committee had a view, which was reflected very strongly in the submissions received, that the new chief planning executive should have a high level of urban planning experience in one or more cities. It was the view of the Planning Institute of Australia—I do not think we discussed it at much length in this report, but I think that it needs to be reinforced—that there should be an international search for the first chief planning executive. That is the view of the Planning Institute. It is probably also a personal view. I will leave it to other members of the committee to say whether they think it is as important as I do. The leadership of the chief planning executive will be very important in relation to changing the morale and changing the skill level. It will have a honey pot effect and help to reskill the organisation.

Mr Speaker, there were great problems in the preparing of this legislation and this committee report. As I said the other day, the revealing of what the government has in mind has been rather like the dance of the seven veils. Mr Corbell thinks it is enough to introduce the bill, but the bill is not everything. There are consequential amendments and there are other pieces of legislation that underpin this bill and to this day we have not seen them in a final form.

On Tuesday, in discussion on this matter, Mr Corbell said that the government has provided a range of other information that would not normally be made available in the course of this sort of inquiry. That is just plain wrong, Mr Speaker. Getting information out of the minister and his task force has been like extracting teeth. To reinforce that, I will take the liberty of quoting a couple of paragraphs out of the introduction to the report:

> The Committee has been hampered by a tight timeframe and by Government delays in making the complete suite of proposed legislation available. Indeed, the Administrative Appeals Tribunal Amendment Bill remains in Exposure Draft form, having not yet been tabled, and the Committee has yet to view any proposed Regulations that are to accompany the functioning of the Acts.
>
> The Planning & Land Bill was presented to the Assembly on 27 June 2002 and referred to this committee on 22 August 2002. The Planning & Land (Consequential Amendments) Bill was presented to the Assembly … on 26 September 2002. The exposure draft of the Administrative Appeals Tribunal Amendment Bill and a draft outline of matters to be included in the regulations were provided to the committee on 1 October 2002—

when most of the committee members were interstate on committee business—

> At the committee's public hearing on 8 October 2002—

the first public hearing—

> it was clear that a number of witnesses had not had the opportunity to consider the supplementary legislation and other information.

Thus the committee had to seek supplementary submissions from those organisations as part of its legislative review. It became clear on 8 October that until the day before at least the consequential amendments to the Planning and Land Bill were not on the ACT government legislation database, so the people who were seeking to have access to it to form their views had not been able to do so before they came to the public hearing. The introduction continues:

> As a result, the committee's consideration of the legislation has been hurried. If the committee had more time available, it may have been able to complete a more thorough investigation and have been better informed, as well as being able to propose more alternatives where necessary.
>
> The effort of community, business and professional groups to respond to the committee's request for public input is greatly appreciated. However the lack of access to documents has also meant that submissions to the committee may have been hurriedly prepared, and there is the distinct possibility that some problems may have been overlooked.

This is the problem. *(Extension of time granted.)* There has been a piecemeal approach and this piecemeal approach bespeaks an unseemly haste to get something passed, anything passed. As I said before, this is not the way good legislators make legislation.

There are important issues about process here, and here I challenge the minister. He talks consultation, but can he walk consultation? I would like him to demonstrate that he is not like Pontius Pilate; he doesn't say, "Quod scripsi scripsi," and leave it at that. There is more to being a minister than tabling legislation. I challenge the minister to extend the courtesy that was extended to him as a member of the Planning and Environment Committee, say, at the time of passing the environment protection legislation and conduct a round table conference with interested parties, with members of the Assembly who have concerns and members of stakeholder organisations which have concerns, and negotiate his way through this legislation.

It is obvious that this minister will get his legislation through. The challenge will be whether the government will ride roughshod over the Canberra community, whether there will be an unseemly barney on the floor of this Assembly, with amendments being dashed off on the backs of envelopes, which is what happened when the land act was implemented, or whether it will be orderly and civilised.

I think that the process conducted by this committee so far has been orderly and civilised and I have to commend the members of the committee because we came to this inquiry with different views about what the outcome should be, but on every occasion we put our ideology out, we parked it at the door, and we had constructive discussions about the way through. I must compliment the members of the committee on the convivial and professional way in which they conducted themselves. I have to say this because of the slurs that were made in this place by the minister the other day: the members of the committee work hard and they take their role very seriously.

I conclude by thanking the staff of the committee office who assisted us, particularly Derek Abbott, who worked under enormous pressure to turn out this report with a whole lot of competing pressures on his time. I would particularly like to thank those members of the community who participated by making original submissions, additional submissions, turning up at hearings, and making themselves available to return. Also, in that mode, I would like to thank the staff of Planning and Land Management for their assistance in this regard.

I commend the report to the Assembly.

**MS GALLAGHER** (11.53): I will be brief in speaking to this report. I share Mrs Dunne's comments in regard to the tabling of this unanimous report and commend my committee colleagues for navigating the way through a difficult inquiry to come up with what, hopefully, will be seen as a useful report.

As stated by Mrs Dunne, the Planning and Land Bill was tabled in the Assembly on 26 June and referred to the Planning and Environment Committee on 22 August. The consequential bill was presented to the Assembly on 26 September and referred to the committee the same day. The AAT amendments and an outline of draft regulations were provided to the committee on 1 October, with the committee being required to report on 12 November.

The committee held two public hearings—on 27 September and 8 October. At those hearings, the committee saw every organisation that had indicated an interest in appearing. We also had the minister and his officers appear. Task force officers also appeared on another occasion—on 5 November—with only a couple of days notice. I would like to thank them for their willingness to appear at such short notice and assist the committee with its deliberations.

We had 10 weeks to consider the Planning and Land Bill, once referred, six weeks to consider the consequential bill and five weeks to consider the exposure draft of the AAT amendments and an outline of the draft regulations. Whilst the report makes much comment about the hurried timeframe, I am not entirely convinced that the work of the committee was compromised by that. The committee saw all the people who wished to appear. We accepted submissions well past the 30 September deadline. In fact, one submission was received on 8 November, some 5½ weeks after submissions closed and four days before the committee's scheduled reporting date. The comments from this submission were listened to and were included in the final report.

The committee questioned the minister and sought additional comments from witnesses. Whilst I agree that not having the consequential amendments bill available to the community via the website before 8 October certainly did affect some of the witnesses' ability to comment on the content of the package, after the information was received—I believe that the committee sent it out—we received three submissions and spoke to one witness in that regard.

Overall, I was surprised by the low number of submissions received and witnesses wishing to appear. Considering this legislation involved such significant reform to the planning framework and laws in the territory, I had expected more interest. Whilst I would never be so brave as to say that this lack of community interest in the inquiry

signifies acceptance of the proposal, it did surprise me. Whilst I would not detract from the comments made by industry groups, whose concerns were serious and legitimate and have been articulated in the report, the community, with the exception of PACCT, was relatively silent during this inquiry.

I have some further comments which will be of no surprise to my committee colleagues, but I do have to say here that I did not share their concerns in regard to the statement of planning intent. I do not believe that the intention of the statement of planning intent is to corrupt or override other processes or laws, but that it will be used to actually inform the Assembly and the public about the intention of the government and minister of the day in relation to broad planning policy. However, a number of concerns were raised about the use and frequency of the statement of planning intent and clarification is needed by the minister. There is no doubt that several initiatives in the Planning and Land Bill will improve accountability, independence and transparency within the planning process.

It is also important to say that the response from witnesses was generally supportive of the objective of making planning more independent of government. In fact, I would say that the evidence received by the committee was generally supportive of the planning framework being proposed by this bill. A witness representing APESMA actually said that he found the legislation refreshing.

The concerns and issues raised were more about things that may occur once the framework is in place. This was not something on which the committee could form a view, other than to articulate to the minister, through this report, what it heard from witnesses. Overall, there was overwhelming support for a change to the current system. All witnesses agreed that the current process is complex, cumbersome, lengthy and uncertain and everyone agreed that this needed to be changed.

I am glad that the committee managed to act as a conduit for community and industry feedback to the executive. We have produced a report which concentrated on the issues raised with us as a committee. The committee does make several recommendations and, for the most part, these are sensible and, hopefully, useful. After some debate on Tuesday, the Assembly approved a two-day extension for the tabling of this report and I would like again to thank my committee colleagues, who met three times in the past two days to meet this deadline.

I would also like to record my appreciation of the work of Derek Abbott, the committee's secretary, along with that of Judy Moutia and Siobhan Leyne from the committee office. I thank them very much for all their hard work.

**MS DUNDAS** (11.59): I rise to add my thanks to the members of the committee, the community and the secretariat for the work that has gone into producing this report. The legislation that was referred to us proposes a very large change to the planning sector in the ACT. We did not have the time to undertake a long and detailed consideration of it, as we would have liked, but we looked at many different aspects of the framework that has been introduced by the government and the community, the secretariat and the committee were quite willing to work as hard as we possibly could to try to grasp this large change in such a short timeframe. As has been stressed, it would be preferable to have this legislation considered in more detail, perhaps as part of a broader review of

planning in the ACT that has been foreshadowed for the next year. Doing so in a piecemeal fashion may not result in the best outcomes for planning in the territory.

I would like to talk about community participation in terms of the new framework that has been introduced. As is said in the report:

> A general comment from all sectors has been that the Planning and Land Council does not allow for community, environment, welfare or industry representatives to be involved in the deliberations of the council. While the role of the council is to be an expert body, other organisations rightly point out that their delegates are experts in their respective fields and that these areas of expertise are of direct relevance to planning.

The report continues:

> While there is some merit in having an organisation whose members are not encumbered by allegiances to outside groups, the fact remains that while the bill makes special effort to ensure that professional and independent advice is facilitated, no such regard is given to members of the community. It is easy to understand the view expressed by some members of the community that the bill only replaces one large bureaucracy with another.
>
> The committee views planning as a process that not only needs to be academically and professionally informed it also needs widespread community respect and ownership. The bill sets out to deal with one side of the equation but does little to address the other. The committee recommends that a review of the place of community participation in this proposed planning structure be undertaken.

I do hope that the government will take it on and that we will truly consider how the community—the community that will live in this planned city, the community that will have a direct day-to-day involvement with how this city is built—will be actually welcomed into the new structure and the new framework. That may mean that we will have to delay debating the legislation so that we can truly consider and come up with the best outcome for the community as well as with the professional, academic and expert factors that need to be involved in planning in the ACT.

I would also like to make a comment on the land agency section of the framework. The structuring of the agency with a sole commercial focus may be healthy for revenue purposes, but it detracts from the social benefits of having a public developer. While there is provision for the government to direct the agency towards social goals, this is accompanied by a requirement for the territory to compensate the agency for reduced income.

As the specifics of the timing and source of this possible expenditure remain unclear, this provision makes it more difficult for social and environmental considerations to be incorporated into public land development. In any case, while the government may direct the agency to incorporate social goals in its development projects, there is no provision for appointed board members to have the requisite knowledge of social and environmental planning for these aids to be effectively implemented. If we are to have the whole land agency role managed by the government, we must imbue it with the principles not just of economic benefit but of social benefit and environmental benefit.

I do commend this report to the Assembly. It is a very considered report and, as has been mentioned, we worked incredibly hard to do the best that we could with the information provided because we seriously recognise the importance of this legislation to the community, to the Assembly and to planning in the ACT. I hope that it will help inform the debate we will have over the government's proposed framework.

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

## Administrative Appeals Tribunal Amendment Bill 2002

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

Title read by Clerk.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (12.04): I move:

> That this bill be agreed to in principle.

Mr Speaker the Administrative Appeals Tribunal Amendment Bill 2002 is the third part of the government's planning reform package for the ACT. It follows on from the Planning and Land Bill 2002 and the Planning and Land (Consequential Amendments) Bill 2002.

As part of its election platform, Labor made a commitment to improving land planning and management in the ACT. It indicated that it was not comfortable with the manner in which planning appeals were decided in the ACT. This resulted from community concerns that the hearing of planning appeals was too cumbersome and costly for ordinary people exercising their rights to challenge administrative decisions of government and the Commissioner for Land and Planning.

Rather than rushing in and changing the present appeals system without further thought, the government established a planning and land development task force to provide advice on the current planning appeals process and identify areas where the hearing of planning appeals might be improved. The task force consulted widely with the planning and building professions and with community groups. The results of the consultation indicate that, although there is a general need to reform the planning appeals process, there is cross-sector agreement that this appeals tribunal is the most appropriate forum to deal with planning appeals. The government thanks the task force for its excellent work.

Although deciding that the hearing of planning appeals will remain in the Administrative Appeals Tribunal, the government remains committed to assisting the tribunal to streamline its procedures. The government will provide assistance in two ways. The first is to ensure that the tribunal has improved resources to enable it to adequately deal with planning appeals. Additional tribunal members will be appointed, with expertise in the planning, building and heritage industries. This will allow three members, two with expertise in the subject matter, to sit on most planning appeals. The improvement in resources will also see qualified mediators engaged by the tribunal to assist the parties to resolve any differences they may have without the need for a formal hearing.

The second way of providing assistance to the tribunal is in the form of the Administrative Appeals Tribunal Amendment Bill 2002. The bill introduces a positive obligation on the tribunal to consider whether a matter before it can be resolved by mediation. Although the tribunal already has the power to mediate on matters before it, there is no obligation to consider whether mediation is appropriate in any matter. This positive obligation to consider mediation, together with the engagement of qualified mediators, will result in more issues being resolved between the parties to a dispute without the necessity of formal tribunal hearings.

The bill introduces a time limit for the completion of planning appeals. Currently, there are no legislative time limits in the tribunal for resolving matters. The amendments require that a final decision on a planning appeal must be given by the tribunal within 120 days of an appeal being filed. The government acknowledges that the complexity of some planning or heritage cases will mean that the time limit may be difficult to achieve on occasion. For that reason, the president of the tribunal will have a discretion to extend time limits.

The notion of costs being awarded by the Administrative Appeals Tribunal against an unsuccessful party in all cases is not favoured by this government. However, there are occasions where parties are slow in complying with a direction or order of the tribunal for no reason other than it suits that party to delay a hearing. The bill introduces the concept of the tribunal awarding legal costs against a party to proceedings only in those cases where a party fails to comply with the direction of the tribunal. The awarding of costs is discretionary and is limited to the legal costs of a case being adjourned.

Finally, the bill inserts objects in the Administrative Appeals Tribunal Act 1989. The main objects contain a statement of the principles of administrative review, that is, that the tribunal is accessible, that its proceedings are efficient, effective and informal, and that its decisions are fair. All hearings of the Administrative Appeals Tribunal must be conducted having regard to the stated principles of administrative review.

The bill also introduces objects to define the role of the land and planning division of the tribunal. This is to emphasise that the tribunal is part of the land planning and development process in the ACT. I am confident that this bill, in conjunction with the other reforms introduced by this government, will deliver to the ACT community an efficient, effective and fair system of land management.

Before concluding, Mr Speaker, I would like to acknowledge significant work and cooperation between PALM and the Department of Justice and Community Safety in relation to the preparation of this bill. As members know, the issues in relation to the delivery of an effective and fair system of land management and, indeed, a wholly new and integrated approach to planning are being led by my colleague Mr Corbell. I commend him in his leadership on this project and the work that is being done by his department, in this case in conjunction with JACS.

I commend this bill to the Assembly.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

## Statute Law Amendment Bill 2002 (No 2)

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

Title read by Clerk

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (12.10): I move:

> That this bill be agreed to in principle.

Mr Speaker, this bill makes statute law revision amendments to ACT legislation under revised guidelines for the technical amendments program approved by the government. The bill makes amendments that are minor or technical and non-controversial. They are insufficiently important to justify the presentation of separate legislation in each case and are inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001.

However, the bill serves the important purpose of improving the overall quality of the ACT statute book so that our laws are kept up-to-date and are easier to find, read and understand. A well maintained statute book significantly enhances access to ACT legislation and is a very practical measure to give effect to the principle that members of the community have a right to know the laws that they are required to uphold and obey.

The enhancement of the ACT statute book through the technical amendments program is also a process of modernisation. For example, laws need to be kept up-to-date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum level of consistency in presentation and cohesion between legislation coming from different sources at different times so that better access to, and understanding of, the law is achieved.

This bill deals with four kinds of matters. Schedule 1 contains minor amendments proposed by government agencies. It amends the Intoxicated Persons (Care and Protection) Act 1994 by extending the hours for which facilities can be opened to allow for a new night shelter facility that is due to open next year. The Smoke-free Areas (Enclosed Public Places) Act 1994 is amended to allow for variation of exemptions and to clarify the version of an Australian standard adopted by the act. The Workers Compensation Act 1951 is amended to clarify that work experience students are not considered to be workers and make other minor changes for clarification and consistency.

The Nature Conservation Act 1980 is amended to enable the conservator to use one set of procedures to close nature and special purpose reserves in emergencies such as bushfires. An amendment to the Commissioner for the Environment Act 1993 is also included to validate the commissioner's appointment and actions for a period. This amendment is necessary because the instrument reappointing the commissioner last December was inadvertently not correctly notified or presented to the Assembly.

Schedule 2 contains amendments to the Legislation Act 2001 proposed by the Parliamentary Counsel to ensure the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the Parliamentary Counsel to correct minor typographical or clerical errors, improve grammar or syntax, omit redundant provisions, include explanatory notes or otherwise update or improve the form of the legislation.

Schedules 4 and 5 contain repeals of obsolete or unnecessary legislation proposed by government agencies or the Parliamentary Counsel. I have to say in relation to schedule 4, Mr Speaker, that perhaps every Attorney who ponders the law has the same feeling in relation to some of the obsolete or redundant legislation that we do repeal through these acts and would like a fuller debate sometimes. For instance, this bill raises a whole lot of nostalgia in that it repeals the Piracy Act of 1698.

**Mr Smyth**: You are taking all the fun out of life.

**MR STANHOPE**: That's right. It makes me feel nostalgic. Why can't we leave the Piracy Act of 1698 or the Piracy Punishment Act of 1902 on the book or, most appropriately for the ACT, the Offences at Sea Act of 1536? One does worry at the implications of removing from the ACT's statute book the Offences at Sea Act of 1536.

**Mr Cornwell**: Pirates on Lake Burley Griffin, Chief Minister.

**MR STANHOPE**: Yes, or the Demise of the Crown Acts and the Colonial Courts of Admiralty Act of 1898. There must be a place in the ACT for the Colonial Courts of Admiralty Act of 1898. There is always a tinge of regret around the passage of statute law amendment bills as we tidy up the statute book. As I say, I have a lingering doubt, perhaps not for its practical effect, but that we will regret the passing of the Piracy Act of 1698 from the ACT's laws. Be that as it may.

The bill contains a large number of minor amendments with detailed explanatory notes, and I won't go through each of them. The Parliamentary Counsel is also available to provide any additional explanation or information that members need, if their appetites have now been whetted as to the real reason for the repeal of the Piracy Act.

The bill, while minor and technical in nature, is another important building block in the development of a modernised and accessible ACT statute book that is second to none in Australia.

Mr Speaker, I commend the bill to the Assembly.

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

## Revenue Legislation Amendment Bill 2002 (No 2)

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

Title read by Clerk.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Recreation and Gaming and Minister for Police, Emergency Services and Corrections) (12.17): I move:

> That this bill be agreed to in principle.

Mr Speaker, the Revenue Legislation Amendment Bill 2002 (No 2) makes minor and technical amendments to three acts administered by the Commissioner for ACT Revenue—the First Home Owner Grant Act 2000, the Payroll Tax Act 1987, and the Rates and Land Tax Act 1926.

Members may recall that the first home owners scheme was implemented as part of the intergovernmental agreement on the reform of Commonwealth/state financial relations. Mirror legislation was enacted in each jurisdiction for the administration of this national scheme. However, the ACT's First Home Owner Grant Act has an omission; it does not preclude a person from receiving a grant if, after 1 July 2000, they have purchased and lived in a property prior to the subsequent acquisition of property for which they seek to apply for a grant. The proposed amendments to the First Home Owner Grant Act will bring the ACT's administration of the Commonwealth's first home owners scheme into line with other jurisdictions.

Mr Speaker, the Payroll Tax Act provides a two-year tax exemption on wages paid to staff who, immediately prior to commencing employment, had been unemployed for 12 months or more and had been receiving an allowance with respect to that unemployment under the Social Security Act 1991. The amendment to the Payroll Tax Act does not alter this policy objective. It merely reflects the Commonwealth's repeal of the requirement for unemployment registration with the Commonwealth Employment Service, CES. This bill will remove a reference to the CES in the Payroll Tax Act.

Mr Speaker, this bill amends the Rates and Land Tax Act in two respects. Firstly, the bill will enable the determination of fees by a disallowable instrument for the issue of conveyancing certificates and statements of account. These fees are currently imposed by an administrative order. However, this amendment will provide the Legislative Assembly with the opportunity to approve the level of fees for providing these services.

Secondly, the bill removes an obsolete term in the Rates and Land Tax Act, namely, the term "city area". As a related measure, this bill will consolidate the current rating system so that the level of rating for properties will be dependent on whether they are leased or used for residential, commercial or rural purposes. This is in contrast with the current method of ascertaining whether a property is located inside or outside the defined city area. For example, instead of applying the rural rate to properties located outside the city area, the bill applies the rural rating factor to all properties within the ACT that are leased and used primarily for the purposes of primary production.

Mr Speaker, the second amendment to the Rates and Land Tax Act does not change the rating factors; it only changes how properties are categorised. For example, there are about 12 commercial properties outside the city area that pay the rural rate but are subject to land tax. This bill will ensure that these commercial properties will be rated at the commercial rate, to be consistent with all other commercial properties within the city area. In some cases the impact will be an increase in the rates liability for these properties. However, the valuations of these properties will be a reflection of their remote location, resulting in a lower rates liability than similar property not so remotely located. The government may alleviate the additional burden on these affected property owners by a partial remission of the rate charge on a case by case basis. It is estimated that the second amendment to the Rates and Land Tax Act will provide an additional $7,000 in revenue per annum.

Mr Speaker, I commend the Revenue Legislation Bill 2002 (No 2) to the Assembly.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

## National Environment Protection Council Amendment Bill 2002

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

Title read by Clerk.

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (12.22): I move:

> That this bill be agreed to in principle.

I bring to the Assembly today a bill to amend the National Environment Protection Council Act 1994 that will mirror amendments to be enacted by the Commonwealth and other jurisdictions. The effect of these amendments is to provide a simplified process for making minor variations to national environment protection measures, to require five-yearly reviews of the act, and to allow the National Environment Protection Council Service Corporation to provide support and assistance to other ministerial councils.

When the National Environment Protection Council Act 1994 was enacted by the Commonwealth, and then by each state and territory, it was an important landmark in the history of environment protection in Australia. I expect I was the minister at the time who introduced it. It marked the commitment of all jurisdictions to work cooperatively to develop national environment protection standards or "national environment protection measures", as they are called in the act. Each of the states and territories introduced mirror legislation to ensure a seamless legal jurisdiction for making national environment protection measures.

In 2000-01 the Commonwealth, state and territory acts were reviewed, as required. In responding to the review, the National Environment Protection Council concluded that it has made significant progress on matters of national priority in environment protection and noted that the five national environment protection measures in place at the time were making a real contribution to providing equivalent protection from pollution for all Australians.

Two of the amendments to the act put into effect recommendations arising from the 2000-01 review. The first is that the council should be able to make minor variations to a national environment protection measure by using a process that is more streamlined than the existing process. The bill does not reduce or eliminate the requirement for regulatory impact statements and public consultation. Therefore, there is no impact on business.

The second is that there should be provision for the act to be reviewed at further five-yearly intervals. The third amendment follows from the review of ministerial councils by the Council of Australian Governments. This review resulted in the holding of joint meetings between the National Environment Protection Council, which remains a statutory body, and the new Environment Protection and Heritage Council. The new council also deals with environment protection and heritage issues previously dealt with by the Australian and New Zealand Environment and Conservation Council and the heritage ministers meeting. As the Minister for Urban Services, I am the ACT's representative on these councils, once again. The bill will amend the act to allow the National Environment Protection Council Service Corporation, which provides secretariat services and project management for the National Environment Protection Council, to extend its support and assistance to the new Environment Protection and Heritage Council.

As I mentioned earlier, this bill mirrors amendments before the Commonwealth parliament. I would propose that debate and passage of this bill be delayed until after the passage of the Commonwealth bill.

I commend the bill to the Assembly. I have tabled the explanatory memorandum.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

**Sitting suspended from 12.27 to 2.30 pm**

## Questions without notice

### Credit rating

**MR HUMPHRIES**: My question is addressed to the Minister for Planning, Mr Corbell. During the Estimates Committee hearings you were very bullish about the potential returns to the territory from socialising land development in the ACT. I quote:

> The government's approach will see a return of land development to the community with a significantly greater return on our most valuable community assets. Some members may have read in the paper this morning some of those figures. By 2005-06 the level of additional return to the Canberra community from government land development will be $17 million per year.

Members will also have read in yesterday's paper that rating agency Standard and Poor's has threatened to reduce the ACT government's credit rating if it proceeds with socialised land development. In the Estimates Committee hearing you were asked to indicate the difference between the Commonwealth's failed approach to land development efforts in the 1980s and your present attempt to do that. Can you now

advise how your proposal is different to or better than the previous failed attempt at socialised land development in the 1980s?

**MR CORBELL**: Well, I am fascinated by the use of the term "socialised land development" of course. What it is doing is making sure that the community gets a full return on the asset that it owns. That is what the government's policy is about. It amazes me continually that the opposition thinks it is all right to transfer that asset from the public purse to a private purse and thereby forgo some of the value of the land that is held by this community. If Mr Humphries wants to call it socialising, so be it. But, quite frankly, it is about protecting the community's interests in its asset.

The difference that Mr Humphries alludes to, I think, is a significant one. The difference is that, in the period up until the commencement of self-government and the period up until Commonwealth land development ceased, which if I remember correctly was in the early 1980s—

**Mr Humphries**: Late 1980s.

**MR CORBELL**: Late 1980s; I stand corrected. In that period, the Commonwealth essentially had a one-line budget for land development. They just gave the NCDC money and it was delivered to the land asset. That is not a particularly accountable, open or transparent way to deliver land sales or land development in any jurisdiction. It might have been all right for the Commonwealth to do it in the 1960s, 1970s and 1980s, but it certainly is not an accountable and business-focused approach. The difference now is that this government is proposing land development to be delivered by a commercially oriented government business enterprise, a new Land Development Agency—

**Mr Humphries**: Theirs wasn't?

**MR CORBELL**: No, it wasn't. It was administered by a department which had a single-line item to do basically what it wanted—and that is a very big difference indeed. This government is proposing, through the Planning and Land Bill, the establishment of a new Land Development Agency, with a board of directors who are responsible for the finances of that agency and the implementation of that agency's objectives. They are responsible for the appointment of a chief executive to administer the Land Development Agency and they are required to equip themselves in an appropriate commercial fashion, conscious of any directions that government gives it in relation to the government's priorities.

So there is a very big difference. We are putting in place an accountable mechanism for delivering land development that produces a better return to the community in terms of price, and a better outcome on the ground. That is a marked difference to the comments we have heard in the last couple of days from the Leader of the Opposition and his shadow planning minister, who seem to think that more of the same for Gungahlin is good enough. You know, not enough shops and too many houses—that is their policy for Gungahlin. But it is not the approach we are adopting.

The government's reforms in relation to land development establish an open and transparent government business model, a model which delivers land just in time, and a better income in terms of the return to the Canberra community—$17 million more per

annum to spend on schools, hospitals and other facilities and community needs. It also delivers better outcomes on the ground in terms of the urban design that people will have to live with for the next 30 to 40 years.

**MR HUMPHRIES**: I ask a supplementary question. Have you reassessed, or will you reassess, the risks of this land development plan of yours in light of the warning from Standard and Poor's? And do you seriously believe that, by admonishing and warning the particular public servants in this agency that they must do better and by treating it differently in the budget papers, you are actually going to produce a better result than an organisation with the resources available to the Commonwealth government?

**MR CORBELL**: Yes, I do.

## Temporary remand centre

**MR HARGREAVES**: My question is directed to the Minister for Police, Emergency Services and Corrections. Minister, you announced today that the temporary remand centre has commenced full operations. Can you inform the Assembly of how and when the temporary remand centre will be used, and the current remand numbers?

**MR QUINLAN**: Thank you, Mr Hargreaves. I think it is appropriate that we report to the Assembly that the temporary remand centre is now operational, and it is actually appropriate that it is operational this quickly, because the number of remandees has reached 90. I reported yesterday to this place, through question time, the fact that there had been an increase in property crime and an appropriate reaction had been taken by the police—a significant number of arrests and a significant number of charges laid.

We now have that remand centre in operation. I think some quite deliberate misinformation has been peddled in relation to the type of people that will be held at the remand centre. We now have in place a detainee review committee to ensure that we domicile the appropriate prisoners at the annex to the remand centre. That committee includes the deputy superintendent; a mental health nurse; the case manager, education; a doctor who attends the prison; a registered nurse; two mental health workers; the head of mental health services, corrections health; a welfare officer; a drug and alcohol worker; a clinical nurse; and an Indigenous liaison officer.

This government is quite serious about addressing the problem. It is a great irony, I suppose, that the opposition has taken the line of least resistance in trying to criticise the government one year into its term by saying, "It has been lazy and ineffectual." Well, in the space of one year we have now addressed in large part a major problem that was left on our hands about which nothing had been done. And while we were addressing it, I have to say, we had misinformation peddled in relation to the prisoners that would be there by no less a figure than the Leader of the Opposition, and that misinformation was even included in his so-called report card on our broken promises. The temporary remand centre is open, our commitment to which we publicly announced before the election.

**Mr Humphries**: All the high-risk prisoners you deliver.

**MR QUINLAN**: I have never said there will be high-risk prisoners there, Mr Humphries. That is the misinformation that I am trying to point out.

**Mrs Dunne**: What are they classified as? You didn't actually—

**MR QUINLAN**: They are classified—

**Mrs Dunne**: We were there.

**MR QUINLAN**: They are slow learners. I know they are not interested in thinking and I know we have got some slow learners, or those that will not hear. But I have said all remand prisoners are classified as maximum security. There is a whole lot of difference between that classification and what it actually implies in real information versus high risk. And that is the misinformation that Mr Humphries has deliberately peddled—not untypical of our Leader of the Opposition.

## Mr Graeme Samuel

**MR SMYTH**: Mr Speaker, my question is for the Treasurer, Mr Quinlan. Mr Quinlan, the *Australian Financial Review* of 13 November 2002 reported that you had lodged an objection to the appointment of Mr Graeme Samuel as the deputy of the Australian Competition and Consumer Commission. Mr Samuel is currently the highly regarded chair of the National Competition Council. I quote from the column in the *Financial Review*:

> The real loser is, of course, that undefinable body called the public interest because none of the complaints lodged against him advanced any serious reason why he would not do a good job … But ask yourself now whether he or anyone else would agree to run the gauntlet again until the Feds had won support from the states.

Treasurer, why did you blackball Mr Samuel, given that he had the support of Professor Fels for the position and he has done a good job at the National Competition Council? Do you think that peer pressure or a fit of pique is a satisfactory reason for your decision in this matter?

**MR QUINLAN**: Mr Speaker, the tail end of that question creates a false premise, and if I am asked questions that are based on a false premise I will not answer them.

**Mrs Dunne**: Ooh.

**Mr Stanhope**: Fair enough.

**MR QUINLAN**: No, fair enough. I was just on my feet a moment ago talking about misinformation, and then all of a sudden it is "a fit of pique". I have on my desk, Mr Smyth, an article authored some years ago by Graeme Samuel, who proposes that the process of insider trading is a good thing. My belief for the functions of the ACCC is that it is there for the protection of the public—the public interest, as mentioned in that article from which you quoted. The public, as far as I am concerned, represents even the little people.

Mr Samuel demonstrated, at least in that one exercise, that he does not care about, say, little shareholders, but it is an efficient operation. By sheer coincidence, while I was studying at college I did have to write a short thesis on the efficient markets hypothesis, which ranged into insider trading. So I have seen a little of it, and of course what insider trading does is advantage those with power. If a man proposes that insider trading not be a crime—in fact, states publicly that it is a good thing—and I know that the conduct of insider trading is, highly probably, going to disadvantage the small people and advantage the large, he is not the man for me.

## Burnout legislation

**MR STEFANIAK**: My question is also addressed to Mr Quinlan, in his capacity as minister for police. Minister, I would like to congratulate the AFP for the success of its crackdown on burnouts in Lonsdale Street, Braddon. On 4 October this year the *Canberra Times* ran a report on the police campaign on burnouts where police seized 40 cars and launched prosecutions of 35 people captured on surveillance cameras. Cars seized under the operation will be held for three months and the owners on second offences will forfeit their cars.

This action was taken under the Motor Traffic (Amendment) Act of 1998, which Mr David Rugendyke developed and which was fully supported by the then Liberal government. As you will recall, minister, the Labor Party opposed this legislation at the time, and your colleague Mr Hargreaves stated in the Assembly on 9 December 1998 that the confiscation of motor vehicles "represents schoolyard bully tactics" and that the act "represents an infringement of people's civil liberties". Do you now acknowledge that the Labor Party's criticism of Mr Rugendyke's legislation was wrong?

**MR QUINLAN**: Well, just in logic, to seize something, particularly immediately, you would have to say, I think, Mr Stefaniak, that that is an infringement of someone's liberties, because what we have is a situation of virtually saying, "Right, judge and jury, bang, been done; you're in straight away."

At this stage, with a lot of legislation to which we objected, it is now in place. But certainly, if you go down there and do a burnout, and you are a young bloke and you have got no money other than your car, and your car is confiscated, and then tomorrow someone else who happens to be well-heeled goes there and does a burnout, that person can provide themselves with another car immediately, and there is great inequity in that process. The process of law should be better, and the principle—

**MR SPEAKER**: Order! Mr Quinlan, you are not responsible for Mr Hargreaves' comments, and the question is probably out of order.

**Mr Stefaniak**: He was a Labor spokesman, Mr Speaker.

**Mr Humphries**: He was asked about what another government member said. That's perfectly fair.

**MR SPEAKER**: Mr Quinlan is not responsible for Mr Hargreaves' comments.

**Mr Humphries**: Mr Speaker, I would be very happy with that ruling if it meant that in future, when a minister is asked to comment on a comment that I have made or one of the members of the opposition has made, you will also rule that out of order, but you have previously allowed such questions.

**MR SPEAKER**: Well, you're not a minister any more, Mr Humphries, so the rules of this—

**Mr Stefaniak**: Mr Speaker, could I talk on the point of order. Mr Hargreaves was, I believe, the shadow police minister at the time. Mr Quinlan is now the police minister; there is that consistency there. So Mr Hargreaves presumably was speaking as the shadow minister or opposition policy spokesperson at the time. I asked Mr Quinlan a question in relation to the Labor Party's position on this now. Mr Quinlan is the current minister; Mr Hargreaves was the shadow previously. So, with respect, sir, I think that is very relevant to the point of order.

**MR SPEAKER**: I don't know that Mr Quinlan is responsible for something that Mr Hargreaves said when none of the Labor team were ministers. Mr Quinlan, do you want to—

**MR QUINLAN**: Well, under your guidance, Mr Speaker, I will say this in direct answer to what Mr Stefaniak is driving at. I will not be seeking to repeal that burnout legislation now, but I may as well put this place on notice: if we find that it has in fact been implemented or applied inequitably or unfairly, it will be repealed.

## Radiation therapy—delays

**MS MacDONALD**: My question is directed to the Minister for Health. Minister, there has been considerable comment in recent months about delays in the provision of radiation therapy at the Canberra Hospital. Can the minister give the Assembly an indication of the current situation?

**MR STANHOPE**: Thank you, Ms MacDonald. Certainly there have been unacceptably long waiting times for radiation therapy at the Canberra Hospital, and that has been the case now for some time, but they certainly are improving. Currently, the median waiting time for radiation treatment at the Canberra Hospital is 19 days from the time a patient is assessed as medically ready for treatment. This represents a very significant reduction on previous waiting times, which were in excess of 10 weeks, and the reduction in time, I have to say, reflects extremely well on the dedication of the staff at the Canberra Hospital.

The reduction in waiting times has partly been achieved through the recruitment of new radiation therapy staff and the commissioning of new equipment. The government provided the funding to deliver a long overdue and much needed pay increase for radiation therapy staff, bringing their salaries into line with New South Wales pay rates. Certainly much of the difficulty that was experienced in the recruitment of radiation therapy staff at the Canberra Hospital was a result of a significant slippage in pay rates experienced by radiation therapists, and indeed by other health professionals, in the ACT.

I believe that, until we rectified this matter, the disparity in pay for a radiation therapist in the ACT as compared with New South Wales was in the order of 26 per cent, and similarly for Victoria. In those circumstances, as Mrs Dunne has just interjected, it is perhaps not surprising that ACT radiation therapists, being so poorly paid under the Liberal government, did move interstate, and we did have enormous problems under the previous government in retaining radiation therapists in the ACT—to the extent that, despite the establishment of and funding for 20 radiation therapists, the number of therapists on staff dropped to 12.3 full-time equivalents. That was almost directly a result of those two factors—a national and international shortage of radiation therapists combined with the fact that under the Liberals salaries for radiation therapists in the ACT were 26 per cent less than those paid to their counterparts over the border.

In addition to that, of course, the government has also provided $3.75 million in extra funding for essential new cancer equipment. This has allowed the Canberra Hospital to commission new multi-leaf collimators for the hospital's two linear accelerators. Since June, one of the linear accelerators has been operating at half pace due to the staff shortages that I mentioned. However, both linear accelerators are now fully operational during business hours due to the increased staffing levels, and that has had, quite obviously, a very significant impact on our capacity to treat better and in a more timely way people in the ACT requiring radiation therapy.

Recruitment activities are continuing, of course. We are still 4½ full-time equivalent positions short of the agreed establishment. The Canberra Hospital advertises constantly, nationally and internationally, for radiation therapists, oncologists and, indeed, a range of other health care professionals.

In addition to the shortages in relation to oncology and radiation therapy, there are shortages in a whole range of other specialities, and this issue of work force shortages continues to be one of the greatest challenges facing the health care system in the ACT, in Australia, and indeed in the world. But there is just a gross shortage of trained specialists and people prepared to work within the health sector.

We do need some national leadership. We need the Commonwealth government to take seriously the terrible devastation that has been created through its funding cuts to the universities, and in the incapacity of the universities to offer as many places as is needed to overcome the dreadful shortages in a whole range of health care specialities, in nursing and, indeed, in the educating and training of GPs.

I digress to the point of acknowledging that this government has also, of course, agreed to fund a medical school in the ACT, at the ANU. We are directly intervening to see whether, in the funding and establishment of a medical school at the ANU, we can at least do something about the dreadful shortage of GPs in the ACT. That is a great first step, but there is so much more that needs to be done.

## Privileges committee report

**MRS CROSS**: My question is directed to the Chief Minister. Chief Minister, we have all been shocked and shaken by the revelation in the privileges committee report this morning that a Liberal staffer was found in contempt of this Assembly. I note also that there are media reports that Mr Strokowsky has now resigned. Chief Minister, I was just wondering what your actions would be as a political leader if you found a member of your staff had engaged in the same behaviours as Mr Strokowsky did.

**MR SPEAKER**: I think that is a hypothetical question, Mrs Cross. I regret that it is out of order because it is hypothetical.

Before we go to further questions, I inform members of the presence in the gallery of two parliamentary officers from the national parliament of East Timor, Mr Armando Machado and Mr Jamie Xavier, who are taking part in a training program run by the Australian National Group of the Interparliamentary Union. On behalf of Assembly members, I welcome you.

## WorkCover annual report

**MR PRATT**: Mr Speaker, my question is addressed to the Minister for Industrial Relations. Minister, in the WorkCover annual report for 2001-02, there is considerable comment on the fallout from the collapse of HIH. A major issue with this collapse concerns the quantum of claims that will have to be funded. The annual report notes that the initial estimate for outstanding liabilities for the fund was around $64 million. The report then comments that this estimate has been revised down to $56 million following an updated report on the actuarial assessment.

The annual report shows that Taylor Fry conducted the original actuarial assessment but the report does not indicate who conducted the updated assessment. Minister, can you advise the Assembly who conducted the updated assessment, and will you table both the original actuarial assessment and the updated assessment?

**MR CORBELL**: Mr Speaker, I do not have those details to hand. I will take the question on notice and get back to the member.

## Education costs

**MS DUNDAS**: My question is for the Minister for Education, Youth and Family Services. Minister, there has been a lot of attention recently around the escalating costs of educating children in the public education system. Can you please inform the Assembly what the government is doing to keep the cost of extra-curricular activities affordable for low-income families.

**MR CORBELL**: Mr Speaker, the government has a range of measures in place to allow schools, particularly schools which we know service communities with particular socioeconomic disadvantage, to ensure that children at those schools are not disadvantaged in programs that may require some additional costs. For example, there is the school equity fund, which provides small amounts of money—not huge amounts of money, but some level of financial support—to schools, recognising the particular

socioeconomic circumstances of the communities they serve, and that money is for use at the schools' discretion to provide support in whatever area they see is needed.

Of course, the government does not require parents, for example, to pay a parent contribution, although I know that many parents do. But we have made it very clear, since coming to office, that we do not expect schools to require parents to pay that or to put undue pressure on parents to pay such contributions, but merely to advise them that contributions are welcomed if parents wish to do so.

Most extra-curricular activities at government schools are relatively low cost, but there are some that do have some costs and, where students are unable to participate because of their family's financial circumstances, I know schools make considerable efforts to involve those children in the activities anyway. That may mean subsidising the costs themselves, as a school, and it may involve the use of the school equity fund, which I referred to earlier.

**MS DUNDAS**: I ask a supplementary question, Minister. Could you please make available the average cost per student of extra-curricular activities offered in public schools in the ACT.

**MR CORBELL**: Mr Speaker, if there is such an analysis, I am happy to provide it. But I will need to see if such analysis exists. So I will take the question on notice and get back to Ms Dundas.

## Third party insurance

**MR CORNWELL**: My question is for the Minister for Urban Services, Mr Wood. I refer to an article in the Capital Times column in the *Canberra Times* about compulsory third party insurance. The article claimed that Labor MLA John Hargreaves pledged a law change back in August 2000. "I guarantee the price would go down," Mr Hargreaves said at the time. In his speech on the urban services section of the 2000-01 budget—that is, the then government's budget—Mr Hargreaves said:

> If we are supposed to be aligning ourselves with New South Wales, why does New South Wales have cheaper vehicle registration and compulsory third party? The government isn't rushing to bring us into alignment in this area because it knows it'd lose revenue over it.

Minister, do you intend living up to Mr Hargreaves' guarantee—publicly announced, as Mr Quinlan said in relation to another question a little earlier on—or is this another Labor broken promise?

**MR SPEAKER**: Order! Mr Cornwell, I touched upon this issue earlier when a question was asked about one of Mr Hargreaves' comments and I thought at the time that it was possibly out of order. I will just quote to you from page 526 of *House of Representatives Practice*. It says:

> The underlying principle is that Ministers are required to answer questions only on matters for which they are responsible to the House. Consequently Speakers have ruled out of order questions or parts of questions to Ministers which concern, for example—

I'll just take two of the points—

- statements, activities, actions or decisions of the Minister's own party or of its conferences or officials, or of those of other parties, including opposition parties;
- statements by people outside the House including other Members, notably opposition Members;

I cannot see that Mr Wood is responsible for what Mr Hargreaves said in August last year, and therefore I am going to rule the question out of order.

**MR CORNWELL**: Mr Speaker, but he is responsible for the matter of third party insurance as Minister for Urban Services.

**MR SPEAKER**: If you want to rephrase the question, Mr Cornwell, and come back to it in a little while, I am happy for you to do that. The point I am making is that I am not going to allow questions that relate to what somebody else in this parliament said some time ago when these people were not in government.

If you want to ask a question of the relevant minister about existing policy of the government on a particular matter, feel free to do so, because that is what question time is about. If you want to come back to it a little later, on I am happy for you to do so.

## Drought assistance

**MRS DUNNE**: My question is addressed to the Minister for Urban Services and it relates to something he said yesterday—and this was quoted on ABC *Online*. You were reported as saying that you would provide modest resources to local farmers struggling through the drought. The ABC report went on to say:

> Mr Wood says the ACT government will focus its resources locally, but concedes assistance would be modest.

Then it quotes Mr Wood as saying:

> Rural lease holders in the ACT are not perceived to be in the same position as farmers in other parts of the country, because here they generally always have additional income to revenues generated from their farm activity.

At the same time, your federal colleague Jenny Macklin considers that farmers should receive urgent assistance and that governments should "stop mucking around". She said:

> Let's make sure that farmers get the money that they justly need.

Minister, when will you stop mucking around and make sure that farmers in the ACT get the assistance that they really need?

**Mr Corbell**: Did Brendan Smyth give them assistance when there was last a drought?

**MR WOOD**: I was just about to say that. I might follow the example of the former government when there were very, very dry times. I will see what that does, because I do not think assistance was given. Circumstances in the ACT are getting pretty grim but they are not of the order that applies, even relatively closely, in New South Wales. Officers responsible for this keep in close touch with lessees, and if they were getting reports they would be provided through to me. I certainly have not seen any reports at this stage that tell me I should take further action. I am broadly sympathetic to the needs of all people in this community and will attend to them as best I can.

**MRS DUNNE**: My supplementary question is: how did the minister come to the conclusion that ACT farmers always have additional revenues from off-farm activities?

**MR WOOD**: The word I used was "generally".

**Mr Stanhope**: You're misrepresented again.

**MR WOOD**: Well, I would say here that, as I think most of us know, rural lessees in the ACT generally, not universally, have access to other resources, perhaps a job.

## Community services—complaints

**MS TUCKER**: My question is addressed to the Chief Minister and concerns the upcoming review of complaints mechanisms for community services. As you are well aware, I have made representations on this matter on several occasions, most specifically on the need to consult with the sector on the terms of reference for the review and the need to have ACTCOSS and consumer representation on the selection panel to award the contract to conduct the review. In fact, I wrote to you on this matter on 10 October but have yet to receive a reply.

Since then, however, ACTCOSS organised a well-attended consultation forum, at your request. Bureaucrats who attended that forum advised participants that they would take their contributions on board, but, as they were answerable to the chief executives, they could not provide a definitive response. As I understand that the community representatives have not yet heard from you on this issue, can you confirm that draft terms of reference will be circulated to the people and organisations who attended the forum so that they can understand how their perspectives and suggestions will be reflected in this review?

**MR STANHOPE**: Thank you, Ms Tucker. Yes, the processes as outlined by you certainly have happened. There was a consultation, facilitated by ACTCOSS, with all stakeholders to discuss the proposed review and the terms of reference. I understand that it was a very successful consultation. Some very good responses, input and ideas were received. New terms of reference have been drafted or are in the process of being drafted as a result of that consultation. I have to say that I have not been advised on the process proposed in relation to further consultation on the draft terms of reference. But speaking for myself—and I imagine this would be the department's position—there is absolutely no issue with those being confirmed with the participants who appeared at the consultation and indeed any other stakeholder.

Once those terms of reference are finalised, there will be a tender process for the selection of the reviewer. Indeed, I indicated to the department just in the last couple of days that I do not want this to be a long, drawn-out review. I think we need a fairly quick response to the issue around complaints mechanisms. I am aware of the level of interest within the community and I am very aware, conscious and accepting of the need for better complaint processes across the board, and a greater capacity, having regard to the size of the jurisdiction as much as anything else, to in some way better combine our review processes.

So I am looking for an early commencement of the review. I am looking for it to be a fully collaborative approach, particularly in terms of the terms of reference that will be finalised, and I look for some very positive outcomes from the review and the establishment of better, more coordinated and more effective mechanisms for complaints.

**MS TUCKER**: I ask a supplementary question. Thank you for that answer. Could you confirm that the selection panel for the tender for the review will include a representative from ACTCOSS and consumer representatives?

**MR STANHOPE**: Once again, Ms Tucker, I have not had a discussion with the department about the formal selection process. It will be a tender process. I am more than happy to put that suggestion of ACTCOSS being involved in the selection process to my department. If it is appropriate and in accordance with our procurement processes and policies, I would have absolutely no difficulty in urging that course on the department and will do so. But I will just check the processes initially.

## Third party insurance

**MR CORNWELL**: I would like to rephrase my earlier question to Mr Wood. Do you believe, as has been claimed in the last financial year, Mr Wood, that ACT third party insurance will go down, and has this been the case under your government?

**MR WOOD**: My memory tells me, Mr Cornwell, that in the budget third party insurance went up by about 3 per cent or a little less than that—something of that order. We have looked fairly closely at third party insurance. We would love to see somebody else come into the market. We do not propose to break it down into the number of categories that New South Wales has, which gives a range of fees in that jurisdiction. But, really, if we could get somebody else in here, that would be good.

**MR CORNWELL**: Could I ask a supplementary question, Mr Speaker, please. You mentioned 3 per cent, Minister. Would you say that that increases the cost of motor vehicle registration to vehicle owners by an average of approximately $25?

**MR WOOD**: I will leave that to your mathematics, Mr Cornwell.

### Trees

**MS GALLAGHER**: My question is also addressed to the Minister for Urban Services. Minister, my office often receives queries from constituents about trees. Sometimes they want a tree cut down and have been told they cannot, and at other times they do not want a tree to be cut down but find it is going to be cut down anyway. What is the government doing to clarify these issues?

**MR WOOD**: Quite a deal. In particular, we have put out a discussion paper, which I hope you all have in your hands. As this chamber knows, there has been a lot of discussion about trees over a long period. Canberrans are pretty passionate about their trees—sometimes passionate to have them cut down, and especially passionate when they cannot. So we have got a discussion paper to explore all the issues. I will give one example. Trees are being cut down today in one of the streets in Curtin—Carruthers Street, I think.

**Mr Corbell**: Why are you cutting trees down in Curtin, Bill?

**MR WOOD**: Well, there has been a careful process, I can tell you; we don't do these things without a careful process, Mr Corbell. But on all advice they had to come down. They were interfering with the power lines. They had been trimmed so often they were creating a real problem. The neighbourhood was advised, as you would expect, and understood that, but motorists driving past did not understand that. We had quite a ring-in. That is some of the activity behind trees.

It is worth noting that, of the quite large number of applications for a tree-damaging activity, 85 per cent have been approved. Given that level of approval, I think it is pretty sensible to look at the system and to see if we can make it work a little bit better. We have put out this discussion paper. It presents three broad options. They are not exclusive; other options could emerge if the community and others think they should.

The first option is tree protection orders on urban lands, except public lands—much the same scheme with a few minor changes. We could go back to that idea of a tree register or we could maintain a tree register with tree protection orders in selected places where there is most pressure about trees. So I would encourage members to switch on to that debate, because you well know it is going to come back into this chamber before too much longer.

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

## Personal explanations

**MS TUCKER**: Last night in the adjournment debate, Mr Pratt had an outburst. In that outburst he seriously misrepresented something that I said in the Legislative Assembly during the day in a debate on the motion put by Ms Dundas against war in Iraq. Unfortunately, Mr Pratt did not wait to read the transcript of what I had said and was actually quite disorderly. If I had been down here at the time, Mr Speaker, I would have asked you to stop him making the comments he made.

Mr Pratt said last night that I had likened this country's Prime Minister, John Howard, the USA's President Bush and the UK's Prime Minister Blair to those in the terrorist category. What I actually said is that we must find a politics of hope. It is as simple as that. Bush and Blair, with John Howard, just like the terrorists and totalitarians they believe they are opposing, are unable to give us that—the politics of hope that I referred to. I did need to make that personal explanation.

He also called for an apology. I think he needs to apologise and needs to look at transcripts before he has his outbursts. He is also distinguishing himself as a new member by continually interjecting, which is not particularly useful. I would ask you to draw attention, for his benefit, to standing order 55, Mr Speaker.

**MR SPEAKER**: Ms Tucker, you also showed me the *Hansard*, wherein Mr Pratt said something like, "You give comfort to those who would attack this country." That is an unacceptable imputation, Mr Pratt, because that is the traitor line. I do not think it benefits this house for you to say that sort of thing about members. If you think that is the case, you should do it by way of a substantive motion. I ask you to withdraw that line.

**MS TUCKER**: Mr Speaker, can I clarify what he actually said? That is not quite correct. He said:

> Whether or not Ms Tucker understands that these comments provide some sort of encouragement and comfort to those who would seek to attack our country is beyond me …

The point is that he had not understood my comments in the first place. It is highly disorderly, of course, to imply that I would seek to give encouragement of any kind to people who would seek to attack this country.

**Mr Cornwell**: I believe that what Ms Tucker has just read, and in confirmation of what Mr Pratt said, was a qualified comment.

**Mr Pratt**: Absolutely.

**MR SPEAKER**: I think it imputes some improper motive, and I have just asked you to withdraw it in the interests of parliamentary debate, Mr Pratt. Before you rise to your feet, I will also draw to your attention some comments you made about politicians in other places, referring to them as "fruitloops".

That is not disorderly, but you have to understand that you elevate the temperature of the debate in other places as well, where it is likely to rebound on you and others. It is open to you to make that sort of criticism; it is not disorderly for you to do so. But it would be hard for you to claim that you had been injured by similar comments coming from another place. In relation to the comment we have just discussed regarding Ms Tucker's intentions, I think there has been an imputation, and I would prefer that you withdraw the comments.

**MR PRATT**: Mr Speaker, I would like to examine the *Hansard* before I come back to this place and respond to your advice.

**MR SPEAKER**: Sure.

**MR PRATT**: Thank you.

**Mr Corbell**: Are you going to let that go?

**MR SPEAKER**: No, I am not going to let it go, Mr Corbell.

**MR HUMPHRIES** (Leader of the Opposition): Mr Speaker, during question time the corrections minister suggested that by my saying that high-risk prisoners might go to the Symonston Remand facility I was peddling misinformation. I want to quote an extract from the hearing of the Estimates Committee earlier this year. Mr Ryan, the head of corrections was giving evidence. He said:

> But it is true that, if we finished up with 70 or 80 people who are of high risk, some who are in that group may have to finish up at Symonston.

The chair then said:

> You just said that you may have some people with high risk at Symonston. I—

**Mr Quinlan**: Can you read the build-up to that?

**MR HUMPHRIES**: Yes, I will read the whole thing. if you like. The chair, who, of course, was me, said:

> Minister, with great respect, if I can butt in again, you have already made a commitment publicly about the kind of people that will be going into the facility at Symonston. You have created a strong impression in the public mind that there will be only low risk people being at that centre. Now, I put it to you that at any given time, particularly times of high pressure, there simply aren't a large enough cohort of low risk people in the system to justify that kind of transfer.

You said:

> I will ask Mr Ryan to just give you a profile of what he would see as a 90 cohort.

You made various statements, and you came to that statement on exposure. Mr Ryan said:

> If we finished up with 70 or 80 people who are of high risk, some who are in that group may have to finish up at Symonston.

The transcript then reads:

> **THE CHAIR**: You just said that you may have some people with high risk at Symonston. I contrast that statement with what the minister said when he announced Symonston, which was that only people with low risk would go there.
>
> **Mr Quinlan**: You had better look at exactly what I said, without trying to re-invent it—

Later on, it reads:

> **THE CHAIR**: … You said it would be to house only low risk remandees.
>
> **Mr Quinlan**: I did not.

Mr Speaker, if the minister was denying that only low-risk prisoners would go there, surely, given that there are no such things as medium-risk prisoners in this context, it would have to mean that some high-risk prisoners would go to the facility at Symonston.

**MR QUINLAN** (Treasurer, Minister for Business, Economic Development and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): I seek leave to make a personal explanation under section 46.

Mr Humphries has a penchant for trying to verbal people, and he continues to do so. Mr Ryan said that there is a mathematical possibility that high-risk prisoners could be at Symonston if we had 70 or 80 of them. Now, all of a sudden, we have "low risk" means the opposite to "high risk" and is therefore "high risk". I still hold to what I have said: I believe that Mr Humphries has attempted to mislead the public about the way this annex will operate.

## Papers

**Mr Stanhope** presented the following paper:

> ACT Policing Annual Report 2001-02, including financial statements and report by the Australian National Audit Office, dated 30 October 2002.

**Mr Quinlan** presented the following papers:

> Financial Management Act, pursuant to section 25—Consolidated Annual Financial Statements for the 2001-2002 financial year.
> Financial Management Act, pursuant to section 26 (4)—Consolidated Financial Management Report for the financial quarter and financial year to date ending 30 September 2002.
> Canberra Tourism and Events Corporation Act, pursuant to section 28 (3)—Canberra Tourism and Events Corporation—Quarterly report for the period 1 April to 30 June 2002.

## Consolidated financial management report

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): I ask for leave to make a statement in relation to the September quarterly management report.

Leave granted.

**MR QUINLAN**: I present to the Assembly the quarterly management report for the territory. I also table for the information of members:

SPA Investment Portfolio Earnings 2002-03 YTD as at 31 October 2002—Copy of graph.

At the end of September 2002 the operating result for the general government sector was a surplus of $65 million. The operating result for the total territory was $92 million. As members know, at this time of year the result should be considerably better than that. This result is lower than would normally have been expected at this time of year. The lower than expected result is largely due to the continuing poor performance of superannuation related investments.

At the end of September 2002, unrealised losses from equities investments totalled $46 million and realised losses $2 million, against a year-to-date revenue forecast of $11 million. Once dividends and interest are taken into account, the total loss on superannuation related investments was $35 million. The information that I have tabled shows this trend.

Mr Speaker, I would like to reflect a moment on these losses. Members will appreciate that the 2001-02 result for the territory was also influenced significantly by these negative returns.

The government is managing a long-term investment strategy that was, to a degree, put in place by the previous government. In addition, accounting for these gains or losses in market investments in the operating result is an artifice of accounting. It is not a real measure of the government's ability in a policy sense to manage the finances of the territory.

The opposition enjoyed the inclusion of this measure in the budget bottom line for the reason that they were lucky enough to include it at a time when the markets were healthy and returns were strong. For example, gains on market investments in 1999-2000 were $53 million. What we are saying is that some of the losses we are incurring now are really an adjustment from previous somewhat illusory or ephemeral gains registered before.

I mentioned here before the fact that the opposition, when in government, took money out of Actew and placed it on investment, exposing this investment to a greater degree of fluctuation. They experienced the upside of this fluctuation; now we are experiencing the downside. This is an issue that our government now needs to consider carefully in framing our budgetary strategy for the next budget.

I commend the report to the Assembly.

## Gungahlin—street names

**MS DUNDAS** (3.27): I move the motion standing in my name on the notice paper relating to the amendment of a determination under the Public Places Name Act 1989:

> That this Assembly omit the Schedule to DI2002-171—Public Place Names 2002, No 11 (Street Nomenclature—Gungahlin) and substitute the following Schedule:

**SCHEDULE**

**PUBLIC PLACE NAMES 2002, NO. 11 (Street Nomenclature - Gungahlin)**

**Division of Gungahlin: Australian Industrialists and Aspects of Industry, Gungahlin Pioneers**

| NAME | ORIGIN | SIGNIFICANCE |
|---|---|---|
| Ayrton Street | Gerald Curtis Ayrton (1907-1997) | Wool Industry.<br>Born in Bradford, England, Gerald Ayrton came to Australia in 1909. He was a leading member of the Australian wool-buying industry. In 1935 Ayrton was appointed director and partner of the company Biggin & Ayrton, establishing a thriving business with the West Riding Group, a large wool-processing combine in Bradford.<br>During World War II he served as a captain in Army Intelligence. During rationing which continued in England after the war and well into the 1950s Ayrton and his father organised regular food parcels to be sent to a large number of people in England. |
| Cantamessa Avenue | Ettore 'Giuseppe' Cantamessa (1892-1947) | Sugar Industry.<br>Born at Conzano, Piedmont, Italy, Giuseppe Cantamessa came to Australia in 1907 and took up sugar-farming in north Queensland. He became a naturalised British subject in 1913.<br>Cantamessa was often called upon to represent the Italian community. He was chairman of the Herbert River District Cane Growers' Association and an executive-member of the Cane Prices Board at Macknade. He represented Ingham from 1929-1936 on the Queensland Cane Growers' Council. He was elected to the Hinchinbrook Shire Council in 1936 remaining until the outbreak of World War II.<br>He was interred during the War until 1943. He denied any interest in 'foreign politics' and asserted his loyalty. In 1943 he was released but confined to his farm until 1945.<br>His obituary in the Herbert River Express declared that 'he discharged his duties to his adopted country faithfully and well'. |

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| Elliman Street | David William Elliman MBE (1902-1993) | Wholesale Industry, Sportsman and Returned Serviceman.<br><br>Born in Victoria, David Elliman was a prominent Canberra businessman. He established Canberra Wholesalers Pty Ltd in 1949 a company that handled builders' supplies and hardware. He managed the company until the 1960s.<br><br>He was an accomplished Australian Rules Footballer and coach. He was awarded the Phelan Medal for best and fairest NSW player in 1930.<br><br>Elliman served in the AIF in World War II, enlisting in 1940. On his return to civilian life in 1946 he was heavily involved in the RSL becoming a life member.<br><br>He was awarded the MBE in 1966 for his extended work on the welfare of ex-service personnel and other activities in the community. In 1984 he was awarded the Meritorious Medal, the highest award of the RSL, in recognition of his sustained service and interest in ex-service matters over many years. |
| Gormly Grove | James Noel Gormly (1902-1997) and Irene Veronica Gormly – nee Pratt (1901-1998) | Gungahlin Pioneers and Teachers<br><br>James Gormly taught at Mulligans Flat and Tallagandra Part-time Schools from 1923 and at Glenwood Public School from 1926 to 1935.<br><br>He married Irene Veronica Pratt who was also a schoolteacher. They resided at 'Glenona', Hall for several years to 1935. Together they raised five children; James, Joseph, Joan, Richard and David. |

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| Huyer Street | Herman Diederik Huyer AO (1920-1998) | Manufacturing Industry<br>Herman Diederik arrived in Australia in 1969 to take up the managing directorship of Philips Industries Ltd. In 1971 he was invited to join the Council of Manufacturers of NSW and became president for three years from 1977. He was president of the Australian Electronics Council (1972-80) a director and president of the Australian Electrical and Electronics Manufacturers Association (1977-80) and a NSW Councillor of the Metal Trade Industries Association (1972-80).<br>In retirement Huyer sat on a number of company boards and was also involved in various community organisations, including the Association of Netherlands Ex-Servicemen and Women's Association in Australia, Save the Children Fund NSW and the Foundation for Physics at the University of Sydney.<br>In 1981 Huyer was awarded the Order of Australia for his services to industry and the community and received a Dutch award, Officer of the Order of Orange Nassau in 1977<br>. |
| Marie Dalley Street | Marie (Ma) Dalley OBE (1880-1965) | Scrap Metal Industry and Mayor<br>Marie Dalley was born at Kewell, near Minyip, Victoria. Around 1905 Marie obtained a scrap metal dealer's licence beginning her very successful scrap metal business. Marie also branched into other areas of business, including a butcher's shop, farming, and the manufacture of margarine.<br>From 1918 Marie assisted many servicemen to start in business often acting as guarantor. Marie bought and distributed food to those in need and was an active participant and contributor to many charities in Victoria.<br>Marie was a Justice of the peace from 1935 and honorary secretary of the Women Justices' Association, serving as a special magistrate of the North Melbourne Court. In 1949 she was appointed OBE. She later sat on the bench of the Children's Court. In 1948 Dalley was elected to the Kew City Council and in 1954 was the first woman mayor. |
| Notaras Lane | Frank Emmanuel Notaras (1919-1994) | Restaurant Industry<br>Born on the Greek Island of Kythera in the village of Frilingianika. Frank Notaras migrated to Australia in 1937 and was soon to become one of Canberra's Greek cafeteria 'pioneers'. He was very active in the takeaway food and supermarket industries. He was a partner in the Liberty Café Manuka which has been renamed Caphs.<br>He served in the Australian Army for five years during World War II. |

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| Pallin Street | Frank Austin 'Paddy' Pallin AO (1900-1991) | Outdoor Recreation Industry.<br>Paddy Pallin was a bushwalker, businessman and environmentalist. Born in England, he came to Australia in 1926 and worked as a share-farmer in outback NSW and later moved to Sydney.<br>An original member of the Sydney Bushwalking Club which was founded in 1927. When Paddy lost his job in 1930 during the depression he began producing lightweight, waterproof outdoor equipment and clothing.<br>In 1975 he established the Paddy Pallin Foundation to assist conservation projects and in the same year was awarded an Order of Australia. Pallin was involved in numerous community organisations including: the Youth Hostels Association, the scout movement and the National Parks Association of NSW. |
| Penfold Street | William Clarke Penfold (1864-1945) | Printing and Stationery Industry<br>Born in Sydney. In 1886 William Penfold bought a stationery firm in Pitt Street and renamed it W.C. Penfold & Co. He purchased a new lithographic printing machine and regularly updated the firm's equipment. In 1898 the first linotype machine was installed and from 1902 Penfolds printed many notable Australian books such as *The Sentimental Bloke* and *The Magic Pudding.*<br>In the 1920s the firm expanded into the growing packaging industry. Penfolds, 'the House of Quality' became one of the largest firms of its kind in Australia. |
| Petersilka Street | Augustin 'Gus' Petersilka (1918-1994) | Restaurant Industry and ACT Identity<br>Born in Austria, Augustin Petersilka or, as everyone knew him, 'Gus', migrated to Australia in 1951 coming to Canberra in 1962. Initially he worked in the hardware business but soon realised there was potential for a Viennese-style coffee-house and opened his first café in Thetis Court, Manuka. The café remained open after normal business hours and offered a European ambience.<br>In the late 1970s Gus opened his café 'Gus's' in Bunda Street in the City and in defiance of the rules of the day placed tables and chairs on the footpath offering a unique outdoor eating experience the Canberra community had not before enjoyed - Canberra's first side-walk café. He battled the bureaucracy and won.<br>He did much to enhance the quality of life in Canberra and was a pioneer in terms of giving Canberra a soul. He was named Canberran of the Year in 1978. |

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| Ian Potter Crescent | Sir William Ian Potter (1902-1994) | Financier and Philanthropist.<br>Born in Sydney, Ian Potter, after having worked in Melbourne and with the Federal Treasury in Canberra, established, in 1936, the sharebroking firm of Ian Potter & Company. He later founded Australian United Corporation Ltd, the Australian Capital Fund and the Tricontinental Merchant Bank. He was also chairman of McIlwraith McEacharn, one of Australia's major shipping lines.<br>Sir Ian played a leading role in financing the country's heavy industry and mining in the 1950s and 1960s.<br>He was chairman of the boards of the Australian Ballet and the Australian Opera and through the Ian Potter Foundation, distributed over $22m to charity. |
| Birdseye Lane | Sylvia Jessie Catherine Birdseye (1902-1962) | Transport Industry – bus driver.<br>Sylvia Birdseye was born near Port Augusta, South Australia. Sylvia's friends the Birdseye family purchased the horse-and-coach business of John Hill & Co Ltd converting it to the first motorised country bus service in South Australia.<br>In 1921 Sylvia joined Gladys Birdseye in driving the tray-top Buick and the Studebaker sedans. They gained their commercial licences two years later. Sylvia was able to fit bearings and piston rings, grind valves, fix a gearbox and in only twenty minutes replace an axle.<br>Sylvia was dubbed 'Grandmother Queen of the Open Road'. She died while preparing to drive to Port Lincoln. |

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| Salzer Street | Robert Salzer AO (1923-1995) | Building Industry and Patron of the Arts.<br>Robert Salzer was born in Vienna, Austria. He and his family left Vienna for Italy as refugees in 1937 moving to Kenya just before the outbreak of World War II.<br>Robert and his wife emigrated to Australia in 1961, settling in Melbourne. Before long Salzer had built up a sizeable construction company.<br>After his retirement in 1986 he set up the Robert Salzer Foundation, a charitable trust and devoted his energy to the arts. In 1980 he became a member of the Council of the Melba Conservatorium. In 1984 he became a director of the Victoria State Opera. From 1990 to 1994 he was a director of the Melbourne Theatre Company, a trustee of the Green Room Awards Association and for a short time was chairman of the Melbourne Choral.<br>Robert Salzer was awarded the Order of Australia in 1993. |
| Sarre Street | Kevin Sarre (1933-1995) | Wool Industry<br>Kevin Sarre was possibly Australia's greatest 20th Century machine shearer. He was well known and widely recognised, having spent 30 years in the shearing industry.<br>Kevin began shearing in the late 1940s and went on to win many shearing championships including five Australian Titles.<br>Later, in association with the Australian Wool Board, he was instrumental in the development of the revolutionary Tally-Hi shearing technique and went on to supervise the training of this technique throughout Australia. |
| Adlard Place | Edith Emma Adlard AM (1906-1993) | Pharmacy Industry.<br>Edith Adlard was one of the first women to own and operate a suburban pharmacy in Western Australia. She actively helped young women into the pharmacy profession by employing them as apprentices and assistants.<br>Edith was the first vice-president of the Women Pharmacists Association and co-founder of the WA Pharmacist Association. She was also a member of a group of women who demanded equal pay for professional women. Her pharmacy was an informal clinic before the introduction of infant welfare. Edith was made a Member of the Order of Australia in 1987. |

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| Swain Street | Ron Swain<br>(1929-1990) | Stationery and Printing Industry<br><br>Ron Swain was born and educated in Sydney, where his family had long been established in the stationery and printing business.<br><br>After leaving school he worked for Collins Brothers and then spent nine years with his father, learning the basics of the stationery business. In 1959 he moved to Canberra and opened his own stationery shop in Garema Place. During the next 31 years the business expanded to eight shops, including shops in Goulburn and Queanbeyan.<br><br>Mr Swain was active in the scouting movement, was a flood-relief pilot and a member of the RAAF Reserve. |
| Tesselaar Street | Cornelius Ignatius 'Cees' Tesselaar<br>(1912-1996)<br>and<br>Johanna Gertruda Tesselaar nee van Zanten<br>(1914-1994) | Horticulture Industry.<br><br>In 1939 Cees and Johanna Tesselaar left Holland on their wedding day to make a home in Australia. They first settled in Ferntree Gully then in 1945 moved to Silvan in Victoria's Dandenong Ranges. They purchased a six hectare farm to establish a bulb farm. This farm has become Australia's largest family-owned horticultural operation.<br><br>Mr Tesselaar also assisted many Dutch migrants in the 1950s to settle in the Dandenongs, finding them homes and jobs. The Dutch Government recognised his efforts by awarding him a Knight of the Order of Orange Nassau in 1982. |
| Tuffin Lane | George David Tuffin<br>(1932-1980) | Music Industry<br>Born in Northcliffe, Western Australia, George Tuffin moved to Canberra in 1950. He worked in various positions in the Public Service and private enterprise.<br>Mr Tuffin was a self-taught musician. He taught himself to play the double bass and joined the Canberra Symphony Orchestra. He was a member of the then well known Bruce Landsley Band. He was also a member of the Canberra Jazz Club in which he held the office of secretary and president.<br><br>In 1964 he branched into the retail side of the music industry by opening Tuffins Music House selling musical instruments. |

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| Eva West Street | Evelyn (Eva) Maud West (1888-1969) | Accountant.<br><br>Eva West was born and educated in Traralgon, she was one of the first women in Australia to qualify as an accountant. She became a member of the Society of Accountants in 1918.<br><br>From 1934 to 1946 she was the Shire Secretary of Traralgon and Secretary of the Water Trust, Sewage & Gas Works.<br><br>Eva was devoted to organisations that promoted the welfare of women and girls. She pioneered the Girl Guide movement in Traralgon and worked endlessly to raise funds for the War Effort, the local Hospital and Bush Fire Relief.<br><br>For services to the community Eva was awarded the MBE in 1958. |

Map included on hard copy on the *Notice Paper* as circulated in the Chamber.

On 24 September 2002 I moved a motion of disallowance for disallowable instrument 2002-171, which named 19 new streets in Gungahlin. I moved that motion of disallowance because all 19 streets had been named in honour of men, although two streets were named after men and their wives—neither wife being recognised in her own right.

I moved the disallowance because I could not allow the instrument to go through unchecked. Of the last 29 streets named after people in the ACT, we had only been able to name two after women. For the Gungahlin Town Centre, possibly the last town centre in Canberra, we were presented with 19 pioneering men who were deemed worthy of having their name on our city's landscape, but not any individual women.

Children learn about street names, and the intention of naming is to tell people who built Australia, and our region in particular, so it is unfortunate to give the impression that men built this country unassisted by women.

Instead of just moving that disallowance motion, I have worked to bring an amendment to instrument 171 to replace four of the male names in the group of the 19 new streets with names that honour and recognise women. I am glad to report that the Minister for Planning permitted the Place Names Committee to assist me in selecting the names of female industrialists to honour. I thank him and the committee for their assistance in this matter.

There are many, necessary conventions guiding the naming of places and street names. For example, places are only named after deceased people, the names of streets should not be so long that they do not easily fit on a map and every effort is also made to avoid duplicate names so as to avoid confusion when emergency services are called.

In this particular instance I also had to be mindful that the minister had notified numerous families that a street was to be named after their relative. I did not wish to offend any of these families by snatching this honour from them. However, in six cases there were no surviving relatives. This motion proposes to replace four of these six with the names of female Australian industrialists. None of the four names I seek to alter are named after people who resided in Canberra.

The four women who I seek to honour with this amendment today are Marie Dalley, Eva West, Edith Adlard and Sylvia Birdseye.

Marie Dalley OBE began a very successful scrap metal business in 1905. She also branched out into other areas of business: running a butcher's shop, farming and manufacturing margarine. Note that 1905 was only four years after women in Australia had been granted the vote.

From 1918, Marie assisted many servicemen to start businesses, often acting as guarantor. Marie bought and distributed food to those in need and was an active participant and contributor to many charities in Victoria. Marie was a justice of the peace from 1935 and an honorary secretary of the Women Justices Association, serving as a special magistrate of the North Melbourne Court. She later sat on the bench of the Victorian Children's Court. In 1948 Dalley was elected to Kew City Council and in 1954 became the first woman mayor.

Eva West MBE was one of the first women in Australia to qualify as an accountant. She became a member of the Society of Accountants in 1918, and she was very active in public life. She was the shire secretary of Traralgon and secretary of the Water Trust, Sewage and Gasworks. She also promoted the welfare of women and girls. She pioneered the Girl Guide movement in Traralgon and raised funds for the war effort, the local hospital and bush fire relief.

Edith Adlard was one of the first women to own and operate a pharmacy in Western Australia. She helped young women in the pharmacy profession by employing them as apprentices and assistants. Edith was the first vice-president of the Women's Pharmacists Association and co-founder of the WA Pharmacists Association. She was also a member of a group of women who demanded equal pay for professional women. Her pharmacy was an informal clinic before the introduction of infant welfare. Edith was made a Member of the Order of Australia in 1987.

Sylvia Birdseye was a pioneer of the transport industry in South Australia. She helped run the horse and coach business of John Hill & Co Ltd, which later became the first motorised country bus service in South Australia. Sylvia drove the buses and was known as an able mechanic. She became famous on the roads of South Australia, showing just what women could do.

I believe that these four women are just as worthy of commemoration as the four men I seek to replace. Including these women will show future generations that women were an important part of the building of the economic institutions in our community and in our country.

I hope the Assembly will unanimously support this motion to help create a history and landscape in our community that are inclusive and to ensure that women take their proper place, recognised as contributors to the building of our nation.

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (3.33): Mr Speaker, the government will be supporting the motion moved by Ms Dundas today. We will be doing that because it is a sensible way forward, but we will also be doing it because this is the motion that I proposed to Ms Dundas to move.

I concede that my office has been in discussion intermittently for quite some time with Ms Dundas' office about this matter, and we eventually indicated to Ms Dundas' office that the government was prepared to move a motion to amend these place names. Ms Dundas then asked for advice on the names of the women we were proposing, and I subsequently discovered she was moving the motion herself.

Whilst I am happy to support the motion, it is worth acknowledging that the government was proposing to move this motion up to the point Ms Dundas requested the names and decided she would put it forward herself.

It is important at the outset to acknowledge that the government believes that it is important to have a good representation of women among the ACT's place names. This is a view shared by the Place Names Committee and one that I have also recently reinforced with the committee.

There are 19 street names listed in the instrument we are discussing today, which is the largest one to be notified for over two years. The instrument names streets for Horse Park Estates 1 and 2, which are new greenfields developments close to Gungahlin Town Centre. The theme adopted for that suburb is industrialists and aspects of industry, and Gungahlin pioneers.

That theme was devised and recommended to the government by the Place Names Committee, which advises the relevant minister. Each Canberra suburb has a theme on which its streets are named, and the government strives to be all embracing in implementing those themes.

This policy is one of the oldest policies pertaining to the national capital and has been carried through virtually unchanged since an ordinance was first passed in 1924. This policy applies also to place names under the control of the National Capital Authority, as evidenced in last year's street naming in Russell to commemorate Sister Vivian Bullwinkel. Under the previous ACT government, a bridge over the Molonglo was named in honour of Sylvia Curley.

We commemorate people, towns, rivers and mountains; we commemorate our Aboriginal and islander heritage; we celebrate scientific, cultural and sporting achievements; we commemorate military and other history; and so on. It is a policy unique to Canberra and one that I know all members in this place value.

The following criteria were developed to name streets and public places in Canberra:

1. Where a name commemorates a person, the name is not generally used until 12 months after the person's death.
2. Names are not duplicated.
3. Homonyms should not be used if their use could lead to confusion or difficulty of any kind.
4. Names which are likely to give offence are avoided.
5. Where possible, there is a correlation between the length of a street and the length of its name. Additionally, full (or double-barrelled) names are not used for residential streets because they can be difficult to use when addressing correspondence, preparing business documents and the like.
6. Generally, an arterial road is assigned a more significant name.

In the case of this disallowable instrument, the names originally chosen for Horse Park include only two women: Johanna Tesselaar and Irene Gormly. To be frank, it has been difficult for the Place Names Committee to find sufficient names of women who were industrialists or pioneers, whose names have not been used elsewhere in Canberra and who are deceased.

Discussions between my office and Ms Dundas' office and between PALM and Ms Dundas have highlighted this difficulty. It also needs to be appreciated that considerable time and effort goes into researching suitable names, but the time frames available for finalising instruments for the land release program often prevent a more exhaustive approach. A similar challenge has arisen in naming Gungahlin streets that honour sportsmen and women. The overwhelming majority of our prominent sportswomen are very much alive.

Having acknowledged the difficulty of identifying suitable names of women to commemorate in the Horse Park Estates, I informed Ms Dundas that the Place Names Committee supports the substitution of four female names that have been identified by her and her staff in conjunction with staff from PALM.

This is only possible in the circumstances because four men currently named in the instrument do not have living relatives. All the others included do have relatives who have been notified and who expressed delight at having a family member commemorated in this way. In seeking to change instruments we need to be careful not to cause any offence or embarrassment to relatives. That said, all the names that are removed from the instrument will be used for place names in other estates.

As Ms Dundas has indicated, she is proposing in her motion to substitute four names in the instrument with these names: Adlard Place, after Edith Adlard, one of the first women to own and operate a suburban pharmacy; Birdseye Street, after Sylvia Birdseye, who was involved with family and friends in the operation of the first motorised country bus service in South Australia; Eva West Street, after Evelyn (Eva) West, who was one of the first women in Australia to qualify as an accountant; and Marie Dalley Street, after Marie Dalley OBE, who started a successful scrap metal business in Kewell. She branched out into other businesses, including a butcher's shop, was ultimately appointed a special magistrate of the Victorian Children's Court and became the first female mayor for Kew.

I believe that these are very worthy nominations and commend them to the Assembly. This government is committed to improving the representation of women in the commemoration of our public places. There will be many more opportunities to do this, including, I must add, in estates in and around the Gungahlin Town Centre. Further research will be undertaken by PALM and the Place Names Committee to identify suitable names. As always, I will welcome suggestions and contributions that can assist the Place Names Committee in its research.

**MS TUCKER** (3.40): Ms Dundas has raised an interesting issue here about how streets get their names. I guess that street names are just something we take for granted; they are certainly necessary for finding our way around the city and for locating specific places. As with most names, there is little indication of how they came to be chosen. They serve a very functional purpose, and their original meaning or significance is generally lost over time.

They are, however, signposts to layers of history. We may not think about who the street was named after every day, but it does get in. Local history booklets are also produced from time to time, which explain the background to names. The information is there for people who get interested and seek it out.

I am not sure about other cities, but I am aware that there is quite a tradition of naming streets in Canberra. Given that we are the national capital, our city's founders decided that it was important to recognise significant Australian people, places and things, including our Aboriginal heritage, in the names of our suburbs and streets. I believe this started with the establishment in 1927 of the National Memorials Committee, chaired by the Prime Minister, no less.

This, of course, raises the issue of balance and representativeness. The determination of street names is usually not something the Assembly gets involved in. It is left to the Places Names Committee to do the historical research on possible names and apply various conventions for street naming in order to come up with a final list for a particular area. This committee is chaired by Professor Ken Taylor and has members from PALM, ACT Heritage Unit, ACT City Services Group and nominated historians and cultural experts from external agencies, organisations and/or community groups.

This committee has developed a number of policies for naming streets and places, but Ms Dundas has raised the issue of gender balance, which does not appear to be explicitly covered by the committee's current policies. This instrument contains 19 new streets that are all named after men. The division of Gungahlin, where these streets are located, has the theme of industrialists and Gungahlin pioneers.

The minister stated in a letter to Ms Dundas on this matter that industry has proven to be a difficult field from which to identify women because their contributions were not properly recognised or recorded in the early to mid-20th century. I note that, of the existing streets in the division of Gungahlin, 14 are named after men and 4 are named after women.

It probably is the case that women's historical contributions to industry were not well documented, but I understand from Ms Dundas that it took her about 10 minutes to find 10 names when she went to the National Library—was it the National Library?

**Ms Dundas**: No, the library in this building.

**MS TUCKER**: The library in this building? So it was not, in fact, that difficult. It obviously was not that hard. Having to look harder is often a key issue with women's history—or the history of any previous underacknowledged group in our society. Invisibility is one of the core parts of discrimination. That is why there was a huge push to change phrases like "manning a booth" to "staffing a booth". When we unthinkingly allow invisibility to continue, we perpetuate discrimination. Language and the everyday signs we see shape our habitual views of the world. Making women and women's contributions visible in no way denigrates the contribution of men, and it is quite ludicrous to say we only value men by ignoring women.

It may not be necessary or practical to have an equal number of streets named after men and women in every new subdivision, but across a suburb there should be some attempt at balance. At present there is a definite imbalance, which the current instrument cannot on its own address, but it is important that this imbalance has been raised. As I have said, removing invisibility is an important step to removing discrimination, especially in non-traditional fields of work for women, such as this subdivision commemorates.

This amendment on its own will not redress the imbalance; it relates to only four of the 19 street names. I understand that this result came about through a process of discussion between the minister's office, Ms Dundas' office and my office and of consideration of the families of the men originally proposed to be commemorated in street names.

Ms Dundas has raised a very important issue for us here and for the names committee, and I thank her for raising it.

**MRS DUNNE** (3.45): Mr Speaker, the Liberal Party is pleased to support the motion brought forward by Ms Dundas. She has taken the initiative and pointed out to us that we should probably be more careful about what goes into our street names. It is the boldness of Ms Dundas' approach—in having the temerity to disallow one of these determinations—that should be encouraged.

On other occasions I have had reservations about some of the street names. I took it upon myself on one occasion to write to the minister about one of the street names in one of the Gungahlin suburbs because it was named after someone who was a known suicide. I thought that it was inappropriate that, although he might have been a sporting hero, he was also a known suicide and that that did not really send the right message. But I was given short shrift and did not pursue it at that time. I am encouraged by the fact that Ms Dundas is emboldened to pursue this when I was not on that occasion.

Although we have heard magnanimous words from the minister today, accounts of exchanges between Ms Dundas' office and Mr Corbell's office that I received previously make me think that perhaps we are seeing revisionist history today. The account that I heard was that there was a fair amount of what I would characterise as bullying from the minister. I heard that Ms Dundas was threatened that the minister would ensure that

the developers and the builders concerned would ring up and complain to her office with the ridiculous notion that he put about that, by disallowing some of the place names, it would be impossible to go ahead with the subdivision for some time.

This is the sort of bullying that I do not expect to see from ministers in this place; it should not have happened. We should have been able to come to the accommodation that we came to today much sooner and by a much more civilised path than we did. I congratulate Ms Dundas for taking up the cudgels on this. I note that her efforts in this have paid off already because the last disallowable instrument of street names that came out earlier this week in Banks showed a considerable increase in the number of women's names on that list. I congratulate her and support the motion.

**MRS CROSS** (3.48): Mr Speaker, I just want to commend Ms Dundas for this initiative. I think it is a very good initiative and I congratulate her on it.

**MR STEFANIAK** (3.49): I do not know if I am still the only member who was born in Canberra. There might be somebody else now. Ros? Well done. Good stuff. I think it is most appropriate then, as the initial member born in Canberra, to congratulate our latest member and second member born here for an excellent initiative.

I have circled a few names that I think represent the individuals and families who have done much for this territory. There is Gormly Grove, named after James Noel Gormly. A lot of Gormlys in Canberra are descendants of James—most appropriate. There is Notaras Lane, named after Frank Emmanuel Notaras. A dynasty has almost been established, and I have the pleasure of knowing many Notarases. They have done a wonderful job for Canberra as a family. Then there are Frank Austin "Paddy" Pallin—a household name in Canberra—and my old mate, Gus Petersilka, the man who founded outdoor cafés in Canberra. He was a real stirrer, but a bloke who left a huge legacy here.

So, well done, Ms Dundas. Among the names that were replaced I noticed one I had a slight chuckle about when I looked at it: Resch's Lane or Resch's Street, after the famous brewing family. I do not think the family had a huge amount to do with Canberra, but the drink did.

**MR SPEAKER**: There'd be a lot of Resch's drunk here, I would have thought.

**MR STEFANIAK**: There's been a lot of Resch's drunk here, Mr Speaker, and I can certainly attest to that. As a young bloke it was certainly the drink that I and my mates drank. We would go down to the Wello and knock over a few schooners on a Friday night, and it was probably the most popular drink there. I can recall a dreadful team song that the Royals had when I first started playing with them. Luckily, their successive songs have got better. I think Didier wrote the last one, and it is almost a work of art compared with the appalling one of the early '70s, which was—

**Mrs Dunne**: Is it clean?

**MR STEFANIAK**: It is clean. It was something like—I won't sing it—"Canberra Royals, Canberra Royals, the team with the terrific players. Canberra Royals, Canberra Royals. Now look at them, don't they look dandy? We tear'em to pieces 'cause we train on Resch's. What a team, what a team, Canberra Royals." An appalling song, I must say.

**Mr Hargreaves**: An appalling team as well.

**MR STEFANIAK**: It is a very good club, Mr Hargreaves, but it was indicative of the time. Someone must have written that in the late sixties, and it stayed with the club to the mid seventies. It was indicative that Resch's was the most popular beer in Canberra. I mentioned that that was one of the ones taken out of this list. I suppose it could be included in the next list because it was the most popular beer in Canberra at the time, and there is that connection with the territory.

Well done, Ms Dundas. I think some of the names there are just so appropriate. As an old Canberran, I am delighted to see them there. Congratulations.

**MS DUNDAS** (3.51), in reply: I thank the Assembly for their wholehearted support for this motion. It is an important step in ensuring that women's place in history is recognised here in the ACT. As I said in my opening speech, I thank the minister and the government for their support in the development of this amendment.

However, my recollection of events is a bit different to the minister's. I am glad to think that my original disallowance motion bringing this issue to the attention of the government sparked them into action. Hopefully, they will get it right first next time, as opposed to having this debate again.

I will point out that Women did exist as part of history; they have been around as long as time itself. After some simple research, as was mentioned, even here in the Assembly library, I was able to find a list of women who contributed wholeheartedly to the development of Canberra and to the development of this nation whose names are worthy for recognition in our streets. Simple research can provide a wealth of information.

I will acknowledge that this is not groundbreaking; there are streets named after women here in the ACT. Indeed, I live in the suburb of Cook, where the majority of streets are named after women who have contributed to the building of this nation. We have the suburbs of Chisholm, Melba, Richardson and Isabella Plains, which are named after women who contributed to Australia.

We have a few suburbs left to name in this great city of the ACT, and a few streets within those suburbs to be named. I hope that we can take what we have discussed today and move forward to recognise that we all—men and women, from different backgrounds—have contributed a lot to the building of this nation and this territory and that we are equally deserving of recognition.

Question resolved in the affirmative.

## Statement by member

**MR SPEAKER**: Mr Pratt, I now have a copy of *Hansard* in front of me, and I trust that you have had time to look at this matter. I have taken a close look at standing order 55, and I will read it to you for your information:

> All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

Ms Tucker has already explained where what you said was different from what she said. It is clear from the words I referred to earlier, and I will quote them:

> Whether or not Ms Tucker understands that these comments provide some sort of encouragement and comfort to those who would seek to attack our country is beyond me.

I rule forthwith that these comments are contrary to standing order 55, and I order you to withdraw them.

**MR PRATT**: In that case, Mr Speaker, I so do. I withdraw.

## Community Services and Social Equity—Standing Committee
### Membership

**MR STEFANIAK** (3.55): Mr Speaker, I move:

> That Mrs Cross be discharged from attending the Standing Committee on Community Services and Social Equity as a representative of the Liberal Party and in her place Mr Cornwell be appointed as a member of the committee.

I will speak to the motion and also make reference to the next motion. Mr Speaker, this motion is simple. Mrs Cross is no longer a Liberal representative on this committee, and we would seek to put Mr Cornwell on it as our Liberal representative.

With regard to what happens to that committee, I note that Mrs Cross has a motion to establish two four-member committees, one of which is the Standing Committee on Community Services and Social Equity. I foreshadow that I have an amendment to that motion, to enable the Standing Committee on Community Services and Social Equity to have four members until its two outstanding inquiries are concluded.

Mrs Cross has been a member of that committee and has participated in the two ongoing, part-heard inquiries—as have Ms Dundas and Mr Hargreaves. I believe it is entirely reasonable and proper that those three members should be on that committee until those two inquiries finish, and Mr Cornwell can go on as the Liberal member. He will come in cold, but he can remain on the committee as our representative. I think it is desirable—we voted this way last year—that each committee have three members: a member of the crossbench, a member of the government and a member of the opposition.

There are six committees and, of course, the house committee, which is covered by another standing order. The six committees each have three members. I think that reflects pretty adequately the balance of the Assembly. It is also fairly sensible for purposes of

sharing the workload—unlike the last Assembly, where poor Harold Hird was on every committee until Jacqui Burke joined. At least the government has three members it can put on committees at this stage, the crossbenchers now have three, and the opposition has six. There is a real ability there to share the load.

In our case, most of us sit on only one committee. In the government's case, there are two committees each. The crossbenchers now have an opportunity—rather than to sit on three each, plus the house committee, to divvy it up so they can each sit on two committees. How they do that is entirely a matter for them, but I think that is a very sensible way to enable our committee system to run well.

My motion proposes that, because Mrs Cross is no longer the Liberal member on the committee, Mr Cornwell is put onto the committee. Mrs Cross' motion would make that a four-member committee. The amendment I am foreshadowing states that that situation should cease after the two inquiries are finished. I would suggest it is really a matter for the crossbenchers to work out which committees they sit on. I commend that to the house.

I have had some discussions with Mr Hargreaves. I do not know if that is going to get up or be acceptable. However, I think that way is far preferable to a skewed situation, where we end up with a couple of committees of four members and the rest with three members. I believe it would be better for everyone if we end up with three-person committees, whereby the crossbenchers divvy it up so they sit on two committees each. They can work out among themselves what they prefer to do. I note that Ms Tucker is chair of one of those committees, and she would hardly want to give that up. Between them, they should be able to work something out. I think that would be far better for the Assembly.

As we saw today, we had a situation where there was a dissenting report. There have been a couple of dissenting comments made in committee reports during the course of the past 12 months or so. In previous Assemblies, there certainly were—and I have sat on committees where I have put in dissenting reports. On a three-person committee, you can usually get at least a two-one—hopefully you get a three-nil. Quite often you get a two-one. The trouble with four-person committees is that there is a real potential for the committees to split two-all, and I do not think that is a desirable situation.

I believe that what I am proposing is tidier—it is better for the running of the Assembly. It ensures that the inquiries which Mr Hargreaves, Ms Dundas and Mrs Cross have commenced will continue with that make-up, but with the addition of Mr Cornwell, who will be our representative on that committee.

**MR HARGREAVES** (4.00): Mr Speaker, when I originally proposed the motion to create the standing committees for this Assembly, I had regard for the fact that, in my view, the committees were creatures of the parliament and not creatures of the party system. To a great degree, that has been honoured in practice. Very rarely—definitely not on this side of the house—has there been a difference of opinion in the committees based on politics. Any differences have perhaps been on context or content. Compromises have been reached but, essentially, I have been satisfied that the committees are in fact acting as creatures of the parliament. So I feel it is not going to

compromise that perspective if all of the members bring that view to their deliberations on the committees.

I am going to address both of these, in the interests of time. I do not see why one needs to discharge Mrs Cross from the standing committee of which I am chair because she is no longer a member of the Liberal Party. In fact, notwithstanding her nomination by the Liberal Party to the position she holds as a member of that committee, she was appointed to it as a member of this Assembly. I believe to then say, "You have to get off it because you aren't a member of a political party," politicises the committee system. It was exactly that that I was trying to avoid in the first place. If that is the reason, I cannot support it. In reality, I have to say, as chair of that committee, that we have inquiries which, on reasonable examination, run together—some of them as a consequence of others.

Without going into detail, I foreshadow that the next inquiry we pick up will come out of some of the information we have gleaned in a current inquiry. It will not be a case of just going to the end of the current inquiries and saying, "Thanks for coming—good on you." I think we are going to need input from as many people who wish to contribute to it, all the way through to the end of this Assembly. It is my belief that, if people wish to serve on the committees, we should allow that, provided—this is the only stipulation I have—they understand that they are on these committees as members of this Assembly.

There have often been times when I have been tempted to introduce a Labor Party bias and have resisted that. I have totally resisted it because I do not believe that is my position. I contribute to my standing committee work—as I did in both the previous Assembly and in this one—on the basis of my being a member of this place.

So, Mr Speaker, this side of the house will not support the motion from Mr Stefaniak. However, we would welcome Mr Cornwell onto the committee. He would be a welcome addition to the committee. I am sure we will benefit from his experience, and his commitment to our work.

In relation to the next motion, any proposed amendment which alters the wording of this motion, in my view, merely seeks to politicise it. We on this side of the house will not support it.

Question put:

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

*A vote having been called for and the bells being rung—*

**Mr Smyth**: On a point of order, Mr Speaker, before the vote is called.

**MR SPEAKER**: Sorry—no. There is a count on at this moment.

**Mr Smyth**: It is with regard to the count, because the count may well breach the standing orders.

**MR SPEAKER**: Well, okay.

**Mr Smyth**: Standing order 221 says that membership of committees shall be composed of representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly. This motion, will, in effect, violate that standing order. If we are going to have proportionality—if there are two crossbenchers on a committee, there must be four Liberals and approximately 4½ members of the Labor Party.

**MR SPEAKER**: It is a bit late now. I will take some advice on it.

I have had the position clarified. If it were to succeed, this motion would not contravene the standing orders. It may be that the next one could, depending on what happens.

The Assembly voted—

| Ayes, 7 | | Noes, 8 | |
|---|---|---|---|
| Ms Dundas | Mr Stefaniak | Mr Berry | Mr Quinlan |
| Mrs Dunne | Ms Tucker | Mrs Cross | Mr Stanhope |
| Mr Humphries | | Ms Gallagher | Mr Wood |
| Mr Pratt | | Mr Hargreaves | |
| Mr Smyth | | Ms MacDonald | |

Question so resolved in the negative.

## Standing Committees
### Membership

**MRS CROSS** (4.08): I move:

> That the resolution of the Assembly of 11 December 2001 establishing standing committees be amended by omitting paragraph (4) and substituting the following:
>
> (4) Each committee shall consist of three members, except for the Standing Committee on Community Services and Social Equity and the Standing Committee on Planning and Environment, which shall have four members.

**MR HUMPHRIES** (Leader of the Opposition) (4.09): I do not have any compelling arguments in favour of this motion, Mr Speaker, so I will have to put a few arguments against it. This is relevant to this matter. Standing order 221 says that membership of committees shall be composed of representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly.

Although I am not a mathematician, it is easy to determine that, proportionally, a crossbench of three-seventeenths of the Assembly as a whole should not have 50 per cent of the representation on a committee. Although we cannot get exact proportionality, as near as practicable proportionality on these two committees would amount to one Liberal, one Labor and one crossbencher—or perhaps two Liberal, two Labor and one crossbencher. There is no proportionality whatsoever in having two crossbenchers and one from each of the major parties. I would argue that standing

order 221 is not consistent with this motion, and that the Assembly should suspend the standing order if it wishes to pass this motion brought forward by Mrs Cross.

I assume the thrust of this is that Mrs Cross wants to be a member of the Standing Committee on Community Services and Social Equity and the Standing Committee on Planning and Environment. I think that is perfectly fair. I do not see any reason why she should not be a member of those committees. As I understand it, she is already a member of the first of those committees, and she wants to go on the Planning and Environment Committee. That is not a decision for the Liberal Party, that is a decision, I think, for the crossbenchers. If that is what is decided on, I have no problem with that.

The crossbench numbers are relatively small in this Assembly. There are only three members of the crossbench. To have them double-up on two committees seems to me to be an unnecessary duplication. It means Ms Dundas, who is a member of both these committees, having to serve on three committees of the Assembly. Ms Tucker at the moment is serving on four committees, including the Administration and Procedure Committee.

**Mr Stefaniak**: So is Ms Dundas.

**MR HUMPHRIES**: Four including those—or five. We will put aside the Administration and Procedure Committee.

Looking at other committees for the time being, apart from those to which I have just referred, Ms Tucker is on three standing committees—and Ms Dundas is also on three standing committees. It would seem to me, given the pressure members of the crossbench are under, to make sense—and accord with standing order 221—to have each crossbencher on two standing committees. That would appear to be a logical way of sharing the workload. To me, it seems to mean that the opportunity both Ms Tucker and Ms Dundas would have to vacate a committee or two, in favour of Mrs Cross, is being foregone by this motion. There is no particular logic to it.

It is true that, in the last Assembly, there was a four-member committee, including two crossbenchers. I am not entirely sure why it was adopted but the arrangement appeared to suit all concerned at the time—the crossbenchers, the government and the opposition. Ido not know whether this arrangement suits the crossbenchers today, but I do not want to have to be working—

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.*

**MR HUMPHRIES**: In conclusion, Mr Speaker, the opportunity for an additional crossbench member, to relieve the pressure on existing crossbench members on committees, will be lost if this motion—or the effect of this motion—is carried through. We have a chance here to distribute the workload better among members. As it is, that opportunity has not presented itself to the members of the crossbench. Therefore, I think it is a strange motion to be dealing with.

I ask members to consider what is the value of this arrangement. It does not appear to make any sense—with great respect. I believe it would be much more sensible to do what we have done in almost every other case in the 13-year life of this Assembly. That is, on committees of three—or even five—members, generally there is one crossbench member.

**MR HARGREAVES** (4.15): Mr Speaker, I seek leave to move two amendments together to this motion, which I have been furiously scribbling out. They will be circulated as soon as they are photocopied.

Leave granted.

**MR HARGREAVES**: The first amendment I move to the motion is:

> (1) Insert the words "Notwithstanding the provisions of Standing Order 221" before the words "That" first occurring.

**MR SPEAKER**: Is that available to members?

**MR HARGREAVES**: It is on the photocopier and will be available as soon as the photocopier is cleared. It is on its way around. The second amendment I move is as follows:

> (2) Add "and that the membership of both Committees comprise one member nominated by the government, one member nominated by the Opposition, one member of the Australian Democrats and one independent member".

As I understand it, Ms Dundas is on both committees—that is why it is put in that way. In speaking to these amendments, one of the matters which concern me is that there seems to be an attempt by those opposite to tell the crossbench how they should dish out their workload, whereas it is up to them to do it.

**Mr Stefaniak**: Have they made that resolution?

**Mr Smyth**: Have they agreed?

**MR HARGREAVES**: I repeat this for the aged and the deaf: I do not propose—

**Mrs Dunne**: On a point of order, Mr Speaker: I seek your guidance on whether this amendment proposed by Mr Hargreaves is in order, in accordance with standing order 221.

**MR SPEAKER**: My reading of it right now is that it excludes the provisions of standing order 221. It says, "Notwithstanding the provisions of standing order 221".

**Mrs Dunne**: I see. We have that now.

**MR HARGREAVES**: I will repeat it for the aged and the deaf. That was the very first thing I said when I was on my feet. Had you been listening, you would have heard me say that.

**MR SPEAKER**: I think it was a fair query.

**MR HARGREAVES**: It may have been. I will not go down that track—I cannot be bothered.

Mr Speaker, the crossbenchers are the people who determine their own workload. I do not see anybody over there having any right or mandate to say, as Mr Humphries has said, "You guys share the workload evenly." So what? If they want to do it, that is fine. If they want to work one of themselves to death, that is fine. It is not up to the rest of us to do it for them.

**Mr Humphries**: They have not done it.

**MR HARGREAVES**: No, but you made a big point of it in your speech, Mr Humphries. Let us call a spade a spade. All of this technical stuff is absolute hoo-ha. What you are saying is, "Let's do Mrs Cross in, let's kick her off a committee." What is the big deal to you? She is not a chair of anything, she is not going to lose any money, and there is nothing in it for you whatsoever.

Mr Speaker, I was a bit nonplussed about the interjections because they were all going at the same time. I am not sure which one was supposed to interrupt me first. Would you like to interject one at a time, please?

**MR SPEAKER**: Mr Hargreaves, interjections are highly disorderly, but responding to them is highly disorderly as well.

**MR HARGREAVES**: I cannot respond because I do not know what they were. If there were a genuine query, I would be happy to address it, but I was unable to hear the interjections.

By these provisions, all I am trying to do is allow, predominantly, the standing committee of which I am chair to operate with no political interference at all. As I said earlier, I welcome Mr Cornwell's addition to the committee—I reckon it is a great idea. But I do not want any political interference in my committee from that bunch of rubble over there. I have it running nicely, thanks very much. I ask you people to butt out of it.

**Mr Humphries**: This motion is doing that.

**MR HARGREAVES**: Your motion is, in fact, telling me—the chair—who can and who cannot go on it! You have no right to do that. Mrs Cross is no longer a member of your party.

**Mrs Dunne**: Mr Speaker, I seek your guidance. I have had a quick discussion with the Deputy Clerk. I suspect we may need to adjourn this to obtain your guidance on whether or not to suspend standing order 221 in this way requires an absolute majority of the Assembly. I suggest that clearer heads might come back to this, if this were adjourned until either a later hour or to another day.

**MR SPEAKER**: Perhaps you could move a motion that the debate be adjourned to a later hour this day.

**Mrs Dunne**: To a later hour this day—and, in the meantime, that we could get some advice from yourself and the Clerk.

**Mr Hargreaves**: On a point of order, Mr Speaker: was that a point of order? Do I have to stop in midstream?

**MR SPEAKER**: Mrs Dunne sought my guidance on a matter. I suggested that, if she were to move a motion of adjournment, that might be a way forward.

Debate (on motion by **Mrs Dunne**) adjourned to a later hour.

## Public Accounts—Standing Committee
### Statement by chair

**MR SMYTH**: Mr Speaker, pursuant to standing order 246A, the Standing Committee on Public Accounts has resolved that I make the following statement regarding Auditor-General's report No 4 of 2002, entitled *Framework for internal auditing in territory agencies*. I seek leave to table the statement.

Leave granted

**MR SMYTH**: Mr Speaker, I present the following paper:

> Public Accounts—Standing Committee—Auditor-General's Report No 4 of 2002—*Framework for internal auditing in territory agencies*—Statement to the Assembly, dated 6 November 2002.

The Public Accounts Committee has considered the Auditor-General's report No 4 of 2002—*Framework for internal auditing in territory agencies*—along with the government's response. The committee accepts the government's responses, and wishes to make no further comment.

Mr Speaker, pursuant to standing order 246A, the Standing Committee on Public Accounts has resolved that I make the following statement regarding the Auditor-General's report No 3 of 2002, entitled *Governance arrangements of selected statutory authorities*. I seek leave to table the paper and make a short statement.

Leave granted.

**MR SMYTH**: Mr Speaker, I present the following paper:

> Public Accounts—Standing Committee—Auditor-General's Report No 3 of 2002—*Governance arrangements of selected statutory authorities*—Statement to the Assembly, dated 6 November 2002.

The Public Accounts Committee has considered the Auditor-General's report No 3 of 2002—*Governance arrangements of selected statutory authorities*—along with the government's response. The committee notes that the Auditor-General found that the legislative governance arrangements for statutory authorities are inadequate. The

committee also notes that the government agrees with the Auditor-General about the need for a legislative framework which strengthens accountability, and has proposed a process for ensuring wide consultation in the development of new legislation. The committee advises the Assembly that it will maintain a watching brief on the progress with the revised legislation.

Mr Speaker, pursuant to standing order 246A, the Standing Committee on Public Accounts has resolved that I make the following statement regarding the Auditor-General's report No 11 of 2001 entitled *Financial audits with years ending 30 June 2001*. I seek leave to table the statement and make a short statement.

Leave granted.

**MR SMYTH**: Mr Speaker, I present the following paper:

> Public Accounts—Standing Committee—Auditor-General's Report No 11 of 2001—*Financial audits with years ending 30 June 2001*—Statement by Chair, dated 6 November 2002.

**MR SPEAKER**: Order, members! Mr Hargreaves, Mrs Cross. It is getting hard to hear.

**MR SMYTH**: I make the following statement to the Assembly on behalf of the committee: the Public Accounts Committee has considered the Auditor-General's report No 11 of 2001, entitled *Financial audits with years ending 30 June 2001*, along with the government's response. The committee wishes to make no further comment.

## Assembly—size

*Mr Stanhope, pursuant to standing order 128, fixed the next day of sitting as the time for the moving of this motion.*

## Workers Compensation Supplementation Fund Amendment Bill 2002

Debate resumed from 12 November 2002, on motion by **Mr Wood:**

> That this bill be agreed to in principle.

**MR PRATT** (4.26): Mr Speaker, on the surface, the Workers Compensation Supplementation Fund Amendment Bill is a reasonable piece of legislation. It is a fair and reasonable amendment to the process for the collection of a surcharge from business under the current provisions of the act.

However, the opposition does have grave concerns about this bill, because we feel that, in all practical effect, the government will use this bill as enabling legislation to impose a surcharge on business at a time when business cannot afford it. We believe that the imposition of a surcharge now or at any time in the foreseeable future would be highly inappropriate, given the pressure currently on businesses in the ACT as a result of both the insurance crisis and the effect of September 11 on workers compensation insurance premiums.

Funds have not been sought since 1986, as the fund has always had funds surplus to requirements. The former Liberal government made a $30 million contribution to the fund to cover the liabilities of the HIH collapse, and it does not appear that at this stage the fund requires topping up to fund liabilities over and above those the former government contributed for. Therefore, any move to impose a surcharge at this time would simply be an attempt by the government to unnecessarily and unfairly take money from the pockets of ACT businesses—pilfering, if you like—without having a clear justification to do so.

I have asked for the original actuarial assessment to be tabled as well as any other information relating to the liabilities of the fund as a result of the liquidation of HIH. I look forward to the minister providing that information to me. Any move to impose a surcharge would clearly lead to a questioning of the government's motives for imposing such an impost on business at this difficult time.

We are concerned at the lack of consultation undertaken by the government in relation to this legislative change and the potential for the surcharge to be imposed in the short term. It appears that the government has tried to sneak this legislation through without seeking the views of the people it will impact on.

While the opposition may have found out fairly late about the concerns held by the business community, at least we found out. The government did not bother to ask the major business stakeholders what their concerns were and what the implications for them would be as a result of this amendment to the act.

Already the disparity between the workers compensation insurance regime in the ACT and those in other states continues to widen, with the result being an increasing risk that manufacturing businesses will move operations out of the ACT and into New South Wales in order to save significant funds. Information provided to the opposition shows that there are numerous businesses currently examining this option. In one case it would result in a saving of $1 million annually and would turn a currently unprofitable business into a profitable one. Any further increase to their premiums would make that decision much easier to make.

Businesses in the ACT have been hit hard by a number of events out of their control in the last 18 months. In addition to the collapse of HIH last year and the readjustment by the rest of the insurance industry to revalue their policies, the attacks on September 11 have had a significant inflationary impact on workers compensation insurance premiums. ACT business cannot afford, nor does it deserve, to be hit again with a government pilfering their cash flow.

It is not surprising that the government has attacked the opposition for wanting to investigate the consequences of this legislation. They have got something to hide. Their fear of being caught out no doubt contributed to their lack of consultation with anyone in relation to this legislation. The imposition of a further surcharge on business would surely interest the Canberra Business Council. Were they consulted? No. It would also no doubt interest the ACT Chamber of Commerce. Were they consulted? No.

I would have thought that this legislation relating to workers compensation would have been referred to the workers compensation advisory committee—that is, the advisory committee set up this year by the minister, comprising representatives from the Business Council, the CFMEU, the AMA, the Insurance Council of Australia, the Supreme Court and OH&S. Yet at their meeting on 12 July 2002 this legislation was not discussed. At their meeting on 2 August 2002 it was not discussed. At their meeting on 4 October 2002 it was still not discussed. The November meeting has now been postponed to December, and it is not even on the agenda for that meeting either. Consultation—where is it? This is the government of transparency! What is the point of having a workers compensation advisory committee if you are not going to seek their advice about matters relating to workers compensation? The WCAC met twice before the government presented this bill.

This government has bleated and postured about being a government that listens. Yet when it comes to this legislation they have not listened to anyone. They did not want to listen to anyone. The government, as I understand it, has been telling people that while it wants this legislation passed to amend the act to make it easier for business to make payments, they have no intention of posing the surcharge at this time.

So why would you need to amend the system? The only reason you would need to amend the payment mechanism is if you intended to seek payments. That is our concern. In fact, the minister's press release on Tuesday, when he attempted to criticise the opposition, stated that the bill had only one objective: "to ease the financial burden on business in the ACT". The release, titled "Liberals delay financial respite for ACT Business", went on to say:

> "In August this year, the Stanhope Labor Government moved to lessen the financial burden of workers compensation costs to business in the ACT.

It also said:

> "Our Amendment Bill 2002 amends the relevant Act to allow surcharge payments to be collected on a more flexible basis. Instead of a yearly lump sum payment, payments would be spread over the course of a year.
>
> "This move not only brings legislation up to date to meet current insurance practices, more importantly, it will ease the financial burden on business, enabling them to better manage their workers compensation costs.

At the moment, without the surcharge being applied, there is no financial burden to be eased. How can the government ease the burden on business by making it easier to pay a surcharge that it is not currently charging unless it intends to charge it? The press release went on to say:

> "Thanks to the Liberals' Steve Pratt, ACT business will now have to wait."

Minister, I am sure that the ACT business community will thank me for delaying your attempt to get your hands into their pockets. I thank you for the compliment. Mr Speaker, I seek leave to table the minister's press release.

Leave granted.

**MR PRATT**: I present the following paper:

> "Liberals delay financial respite for ACT business"—Copy of media release from Simon Corbell, MLA, dated 12 November 2002.

*An incident having occurred in the gallery—*

**MR PRATT**: I am sorry, Mr Speaker. I was distracted by the gallery.

**MR SPEAKER**: I would not take any notice of them, because they are out of order. If they want to get on with their gratuitous body language, they might do it outside.

**MR PRATT**: I was not talking about that gallery; I was talking about other galleries. If the supplementary funds need to be topped up in the future, will the government follow the lead of the previous Liberal government and fund that top-up rather than imposing on business to do that? Will they consider putting their hands into their pockets to support a very important ACT sector? I doubt it.

On the surface, the legislation is administratively practical—it seems fine—but there are major concerns that we must question. We seek a number of answers from government, particularly in relation to the actuarial assessment. We wait to see whether government will get in closer with business by consulting with them on the practicalities or otherwise of this legislation.

**MS TUCKER** (4.37): The Greens will be supporting this bill. Debate was adjourned on Tuesday when Mr Pratt for the Liberals raised concerns that key business groups had not been consulted. When we asked him for further detail on the concerns, he argued that perhaps this bill, in allowing incremental payment of any levy, would encourage people to take out inadequate workers compensation insurance.

However, adequate coverage is dependent on employers providing accurate information to their insurers and paying their premiums. The workers compensation supplementation fund was set up to spread the pain if and when an insurance company collapsed. It is, and always has been, funded by levies imposed on business. It has, however, had a surplus for many years and no levy has been imposed for some time.

The collapse of HIH has made, and will make, a significant impact on workers compensation cases in the ACT. In that context, through the special Appropriation Bill (HIH) in June last year, the Liberal government amended the act to allow the territory to contribute to the fund in order to cover extraordinary costs and manage such difficulties.

The following provisions allow for the territory to make such contributions:

> **25A Territory contributions to fund**
>
> (1) The Territory may contribute to the fund.
>
> (2) However, the Territory is not obliged to contribute to the fund and is not liable to pay, or contribute to the payment of, any claim against the fund or any costs, expenses, fees or other amounts payable by the fund.

**25B Repayment of Territory contributions to fund**

(1) If the Territory has made a contribution to the fund that has not been repaid to the Territory in full and the Treasurer is satisfied the fund contains an amount (the ***surplus amount***) that is not needed to meet reasonably foreseeable claims against the fund, the Treasurer may in writing direct the manager to repay to the Territory so much of the Territory contribution as is not more than the surplus amount.

(2) On receiving a direction under subsection (1), the manager must pay to the Territory the amount stated in the direction.

When introducing the bill into the Assembly, Mr Humphries made the point that the bill also provides for amendments to the Workers Compensation Supplementation Fund Act 1980 to allow for the repayment of funding provided by the ACT government, once the fund exceeds an amount considered necessary for its ongoing viability, and clarification of government liability in relation to the fund.

In other words, while in his press release Mr Pratt describes the $30 million contribution as a gift from the ACT government, it was no such thing. ACT Treasury always intended to recover some or most of this contribution as and when the fund could afford it. I understand that it is in order for the fund to impose a levy of up to 10 per cent through a notifiable instrument, but I have been advised by officers in the Treasury that there are no immediate plans to do so. If it were to happen, it would be introduced following consultation with the reference group established for that purpose.

I have also been advised that a similar scheme run by the WA government has imposed a 5 per cent levy but is now likely to bring that down to 3 per cent, so I can only assume that the 10 per cent impost concerns raised by Mr Pratt are alarmist.

Finally, I note that the Chamber of Commerce has lent its arm to the situation. A close reading of the press release reminds us that the chamber has always argued that workers compensation costs in the ACT are too high, whatever the reality of the situation, that a public holiday for workers is unreasonable and that basic wages are always better to be kept as low as possible. It should not surprise us that they are concerned that the government may impose a levy on workers compensation premiums.

The chamber and Mr Pratt both need to recognise that some costs of the HIH collapse were always bound to be carried by business, but the arrangements put in place by the previous government and supported by this one seem focused more on easing the burden than making, as seems to be implied, a grab for cash.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (4.40): Mr Pratt's speech has to be the worst exhibition of position shifting I have heard in this place since I came here. I have only been here five years. Mr Pratt claimed today that he asked for information today. The trouble is that he shot off his mouth yesterday, to the point that he did a Chicken Little job. He went out and inveigled Mr Chris Peters, drawing him into this little nest, saying, "Tomorrow there will be a 10 per cent surcharge on business."

As Mr Pratt meandered through his explanation, I think he conceded that this legislation does not change whether a levy can be charged. If we particularly wanted to get our hands into the pockets of business tomorrow, we could, as we could have if nothing had come into this Assembly in this session, because provision to do so is there.

The insurance industry has become more flexible in the way they collect premiums from their clients, and they have asked that legislation reflect the new flexibility. They have asked all states. All states, pretty well, have adopted a more flexible approach. Flexibility is a bit of a problem over there. Somehow Mr Pratt came up with a conspiracy theory. I think we have to look at your training, Mr Pratt. Mr Pratt has come up with not only a conspiracy theory that we are going to hit business with a 10 per cent surcharge tomorrow but a theory that if he heroically defends business against this bill we will not be able to apply the levy.

He is wrong in both cases. If we want to apply a levy, Mr Pratt, we first of all have to demonstrate that it is necessary, but then it can be applied. It can be applied under a system that has been in place for some time. This is not a system that has been brought into this Assembly by this government. It is a pre-existing process.

What was simply a bit of mechanical administrative legislation somehow turned into amassive conspiracy to hit business when they can least afford it. Mr Pratt, I suggest that in future, if you embarrass yourself as you did yesterday, you cop it on the chin and do not compound the situation by coming in here and going off for 15 minutes about imagined motives. Even if those motives did exist, this legislation getting through or not getting through would make no difference to whether those motives could be put into action.

**Mr Pratt**: It is an impost on business and you know it—and unnecessary.

**MR QUINLAN**: If you want to be totally deaf to logic, for God's sake would you at least read the bill? For just once prepare yourself. For God's sake would you just read the presentation statement, which says in English what the bill is doing.

**Mr Pratt**: A 10 per cent surcharge is an unnecessary impost on business. Why did you rush it through without consulting with business?

**MR QUINLAN**: Rush it through? It is a bit of administrative legislation, you fool.

**Mr Stefaniak**: I take a point of order, Mr Speaker. It is quite insulting and unparliamentary to call someone a fool. I would ask Mr Quinlan to withdraw.

**MR QUINLAN**: I withdraw that. However, the actions of Mr Pratt over the last two days, I would suggest, have been very ill advised. Let me say, if this is not unparliamentary, that you look very foolish at the moment, Mr Pratt.

I commend the bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Standing order 221

**MR SPEAKER**: Earlier Mrs Dunne raised a point of order about the proposed suspension of standing order 221 in an amendment which was before the Assembly. It would not be disorderly for that motion to be put before the house. In fact, it would be quite orderly. If the motion were to be put to the house and the requisite majority was not present, then I would rule that the vote was resolved in the negative. But that would only occur, of course, if a vote was called.

**Mr Stefaniak**: Mr Speaker, thank you for that. I note the matter will be dealt with by consent on Tuesday. The parties are happy for it to go until Tuesday.

## Criminal Code 2002

Debate resumed from 26 September 2002, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

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

## Domestic Animals Amendment Bill 2002

Debate resumed from 26 September 2002, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

**MR CORNWELL** (4.48): Mr Speaker, this government bill tidies up anomalies in the original legislation. I have canvassed the matter with a number of groups on behalf of the opposition, and we will be supporting this legislation. I make two points raised by community groups involved in animal welfare. It is important that they go into the record. Before I explain these two matters of concern, may I thank the minister, who provided me with a briefing by his department on these matters. I am grateful for that.

The absence of a warrant to enter premises to deal with a nuisance dog was raised by all people I consulted. Urban Services officers explained that before such action is taken there are negotiations with the owner and, if the problem is still unresolved, the objector is asked to keep a log of complaints for six weeks. The department then documents this information and presents it to the DPP for the laying of a charge. That is, a brief must be presented.

It is my view that six weeks is a considerable lead time if somebody wants a nuisance dog taken care of and the owner is not acting but just being irresponsible. After six weeks lead time, the documentation and presentation to the DPP, it was thought that seeking a warrant unnecessarily extended the time; that there were already sufficient safeguards—namely, the six weeks, the objector's log, documentation by the department and presentation to the DPP—to prevent any abuses. I concur with that view.

The second point was animal identification. There is a requirement for a registration tag as opposed to a choice of a dog tag or a microchip to identify an animal. The registration tag is quick and simple. It fulfils all the requirements for identification and, hopefully, the return of an animal to the owner. The two alternatives—the microchip and the dog tag—require either extra technology or further information. This could delay the return of the animal to the owner. Again, I do not have any problem with this requirement. I would, however, remind owners that if they are enthusiastic about the other means of identification they can acquire them as well as the registration tag. My understanding—and the minister can correct me if I am wrong—is that the registration tag will be mandatory.

The opposition will support the bill.

**MS DUNDAS** (4.52): Mr Speaker, the ACT Democrats are opposing this bill. In the introduction speech this bill was described as finetuning some minor issues and making administration of the act simpler. I admit it is a difficult balancing act weighing up the rights of animals and their owners, the responsibility of the owners, the rights of members of the community not to be harassed or attacked by dogs in public places and the power of inspectors to try to enforce and protect these rights.

This bill seems to be a reaction to concerns within the department rather than concerns within the community. Following the introduction of this bill, I contacted both the RSPCA and Animal Liberation as two key community groups in the protection and support of domestic animals. Neither organisation was aware of the bill or the government's approach to these so-called minor issues. This would signal to me that the department has driven this process without consultation with relevant non-government organisations.

The RSPCA expressed concern over the amount of power given to inspectors to seize nuisance animals without a warrant. I am informed that the RSPCA is unable to enter premises unless it has evidence of cruelty or imminent harm or death to an animal. This is quite different from the offence of a nuisance dog.

Animal Liberation was also troubled that nuisance animals could be seized without awarrant, noting that there is a huge difference between a nuisance animal and a dangerous animal or an animal at risk of abuse or neglect. Animal Liberation points out, "Unfortunately some people do not understand dogs, and for this reason even playful dogs' behaviour can be misinterpreted as dangerous, harassing or nuisance behaviour."

Also of concern is that if an unregistered dog is seized and declared dangerous before or after it is seized then that dog cannot be released until the keeper is charged with an offence, criminal proceedings completed, et cetera . Animal Liberation's fear, which I support, is that if a low-income earner, possibly an unemployed person or an aged

pensioner has their dog seized, they may be faced with monetary penalties due to offences and monetary fees for registration, and the dog will continue to be held until all fees are paid, which in some situations may not be at all.

The ACT Democrats oppose the introduction of such sweeping powers. We think that allowing pets to be seized without a warrant and without the consent of their owners and having the pets locked up until all outstanding bills are paid will mean that some pet owners go through enormous stress, psychological loss and possibly huge financial difficulties to have their pets returned.

Low-income earners such as pensioners will have trouble with these provisions, which is concerning, as there is much research on the value of pets to older people and people who live alone. Pets provide much more than comfort. We know that pets provide companionship, affection and fun. For people with a limited human support system, these attributes are particularly important. Pets can counter depression and loneliness and serve as a social bridge to other people.

This bill, like the Plant Diseases Bill, extends powers to inspectors. I would encourage the minister to read the relevant scrutiny of bills committee report and assess whether it is necessary for Urban Services inspectors to have the ability to enter premises without a warrant.

The minister has said that there needs to be uniformity under all acts. I agree that this would be administratively simpler, but I do not agree that uniformity must mean giving inspectors power at such a high level. So I ask, as I did in regard to plants diseases: Minister, please consider whether it is necessary for such power as to enable inspectors to enter premises and seize animals without a warrant?

I look forward to the results of the review that you said is coming.

**MS TUCKER** (4.56): This bill contains a range of amendments to the domestic animals legislation that was introduced over a year ago. These amendments finetune some of the provisions of the act in light of the experience gained in implementing the legislation. There is no doubt that domestic cats and dogs form an important part of many people's daily life. For others, though, they can be a nuisance and even a danger, as well as impacting negatively on other animals and the environment more generally. Legislation to control cats and dogs will always have to be a balancing act between the rights and responsibilities of the pet owner, the welfare needs of the animals, the rights of other people not to be disturbed by animal activity, and the need to protect the environment.

These amendments appear to be relatively minor and should clarify some of the detail in the act. For example, the bill makes it clear that dogs should wear registration tags whenever they are away from their normal home and should not be unrestrained on private property without the occupier's consent. The bill also clarifies the attacking and harassing offences and the provisions relating to the return of dogs after seizure.

One amendment which raises a broader legal issue is the amendment which empowers inspectors to enter private premises, without obtaining a warrant, to seize a nuisance animal. The purpose of requiring enforcement agencies to get a warrant from a magistrate is to provide an external check on these agencies so that they do not abuse

their power to disrupt the lives of private individuals. Removal of the need for a warrant is not something that should be done lightly.

In this case, however, the seizure of the animal can occur only after its owner has been charged with a nuisance offence, so there must already be sufficient evidence available about the animal to justify the seizure. I also understand that the charging of the person is also subject to the DPP, who is independent of government, agreeing that there is sufficient evidence.

The current requirement to obtain a warrant is therefore regarded by the government as a superfluous step in the process of seizing an animal. It is also the case that inspectors can already seize dogs without a warrant or before any charge is laid in a number of other circumstances, although these tend to be more urgent situations, such as where a dog has attacked or harassed someone or potentially could do so.

I could imagine a need for urgency in dealing with a nuisance dog. An animal nuisance is defined as:

(a) damage to property owned by a person other than the keeper; or

(b) excessive disturbance to a person other than the keeper because of noise; or

(c) danger to the health of an animal or a person other than the keeper.

These are serious situations, so I do not believe that dogs would be seized without good cause. On balance, I am prepared to let this amendment pass, but I hope that the minister keeps an eye on the use of this provision to make sure that dogs are not seized unreasonably.

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (4.59), in reply: Mr Speaker, I thank members for their contributions. Even if they are not supporting the bill, I appreciate their remarks.

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

**MR WOOD**: It has been a short debate, but I think relevant points have been made. Iappreciate that. The issue of warrants is a particularly important one. We do not move in that area lightly. Ms Tucker made the comment that we need to balance the rights of pet owners and the rights of others. I think overwhelmingly we would agree that pets—cats, dogs and whatever else—are a very important part of our community, and we must always keep uppermost in mind that people are very attached to their pets. Sometimes they do not look after them as well as they might.

Mr Cornwell and other speakers raised the issue of warrants. It is a significant measure to take, but Ms Tucker and Mr Cornwell spelled out all the circumstances required before it comes to issuing a warrant. Under the current measures in the act, a warrant is very much a last step, and probably not a necessary one, considering that significant

evidence would have been already gathered in the case. This is an appropriate measure. We will see how it operates in practice as we come to future changes in this legislation.

Mr Cornwell spoke about the registration tag. I think a registration tag is important, because that immediately tells anybody without even looking too hard that the dog is registered and it makes information immediately available. That is the clear, obvious, instant way of finding out. While we encourage other measures of identification, such as microchips, it is important to have the registration tag on the collar.

We are looking at issues relating to entry to premises. Ms Dundas said that she is interested to hear the outcome. Perhaps we will talk about things before there is an outcome so that you can be involved in that.

These amendments are generally minor and modest measures, although the one about the warrant is of some significance. We will see how it goes once it is up and running.

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.

### Speaker—birthday

**MS MacDONALD** (5.03): This is an impromptu act on my part. I have decided that it is most necessary that this house recognise that today is your 60th birthday, Mr Speaker. I figured that I should jump to my feet and see whether I could bring a bit of blush to your cheeks by wishing you many happy returns for the day and many more to come

### Speaker—birthday

**MRS CROSS** (5.04): I reiterate that, Mr Speaker. Many happy returns.

**MR SPEAKER**: Thank you.

**MRS CROSS**: Can we sing Happy Birthday in here?

**MR SPEAKER**: No, you cannot—not to me, anyway.

## Statement by member

**MR PRATT** (5.04): Mr Speaker, because of concern raised by Ms Tucker earlier today with respect to my adjournment debate statement last night, I rise to clarify my remarks. While I had no intention to impute and did not impute treason, clearly Ms Tucker feels somewhat wounded. If that is the case, then I am sorry about that.

However, I did feel strongly about her comment that Bush, Blair with John Howard, just like the terrorists and totalitarians they believe they are opposing, were unable to find the politics of hope. I felt it was an unwarranted comparison of honest leaders of democratic societies to murderous terrorists. Consequently, I felt that those comments were inflammatory, disrespectful and totally uncalled for.

## Statement by member

**MS TUCKER** (5.05): I think Mr Pratt has misquoted me again or selectively quoted me. I will need to look at *Hansard* before I comment. But I do accept Mr Pratt's apology.

Question resolved in the affirmative.

**The Assembly adjourned at 5.05 pm until Tuesday, 19 November 2002, at 10.30 am.**