



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

1 April 2003

CONTENTS

Tuesday, 1 April 2003

Death of Mr Barry Reid	1109
Legal Affairs—Standing Committee.....	1113
Construction Practitioners Legislation Amendment Bill 2003	1116
Consumer and Trader Tribunal Bill 2003.....	1119
Charitable Collections Bill 2003	1127
Questions without notice	1135
Economic white paper.....	1135
Land development.....	1136
Fireworks.....	1138
Land development.....	1139
Affordable housing	1141
Totalcare.....	1141
Outdoor education.....	1143
Community facilities needs assessment	1144
Hospital waiting lists.....	1145
Hospital waiting lists.....	1146
Treasurers conference	1147
Economic white paper.....	1149
Fireworks.....	1150
Leave of absence	1150
Answers to questions on notice.....	1151
Paper	1152
Totalcare	1152
Executive contracts.....	1152
Papers and statement by minister	1152
Board of Inquiry into Disability Services—first six-monthly report	1153
Kippax master plan.....	1156
Papers.....	1156
Gungahlin town centre.....	1157
War in Iraq (Ministerial statement).....	1159
Residential property rating system (Matter of public importance)	1184
Adjournment	1193
CFMEU	1193
Answer to question on notice	1194
Schedules of amendments:	
Schedule 1: Consumer and Trader Tribunal Bill 2003	1197
Schedule 2: Consumer and Trader Tribunal Bill 2003	1197

Tuesday, 1 April 2003

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

Death of Mr Barry Reid

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (10.32): I move:

That this Assembly expresses its deep regret at the death of Mr Barry Reid, a former Labor politician and member of the ACT's House of Assembly between 1982 and 1986, before self government, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Speaker, like many of our citizens, and perhaps in particular many members of the ACT branch of the Australian Labor Party, I was deeply saddened to hear of Barry Reid's death. I think it most fitting that I clearly acknowledge the sorrow felt by many Canberra residents and citizens upon last week's news. It was, indeed, the citizens of our territory, of the ACT and Canberra, to whom Barry Reid gave enduring, noble and very significant service.

Barry played a unique role in Canberra's modern development. He served in the ACT House of Assembly from 1982 to 1986 during the tumultuous years prior to self-government. But these were also times when Canberra was certainly finding a renewed sense of identity beyond its place as the national capital. I think that those years in the lead-up to the granting of self-government in the ACT are a period in the history of the ACT where the involvement of many Canberrans who fought quite significantly for self-government for the territory has not been truly or appropriately rewarded. I remember quite clearly the role that members of my party, the Australian Labor Party, played in the community debate in the years leading up to the granting of self-government for Canberra, and certainly Barry Reid played a very significant and unique role in that debate and in those developments.

As a senior political figure in Canberra during the 1980s, Barry was well known and regarded in the Australian Labor Party, the Assembly and the ACT community for the endeavours that took him to what we might term the coalface of public life. Barry was certainly a politician that valued responsibility to the community over the sometimes harsh realities of political affairs. I think it is only fair to acknowledge that it was perhaps this noble sentiment, obligation to community first, and a deep desire to serve the Canberra community, that ultimately brought about a separation between Barry Reid and the Australian Labor Party. I have no desire to dwell on that. I regret, indeed, that unfortunate development. Barry had long served the Australian Labor Party and was a devoted member. I feel, perhaps with a particular nostalgia, that the rift between Barry and the party led to his separating from it.

I knew Barry particularly well and personally. He was the president of the Mount Rogers branch of the Australian Labor Party when I joined the party in 1976. So I got to know

1 April 2003

him from my first day as a member of the Australian Labor Party. I still remember quite clearly and distinctly the meeting and Barry's chairmanship. I must say one does reflect on how quickly time passes. At that meeting I believe my membership of the Labor Party was moved by a friend, Doug Dunstan, and seconded by, I believe, Henry Lawrence.

It is interesting to note, as we delve into history, the significant Canberrans who were very much part and parcel of politics in days past. But, as I say, Barry was president of the branch of the Australian Labor Party that I joined in 1976 and was closely involved with that branch during the remainder of his term as a member of the Australian Labor Party.

I know that Barry never lost his strong commitment to social justice and Labor ideals. I was certainly always impressed by Barry Reid's enormous energy, his commitment to the community and his love of life. It is with pleasure that I have always regarded Barry Reid as a friend of mine.

In those days he worked hard for the Australian Labor Party. He was always there. He was a very significant Labor Party activist, closely involved in election campaigns over the years and deeply involved in the running of a local branch of a political party. To that extent, I remember and recall with great fondness the fundraising ventures, the time spent on polling booths with Barry and much of the minutia of membership of a local branch of the Australian Labor Party.

Barry had a career in community life outside the Labor Party. He was an accountant working in the Treasury and the Department of Trade. In the 1970s he was very active in implementing significant Whitlam government initiatives. Barry Reid was very closely and personally involved with the establishment of cooperative societies. Indeed, Barry Reid was the driving force behind the establishment and the successful conduct for many years of the cooperative supermarket in Evatt. I do not know whether members of the Assembly remember those initiatives but there was a significant trial of a program of the Whitlam government to establish community-based cooperative societies to provide services for local communities.

Barry Reid essentially drove the establishment of such a cooperative within Evatt—a cooperative which preceded the establishment of the Evatt shops and continues to this day, at least in its physical shape or presence, in the form of the Evatt scout hall. Perhaps many would not recall this earlier emanation of the Evatt Cooperative Society but it is very much a legacy of Barry Reid's.

It was a process or a trial that did not necessarily succeed or linger but it was an interesting emanation of a Whitlam government initiative with which Barry was closely involved. I still think of Barry Reid whenever I drive through Evatt and see the Evatt scout hall. I am reminded of the scheme with which Barry was very closely involved and associated, and to some extent it is through his involvement with issues such as the Evatt cooperative that I maintain my very fond memories of Barry.

Another great initiative with which Barry was very closely involved—and this in a way is a history of Canberra that I think has not been well recorded; and perhaps as we continue to grow and develop we need to be mindful of the history that needs to be written or recorded—was the establishment and operation of the Melba Health Centre.

Mr Stefaniak and, I think, Mr Cornwell would perhaps no doubt remember the health centres that were a feature of Canberra in the 1970s and the 1980s, and Barry Reid's involvement with the Melba Health Centre was indeed very close and very direct. I believe that Barry was a member of the management committee or the community board which for many years was involved in the management of the Melba Health Centre, and I remember his enthusiasm for those projects.

As I say, and as we all know, Barry had a long and very productive involvement in local politics. He served his constituents and community with pride and enthusiasm. His was a career sustained by a passion for social justice and he had enormous energy to get the job done. Those that came into contact with Barry could not but be affected by his good humour, his love of a laugh, his zest for life, and his devotion to Labor Party ideals and to social justice.

I was always pleased to regard Barry as a friend. He was a significant member of the Labor Party for many years and he served this community as a member of the House of Assembly. He will be greatly missed by his friends and colleagues. I extend my sympathy to his wife, Wally, and to all his children.

MR CORNWELL (10.41): Mr Speaker, it seems to be my melancholy duty to stand up here at fairly regular intervals to pay tribute to previous members of the old advisory Assembly, and may I say, without suggesting anything, that to date they have been members of the Labor Party. I sincerely hope, however, that we do not have too many more from any side of the House in the future.

As the only member of the Assembly who attended Barry Reid's funeral—Mr Hird, a former member of the Assembly, was also present—I rise on behalf of the opposition to pay tribute to him. I remember Barry, of course, as a member of the advisory Assembly from 1982 to 1986. I regarded him as a friend, although he was from Melbourne and followed some peculiar football code which left me bewildered.

Barry was very much a committed person to the community. He was, as the Chief Minister has said, vitally involved in some of the initiatives of the Whitlam years, including the Evatt coop and, of course, the Melba Health Centre. I can remember some quite interesting debates relating to the Melba Health Centre and the question of salaried doctors that took place in the old advisory Assembly, and Barry Reid was certainly to the fore in the defence of that concept.

As Mr Stanhope has said, Barry had an accounting background and he certainly was at the forefront of debates on economic matters—often, I might add, to the amusement of my colleague of that time that some members here will remember, Mr Trevor Kaine. I think it is fair to say that my side of the House did not always agree with Barry Reid's economic views, but nevertheless he put them forcefully, even passionately.

One of the great attributes of Barry Reid—and I would commend it to all members of this Assembly—was his ability to listen to and consider the views of other people. Although he may not have agreed with them, he always was prepared to allow people inside and outside the Assembly to at least put their point of view. I think that is a commendable trait that we could all emulate.

1 April 2003

Barry was certainly involved with and committed to the concept of self-government. Anybody who had been involved, certainly as a member of the advisory Assembly, between the years of 1974 and 1986 could not but be supportive of the concept of self-government for this territory. There were too many things that came across our desks, almost on a daily basis, that highlighted the problems that we were suffering in the ACT from being governed effectively by a minister who, in all but one case, was remote from this territory. That one minister, I might add, was a member of the House of Representatives for the ACT and was defeated at the next election, which probably says something for the feelings of people in relation to self-government.

That view was certainly shared passionately by Barry Reid. I remember having numerous discussions with him, and other members, about the need for some sort of self-determination for the ACT. I remember the bipartisan support that we had on this issue. It is a nice memory to retain that, irrespective of our parties, we recognised that it was important that we should unite on this.

I am sorry that subsequently there was a rift between Barry and the Australian Labor Party. I do not know the details, but I think it was regrettable. Nevertheless, I have no doubt that he would have felt strongly to have taken that action, regrettable as it might have been.

I suppose my most enduring memory of Barry Reid is the fact that he was always a friendly person; he always listened, as I said earlier, to the views of other people; and he was very involved in the community. Although we did not agree on everything, I still have fond memories of my time serving with him in the previous Assembly and, of course, in subsequent years when we occasionally ran into each other.

Mr Speaker, on behalf of the opposition, I extend my condolences and those of my colleagues, to his wife, Wally, and his sons.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (10.48): Mr Speaker, I knew Mr Barry Reid when he was a member of the predecessor to this Assembly, the old advisory council, and I was a mere branch member in the ACT. I knew him as an active and enthusiastic member of the advisory council. Subsequently, on a couple of occasions he was a little bit over enthusiastic, and then there was the separation that has been mentioned.

However, I know that Barry Reid's enthusiasm and willingness to be part of the community, and to be a helpful and strong community member, remained undiminished. That was also evident in the years before 1989 when he was one of those—and there were not a large number of them—who were very enthusiastic about the concept of self-government. He anticipated the benefits that this would bring, although I do remember him talking on one occasion, when we were following a regime to reduce our levels of expenditure, about the financial difficulties that would emerge from self-government.

Barry Reid was always a sincere advocate for people and for the ACT. It was most noticeable that he had a genuine desire to support and help people in the community. As has been mentioned, he had the ability to pursue issues strongly and effectively, and he displayed these qualities as a member of the ALP and after he left that organisation. He

was a citizen that the ACT can be proud of and a person to whom we should pay due respect. I pass on with others my condolences to his family and his friends.

Question resolved in the affirmative, members standing in their places.

Legal Affairs—Standing Committee

Alteration of reporting date

Motion (by **Mr Stefaniak**), by leave, agreed to:

That the resolution of the Assembly of 12 December 2002, concerning the referral of the Crimes (Industrial Manslaughter) Amendment Bill 2002 to the Standing Committee on Legal Affairs, be amended by omitting “by 1 April 2003” and substituting “by 17 June 2003”.

And inserting a new paragraph 1 (a)

“That if the Assembly is not sitting when the Standing Committee on Legal Affairs has completed its inquiry into the Crimes (Industrial Manslaughter) Amendment Bill 2002 the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing; publishing and circulation.”.

Scrutiny Report No 28

MR STEFANIAK (10.52): I present the following report:

Legal Affairs – Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee) – Scrutiny Report No. 28 – Meeting of the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees – Hobart, Tasmania – 3 February 2003, dated 31 March 2003.

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

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

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

Leave granted.

MR STEFANIAK: Scrutiny Report No 28 contains the report on the meeting of the working groups of chairs and deputy chairs of the Australian scrutiny of primary and delegated legislation committees held in Hobart in February 2003.

1 April 2003

Might I take the opportunity to thank my colleagues on the committee, Deputy Chair Mr Hargreaves and Ms Tucker, for the excellent contribution they made to the debate. The ACT certainly had a lot to say and its views were well appreciated by the conference. The conference was also attended by, Dr Peter Bayne, our learned adviser who prepared a paper for the conference, and Celia Harsdorf and Tom Duncan, our committee secretary. I thank those officials for not only their excellent effort in assisting with the administration but also the contribution they made to the conference.

Might I also pass on my thanks to our Tasmanian hosts Geoff Squibb and his staff for their magnificent hospitality and for ensuring that the conference ran very smoothly. I think as a result of this conference a lot of advances have been made in proper scrutiny of bills and subordinate legislation throughout the Commonwealth.

MR HARGREAVES: I seek leave to make a statement.

Leave granted.

MR HARGREAVES: I wish to speak very briefly. I echo the sentiments of the chair of the committee. The conference was particularly useful. It was one of an ongoing series of conferences which are addressing such things as national scheme legislation and scrutiny of subordinate legislation.

Senator Barney Cooney, who has been the doyen of these sorts of considerations over many years, has been nominated to be the patron of the next conference, which is likely to be in New Zealand. It was significant that the ACT proposed that the patronage of that conference be also awarded to the former governor of New Zealand, who is a very significant person in New Zealand. I just wanted to share with the Assembly how thrilled the conference was that a woman would be nominated for the position of patron of that conference. I was thrilled to pieces.

These conferences, which address the technical parts of parliamentary life, are often regarded by many as boring. I would just like the Assembly to note that Ms Tucker found it an eye-opening experience and a real learning curve, and I was thrilled to sit by and watch that happen.

I also join with my chair in thanking our Tasmanian hosts. We learnt a lot. I would suggest, Mr Speaker, that if people want to take the trouble of wading through the transcripts they will see in fact that the ACT is leading Australian jurisdictions in proper parliamentary scrutiny.

Scrutiny Report No 29

MR STEFANIAK (10.56): Mr Speaker, I present the following report:

Legal Affairs – Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee) – Scrutiny Report No. 29 – Eighth Australasian & Pacific Conference on Delegated Legislation and Fifth Australasian & Pacific Conference on the Scrutiny of Bills – Hobart, Tasmania – 4 to 6 February 2003, dated 31 March 2003.

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

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

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

Leave granted.

MR STEFANIAK: Mr Speaker, Scrutiny Report No 29 contains a report of the Eight Australasian and Pacific Conference on Delegated Legislation and the Fifth Australasian and Pacific Conference on the Scrutiny of Bills held at Hobart in February 2003. Mr Hargreaves and I have already spoken substantially on this matter. The only point I will add is that there were a lot of delegates from overseas, and to my South African colleagues I say, “Bad luck, you didn’t win the World Cup cricket; in fact, sadly you didn’t even make it to the final as you thought you would.”

Scrutiny Report No 30

MR STEFANIAK (10.57): I present the following report:

Legal Affairs – Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee) – Scrutiny Report No. 30, dated 31 March 2003, together with a copy of the relevant minutes of proceedings and the confirmed minutes relating to Report No. 27.

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

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

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

Leave granted.

MR STEFANIAK: Mr Speaker, Scrutiny Report No 30 contains the committee’s comments on three bills and three government responses. I commend the report to the Assembly.

MR HARGREAVES: I seek leave to speak to this report.

1 April 2003

Leave granted.

MR HARGREAVES: I have sat on the Scrutiny of Bills Committee, as part of the Legal Affairs Committee—formerly called the Justice and Community Safety Committee—for five years and I am delighted to say that, for the first time, uniquely this report is predominantly one of congratulations to the government of the day for being wonderfully responsive to the positive and constructive suggestions that this committee has put forward.

Using the illuminating powers of its mind and the advice of its wonderful legal adviser, the committee has put forward suggestions for alteration to or further explanation of legislation, and it has drawn a number of matters to the attention of the government. This report shows the positive results of those representations. If you look at the tone of the government responses, you will find a willingness on the part of this government to take on board positive and constructive advice. I thought it was noteworthy, Mr Speaker, to bring this to the attention of the Assembly because it is such a great idea.

However, every bit of good news has to be tempered somewhat. In the last Assembly I raised a number of times the issue of the government of the day's failure to comply with the Administration (Interstate Agreements) Act, which, with certain exceptions, obliges the executive to advise each member of the contemplative stage of interstate agreements. There is also an obligation to notify the relevant standing committee and the Scrutiny of Bills Committee. I have to say that in recent times this government has complied with that requirement.

I wish to raise this matter again for the benefit of those officers who are listening in, riveted to these proceedings—and I wish them a very happy April Fool's Day, and this is no joke. I will be watching very seriously, as will the committee, the compliance with the Administration (Interstate Agreements) Act. Officials ought to be aware that they should support the executive and that they should be providing copies of the relevant information to the relevant standing committee. If they are in any doubt, they should be aware that this is authorised by the Speaker in the first couple of sittings.

We see that potential agreements are being sent around to each member's office, so that is fine. But they have to be considered by the relevant standing committees and by the Scrutiny of Bills Committee. The Scrutiny of Bills Committee takes this matter very seriously and I congratulate the government on the most recent one. I understand the PAC got one also, and that was a bit unique.

Mr Speaker, I would like, on behalf of the committee, to congratulate the government for being just the most magnificent bunch of people for taking seriously how we administer legislation in this territory. I might put a little pepper on the old pecker and tell the people up in the departments, "Make sure you provide the right support to your ministers or you shall have us to deal with."

Construction Practitioners Legislation Amendment Bill 2003

Mr Corbell, by leave, presented the bill and its explanatory statement.

Title read by Clerk.

MR CORBELL (Minister for Health and Minister for Planning) (11.02): I move:

That this bill be agreed to in principle.

Mr Speaker, I am pleased to present the Construction Practitioners Legislation Amendment Bill 2002. The Construction Practitioners Registration Act 1998 and regulations commenced in December 1998. The act and regulations provide for the registration of private building certifiers. Prior to the commencement of the act, government inspectors undertook certification of buildings in accordance with approved plans. Before a building can be occupied, certification of the building work is required so that a certificate of occupancy can be issued under the Building Act 1972.

Unlike New South Wales, Victoria and Queensland, which also have private building certification, there is no capacity in the ACT for the government to provide certification services. Under the state/local government structures, local councils have the legislative capacity—in some states a mandatory requirement—to provide building certification functions.

Because the ACT has only a privatised certification system, certifiers have the right to refuse to take on work, particularly uncompleted projects of another certifier who is no longer registered. Without some amendment to the current system, there is no way to finalise the uncompleted projects.

Mr Speaker, instability within the insurance industry over the last few years has seen insurers become less willing to insure certifiers that they assess to be “high risk”. As a result of this, one of the major certifiers in the ACT has been unable to gain the mandatory professional indemnity insurance required for continuing registration as a construction practitioner and, therefore, is unable to undertake building certification work. This certifier has also recently been subject to disciplinary action taken as a result of complaints from clients and audits by Planning and Land Management. The certifier, at the time of leaving the certification industry, had a significant number of active projects.

Another major certifier in the ACT commenced a four-month suspension on 1 March this year as a result of disciplinary action (pending completion of the appeal period to the Supreme Court). This certifier also has active projects. Clients of these two certifiers are now required to appoint another certifier to complete the certification of their building work and therefore to be able to apply for a certificate of occupancy.

In recent weeks, Planning and Land Management has received an increasing number of phone calls from people advising that they are having difficulty appointing any of the remaining certifiers in the ACT to take on their projects. There is a range of reasons for this, not the least being a concern over the potential insurance risk for any subsequent certifier taking on projects where building work has commenced. This situation has highlighted a fundamental flaw in the current system of private building certification, which is the absence of an alternative certification option.

With the impending increase in certification work as the rebuilding from the bushfires starts, it may become increasingly difficult for those with unfinished projects to find, let

alone employ, another certifier. The purpose of this bill is to provide for government appointed building certifiers as a “last resort” certification option. The objective of these amendments is to provide a “safety net” or certifier of last resort. They do not constitute the introduction of a full government certification scheme. The government certifier will not be in direct competition with private building certifiers, as the government certifier can only be appointed by the building controller when no other private certifier has agreed to take on the uncompleted certification work.

Mr Speaker, this bill amends the Building Act 1972 and regulations, and the Construction Practitioners Registration Regulations 1998, to provide for the following. Firstly, two new categories of construction practitioner—principal government building surveyor and government building surveyor.

Secondly, the building controller is the only person who can appoint or revoke an appointment of a registered government principal building surveyor or government building surveyor to act as government certifier for certification work. The appointment can only occur after the building controller has approved an application from the owner of the parcel of the land where the certification work is required.

Thirdly, the regulations stipulate the circumstances in which a lessee can apply for the use of a government building surveyor to undertake building certification work. The criteria are that the original certifier appointed to the project is no longer the certifier and:

- a building approval is in effect prior to the commencement of the regulations; and
- a licensed builder has started work; and
- the applicant provides proof of inability to engage a private certifier (by statutory declaration or some administrative form).

The government appointed certifier will have the power to require existing records from the previous certifier for any certification work already undertaken. The Building Act 1972 has also been amended so that the government will indemnify work undertaken by a government certifier. The Construction Practitioners Registration Regulations are amended so that a registered government building surveyor will not be required to have their own professional indemnity insurance for work undertaken as a government appointed certifier. The government has made the necessary arrangements to expand the territory’s insurance to include the function of “Government Certifier”.

Mr Speaker, the criteria for the use of a government certifier mean that they will primarily be limited to an inspection and certification role. They will not issue an initial building approval but would be able to certify any required amendments. The government certifier will be subject to the same audit and disciplinary provisions as private certifiers under the Construction Practitioners Registration Act. In addition, where the government certifier was also a public servant, disciplinary action under the Public Sector Management Act 1994 would also be available, depending upon the seriousness of the breach.

The government is pursuing a range of additional regulatory reforms for the building industry. Once these measures have been introduced, the government will review these government certifier provisions to ensure that they still provide an appropriate “last resort” alternative.

Mr Speaker, this bill addresses a fundamental flaw within the current system of building certification in the ACT. It is important that people who have undertaken the necessary steps to have their buildings certified are not penalised because of certifiers being unable to complete projects to which they are appointed. I commend the bill to the Assembly.

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

Consumer and Trader Tribunal Bill 2003

Debate resumed from 20 February 2003, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR STEFANIAK (11.10): The opposition will be supporting this bill. I note from the tabling speech that there are certainly a number of benefits. Might I also thank the government for the briefing that I was given. I thank Bronwyn and other departmental officers for the good natured way in which they conducted the briefing. I also thank the department for the excellent job they have done in respect of the various stakeholders. I think that is most commendable and I, as well as the stakeholders to whom I spoke, greatly appreciate what has been done.

There are a number of benefits in consolidating the Agents Board. I have had the opportunity to talk to my former colleague, Mr Hird, who is on the board and is a person of great experience in these matters. He, too, is very happy to see this piece of legislation. I thank the Attorney for mentioning in his tabling speech Mr Hird efforts in respect of this legislation.

There will be a number of benefits in consolidating the board and the dispute resolution committees for the security industry into one tribunal. The bill will improve, standardise and streamline the tribunal’s processes, and I will make a couple of points about that shortly. Also, the appointment process of tribunal members will be standardised. Appointment of members to bodies such as tribunals often can be somewhat time consuming, and the standardisation may well assist there. Another feature is that people who have particular expertise can be called upon when required; and there is a limit to the number of people who can be appointed to the tribunal panel.

I am quite impressed with the greater flexibility of the hearing of matters and disputes in these industries. Tribunal procedures can certainly vary according to the complexity of a matter. It is pointless having a full board of, I think, seven sit on hearings, no matter how trivial. So the greater flexibility is a good thing. For example, decisions on simple matters will be able to be made on the basis of submissions rather than a hearing.

As a result of this bill, tribunal matters will be able to be heard by one member, or a number of members, depending on the complexity of the matter. As I indicated, my understanding is that at present all members have to attend a hearing. However, if need

1 April 2003

be and if appropriate, a single member will be able to hear a matter. If more members are required, then so be it. This change increases flexibility.

The act will have greater efficiency than is achievable with the existing dispute resolution bodies. Again, I hark back to the fact that the Agents Board is currently composed of six or seven members. There will be greater flexibility and this should ensure that matters can be dealt with more quickly. As I have pointed out, one member will be able to hear certain matters. Also, the tribunal will be able to hear security and agents matters on the same day rather than waiting for sufficient agents or security matters to warrant a formal sitting.

Some concern was expressed by some sectors in relation to the tribunal being able to impose penalties. Apparently the existing Agents Board has the power to impose penalties, as do boards such as the Liquor Board and the Sale of Motor Vehicles Board. I think eventually other small boards will be able to be rolled into the one body.

I think the penalties also need to be realistic. I can recall an occasion on which we amended the range of penalties available to a board. I think it was in relation to the Liquor Board, and I am not quite sure whether it was during the first Assembly; it could have been in the early days of the Carnell government. It became apparent at that time that there were very few penalties available. I think there was a sort of a reprimand, then the next step was that you basically could take away someone's licence. But that can be quite a draconian step, depending on the circumstances of the offence. A tribunal, like a court, needs a range of penalties available to it. By having a greater range of penalties, I think justice is more likely to be done. A board's or tribunal's hand can be tied because there are only one or two penalties that they can impose.

This tribunal can impose penalties; it can suspend or cancel a licence; it can reprimand; and it can issue directions. I think that is a good, reasonable range of penalties—ranging from a reprimand and directions, to fining, suspending, or indeed cancelling. For example, if a big employer of the magnitude of, say, the real estate firm LJ Hooker, did something wrong—I am not suggesting they ever would do so—and came before the tribunal and the only thing you could do is suspend their licence, that might not only be a disproportionate punishment for the offence but also they would be effectively shut down and that would affect their employees and consumers in possibly a very unfair way. So having a range of penalties, as is proposed here, is eminently sensible.

I had a good chat with the officers about what the Attorney has proposed in his amendments and I am pleased to see that we had a very similar view about what would be an appropriate penalty. The current bill is very open-ended in this respect and I think that is obviously quite wrong. If you impose a penalty you have got to know what it is. The proposal which I think is going to be accepted by most people, I would assume, is that the maximum penalty be a \$1,000 fine for an individual or \$5,000 for a corporation. I think that is a reasonable penalty for the sorts of matters that this tribunal will be dealing with, given that if there are some very serious breaches the tribunal has the power to suspend or cancel licences. Obviously, this would be a very significant step which would involve thousands and thousands, possibly hundreds of thousands, of dollars of damage to a business. But I think the monetary penalty is fine.

We see in similar legislation that tribunals have the ability to impose fines. I find that to be a pretty good, quick way of administering justice. For example, if every matter had to go to the Magistrates Court, that court would be clogged up even more than it is at present. There would be a lot of delay, and justice delayed is justice denied. There is a lot to be said for having a body like this being able to exercise its powers quickly, fairly and appropriately. The tribunal can review licensing decisions under the Agents Act or the Security Industry Act. So apparently people can appeal decisions by the Commissioner for Fair Trading that adversely affect them.

The tribunal can also take disciplinary action. The Commissioner for Fair Trading can apply to the tribunal to discipline agents or, indeed, security people. So there are some things it certainly can do. Of course, if people are unsatisfied with the tribunal they then can go to the court by way of appeal.

So, all in all, I think this is a good bill. A lot of work has gone into it—work which I think probably started during the term of the previous government. I note again the consultation that has taken place and the fact that Mr Hird is obviously very happy with the bill. These are very strong points in its favour. I think this piece of legislation will assist the industry greatly and the opposition is happy to support it.

MS TUCKER (11.19): The Greens will be supporting this bill in principle and proposing some amendments in the detail stage. The bill in effect simplifies the licensing procedures as they relate to agents and the security industry, and we are happy to support that intent.

I had intended to move an amendment to change the name of the tribunal set up by this bill to that of licensing review tribunal, which is, in effect, what the bill will create. However, this is also the first stage of a more general project which will bring other tribunals into the same structure. I understand that this will include finance brokers, secondhand goods, motor vehicles, fair trading, liquor licensing, essential services and residential tenancies.

A key element of the thinking behind this project—and one which I would like to support—is that all tribunals need a customer focus that empowers citizens as much as possible. Also, the processes need to be as simple and as informal as possible. On that basis, then, I will not pursue those amendments but will focus instead on the consumer interest, which is the core of the exercise. I will in the detail stage move amendments to ensure that consumer interests are represented and understood on the tribunal and the panels it sets up.

I am surprised that government has been hiding its light under a bushel with this project. This bill was introduced on 20 February and it came as a surprise even to the Consumer Law Centre—an operation which is funded by the department responsible for this legislation and a body, one would presume, which would be automatically built into the consultation process.

Furthermore, it was only after this bill had been introduced that the nature of the broader project became known. I would imagine that bodies such as ACT Shelter, the Welfare Rights and Legal Centre, the Motor Traders Association and so on would also have appreciated being brought up to speed on this. Indeed, if the whole idea is one of

1 April 2003

consumer interest then developing the framework and partnership with pertinent consumer and trade organisations would seem to be basic to the process and consistent with its intent. Perhaps now we have taken the first step, the community partners can be brought into the exercise.

There are also questions about finding good people to serve on the tribunal and its panels, the resourcing of the tribunal, the relationship with the courts and so on. Those issues have yet to be addressed. A wider constituency of consumer- and trader-focused organisations may assist in addressing them.

I am supporting this bill as it is the necessary precursor to the rest of the project but I am looking forward with keen interest to learning how the government proposes, with all transparency, to proceed from here. Concerns were raised by the Scrutiny of Bills Committee, some of which have been taken on board by the government.

I am pleased that the original timetable for debate was not pursued, as there simply would not have been time to consider in any detail the scrutiny report and government response. We have not had long, and community-based organisations and experts generally have had even less time available, to consider such issues and respond.

On that note, there remains the question about the shifting of the power to make orders and impose fines to the more informal structure of tribunals. This is something we need to consider carefully as this project continues. I suggest that the government conduct an independent review after two or three years, paying particular attention both to the consumer experience and to the issues raised by the scrutiny report. If the government is not happy to move amendments at the next stage of the tribunal-making process, I would be happy to do so myself.

MR SPEAKER: Before I hand over to you, Ms Dundas, I would like to welcome to the Assembly Year 4 and 5 students from Emmaus Christian School at Dickson.

MS DUNDAS (11.23): The ACT Democrats will be supporting the establishment of the Consumer and Trader Tribunal as it will provide a one-stop shop for consumer affairs in relation to real estate, business, employment agents and the security industry.

Following the passing of the Security Industry Bill and the Agents Bill, this bill completes the reforms that are needed in this area. My discussions with the Office of Fair Trading tell me that there is definitely a need for this reform. Currently there are about 2,000 or more written complaints a year and about 12,000 phone inquiries to the office. The approach is normally to help consumers help themselves, but in some cases civil court action may be necessary. The establishment of a specific tribunal will allow experts in both consumer law and conflict resolution to work together without the expense or complexity that exists in civil courts.

As many people seeking justice in this area will be representing themselves, a more casual tribunal not bound by the rules of evidence should make the process both inexpensive and simple. I am pleased to see that the bill contains words like “natural justice” to make the decision making process fairer and more approachable for members of the community.

We welcome this initiative to establish a tribunal and hope that it does bring justice to many consumers, agents and the security industry alike. We note that Ms Tucker will be moving some quite pertinent amendments and we hope that they will be incorporated into this legislation.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (11.25), in reply: Mr Speaker, this bill establishes the Consumer and Trader Tribunal, which will replace the existing Agents Board and the five dispute resolution bodies servicing the security industry. The tribunal will hear disciplinary matters related to the conduct of participants in the agents and security industries and appeals against licensing and registration decisions for these industries.

The name of the tribunal reflects the mutually advantageous and interactive relationship that exists between traders and consumers. The bill will provide a number of benefits for these industries and the consumers of their services.

Firstly, the bill sets out a mechanism for traders to have industry licensing decisions made by the Commissioner for Fair Trading reviewed. Secondly, the bill allows the tribunal to consider whether traders should be licensed and whether disciplinary action should be taken against a trader. An application for disciplinary action may be the result of an investigation following a consumer complaint to the Commissioner for Fair Trading. Disciplinary action against members within these industries also protects consumers by improving industry standards and delivery of services.

The name of the tribunal will also permit the jurisdiction of the tribunal to be expanded at some later time. The jurisdiction of the tribunal could be expanded to handle consumer complaints and review licensing decisions for other industries. The bill will also streamline current agents and security tribunal processes, standardise the appointment process for tribunal members, and allow for greater flexibility for the hearing of matters related to these industries. Members of the tribunal will be called upon, depending on their expertise. The structure of the tribunal may vary from one member to seven members sitting, depending on the complexity of the matters being determined. The tribunal will also be flexible and responsive to the immediate needs of the matters under review.

The bill is the result of extensive industry and consumer consultation. The bill was developed in consultation with the Agents Board, the registrar and secretariat of the Agents Board, the Real Estate Institute of the ACT, the chair of the Essential Services Consumer Council, the Office of Fair Trading, all key stakeholders within the ACT security industry, and the industry association representing the ACT security industry. The conceptual framework of the tribunal was also discussed at a meeting of security employers and the legislation has the broad backing of all those consulted.

I foreshadow that I will be making two government amendments to this bill as a result of comments from the Scrutiny of Bills Committee. I commend the bill to the Assembly

Question resolved in the affirmative.

Bill agreed to in principle.

1 April 2003

Detail stage

Clauses 1 to 7, by leave, taken together and agreed to.

Clause 8.

MS TUCKER (11.28): I move amendment No 1 circulated in my name on the green sheet [*see schedule 1 at page 1197*]. Basically I will speak to both of my amendments. These amendments seek to introduce someone with consumer representation qualities onto the tribunal or any panels that it sets up. Clearly, there is a consumer function anticipated under this bill, although how and when it will happen remains unclear. Given that, it seems prudent to ensure there is consumer awareness on the tribunal and, indeed, it would be encouraging if the government took such an approach more generally.

Arguably, if the act is not further amended or the project is not further expanded, consumer interests would be less relevant. By the same token, if we were to believe the government project is to take effect then clearly some kind of consumer representation and consideration is essential.

MS DUNDAS (11.29): The Democrats will be supporting both of Ms Tucker's amendments. It is quite necessary that we make quite clear who it is that we want on the Consumer and Trader Tribunal. We have to make sure that the members of the tribunal have qualifications or experience in consumer affairs to help the process work smoothly and to ensure that the people who are making decisions are experts in their field so that we can have more community confidence in this tribunal.

MR STEFANIAK (11.30): The opposition will be supporting both of Ms Tucker's amendments. We think they are eminently sensible. It is very important to ensure that there are persons on the tribunal with the relevant experience in consumer affairs. I commend those amendments, which we support wholeheartedly.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (11.30): Mr Speaker, Ms Tucker's amendments provide for the tribunal to contain at least one member who has qualifications or experience in consumer affairs. A number of members of the existing Agents Board who will be on the tribunal, such as Harold Hird, are what I would terms community or consumer representatives. I also intend to appoint additional consumer community representatives to the tribunal.

The wording of clauses 10 and 11 of the bill also ensures that the people appointed to the tribunal have the necessary skills and expertise. The necessary skills and expertise would include legal skills, knowledge of the industries and an interest in serving the ACT community consumers.

That said, the amendments do reflect the government's strong commitment to improve consumer protection, and the government will support them.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 and 10, by leave, taken together and agreed to.

Clause 11.

MS TUCKER (11.31): I move amendment No 2 circulated in my name, to which I have already spoken [*see schedule 1 at page 1197*].

Amendment agreed to.

Clause 11, as amended, agreed to.

Clauses 12 to 32, by leave, taken together and agreed to.

Clause 33.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (11.33): I move amendment No 1 circulated in my name [*see schedule 2 at page 1197*]. I table a supplementary explanatory statement.

Mr Speaker, amendment 1 amends clause 33 of the bill by inserting a reference to provisions of the Legislation Act 2001, which allows summonsed witnesses to claim client legal privilege and privilege against self-incrimination. This amendment is the result of comments from the Scrutiny of Bills Committee, and I thank the Scrutiny of Bills Committee again for the significant work that it has done in relation to this piece of legislation.

The Scrutiny of Bills Committee expressed concern over witness costs that may result from clause 33 of the bill. The government noted this concern and this amendment, of course, is a response to that. The provision allows the tribunal to summons a person to give evidence, as based on the Residential Tenancies Act 1997 which does not allow witnesses to recover their costs. Witness costs cannot be recovered in the Mental Health Tribunal, the Guardianship and Management of Property Tribunal, or the Essential Services Consumer Council. However, the AAT does permit witnesses to claim their expenses.

Clause 33 recognises that witnesses do not need to incur costs. There is no need to physically appear before the tribunal. Summonsed witnesses can give evidence by phone, closed-circuit television or other means of communication. In the context of this amendment, the government has acknowledged and responded to the concerns that have been raised.

Amendment agreed to.

Clause 33, as amended, agreed to.

Clauses 34 to 45, by leave, taken together and agreed to.

Clause 46.

1 April 2003

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (11.35): I move amendment No 2 circulated in my name [*see schedule 2 at page 1197*].

Mr Speaker, amendment No. 2 amends clause 46 of the bill by limiting the amount of money that the tribunal can order a person who is the subject of disciplinary proceedings to pay. Mr Stefaniak in his speech on the bill in principle went to this issue. As Mr Stefaniak says, this issue was raised by his committee, and once again the government thanks the Scrutiny of Bills Committee for its comments, which it is responding to through this amendment. The amendment limits the amount to \$1,000 for an individual and \$5,000 for a company. This amendment is, as I say, a direct result of the comments from the Scrutiny of Bills Committee.

The amendment also brings the powers of the tribunal into line with the powers of the Agents Board, the Liquor Board and the Registrar of Motor Vehicle Dealers. The power to order a person to pay an amount to the territory or someone else is invaluable as it can be used to protect consumers and to pay compensation to consumers. There is also a deterrent to the industry and the individual licensee. The power assists in ensuring compliance with tribunal decisions and in ensuring that the agents and securities industries maintain high standards.

In addition, the power can be used when it is not appropriate to suspend a licence due to the possible implications for employees and consumers. The power in clause 46 of the bill includes many of the safeguards that have been considered in the Australian Law Reform Commission discussion paper on civil and administrative penalties in Australian federal regulation—such as evidence from a hearing is not admissible in criminal proceedings against a licensee; and the privilege against self-incrimination applies. In addition, the decisions of the tribunal under clause 46 are subject to review by the Supreme Court.

As I say, the government is more than happy to accept the recommendations of the Scrutiny of Bills Committee in relation to this. We thank the committee for those comments and respond through this amendment to the bill.

MR STEFANIAK (11.37): The opposition will be supporting the government's amendment. As the Attorney said, he has responded to the Scrutiny of Bills Committee's comments in relation to this. We had a concern—and I share it—that, as the bill was originally drafted, 46 (1) (a) was open-ended. It orders the person to pay an amount to the territory or someone else, and elsewhere in the bill there is no definition as to exactly what the maximum amount payable would be. Whilst that particular phrase is not objectionable in itself, there would need to be something cross-referenced in the bill as to exactly what the amount was. Accordingly, the government's amendment hits the spot.

I should indicate that this is the same power that is contained in the Agents Act, the Liquor Act, and other legislation relating to tribunals. Bodies under these acts have the power to impose that type of penalty. It is an appropriate penalty and the opposition supports it.

Amendment agreed to.

Clause 46, as amended, agreed to.

Remainder of the bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Charitable Collections Bill 2003

Debate resumed from 6 March 2003, on motion by **Mr Wood**:

That this bill be agreed to in principle.

MR CORNWELL (11.40): This is an important piece of legislation. No week goes by in this territory without a charity trying to collect money. It is reasonably big business, and I suspect it is a much bigger business than we recognise. This legislation will give us a better and clearer understanding of the size of this business.

I have put questions on the notice paper. That is why I say that whilst it is a reasonably sized business it is probably bigger than the information I have indicates. For example, in 2001, \$487,000 was collected by charities in the ACT. In 2002, up to 30 June—that is, halfway through the year—the figure was \$220,000. Clearly, we are dealing with considerable amounts of money.

There are probably quite a few jobs in the charity field. But I was concerned principally about accountability for money raised. In my question 252 to the Attorney-General, which was answered on 12 September last year, I specifically asked whether charitable collections were audited. Mr Stanhope responded that the matter was under consideration as a result of a review of national competition policy. I am pleased to say this legislation provides for an audit. This is a step in the right direction. People who generously give money, and sometimes goods, deserve to have some method of ascertaining that the money has been spent as they would hope. This legislation will assist them in doing that.

The bill follows recommendations of the national competition policy review. It will improve management and administration, ensure proper record keeping and auditing, and ensure public access to information about collections for charities. I understand—the minister may correct me if I am wrong—that the public will be able to access the information on the Internet. I am not suggesting that they will, but that is a step in the right direction. Certainly, the information will be accessible for the public to peruse if they so wish.

Collections will require a five-year licence. That is a more sensible move than an annual licence. It will cut down on paperwork. Collectors must display an identification tag. Collectors for most of the major charities do this, but on occasions you may have a few doubts about people who come to your door. The bill provides more clarity for donors.

The bill also contains penalties for bogus collections. I understand that money collected can be spent outside the ACT. In that respect, this legislation is very similar to the New South Wales Charitable Fundraising Act, and therefore it will assist organisations that collect in both this territory and the adjoining state.

1 April 2003

The licence must be produced irrespective of whether a collection is carried out by a person, by mail, by telephone or by fax. I am a little puzzled about the reference to telephone. I should imagine that if someone phones you and you ask them for a licence number they can rattle off anything they like. Nevertheless, it is a sensible provision. I accept that there might be some limitations in that area.

I have had the view for some time that the audited balance sheets of charities should be published in the media. However, I accept that this would impose a further cost upon charitable groups. I believe that this bill goes a long way towards satisfying my concerns. Therefore, I do not intend to pursue the question of publication. The information will be available if donors wish to seek it out.

There has been wide consultation on the bill. The minister was kind enough to provide me with a list of some 30 charities that hold licences under the old Collections Act 1959. These people were all contacted about the new legislation.

I was also provided—again my thanks—with comments that were made by these organisations. Many said that if they had any comments they would get back to the government. I presume that they have not done so, so presumably they do not have any great problem with the bill. I have spoken to some of these organisations myself—not all 30, obviously. I do not have the resources the government has.

St Vincent de Paul came back to me this morning with a few concerns they had, such as concerns about whether the bill should address only appeals for money as opposed to other things and whether the requirement to distribute the proceeds of an annual appeal within 90 days is practical. The previous requirement was for a statutory declaration within 30 days. I think St Vincent de Paul are looking at the logistical problems of distributing the proceeds within 90 days rather than doubt being raised about the proceeds.

They have another small problem. They say:

The Bill reads as if sponsors and others donors of goods and services will have to apply for a licence before they can conduct an appeal on our behalf. For example if a shopping centre wants to conduct a gift giving tree at Christmas and provide a charity with the gifts donated by the shoppers they will have to apply for a licence under this bill.

They conclude by saying:

We understand that there will be wide community consultation before the regulations, which accompany this Bill, are finalised.

Another charity made the same statement to me. They are happy to wait until the regulations come in to iron out some of these matters. I would not imagine that that would be a great problem. I understand that the regulations will be finalised within the next six months. I too would like to be consulted on the regulations when they are being finalised so that some of the matters that have been raised by a small number of charities can be properly addressed and hopefully ironed out. With that minor qualification, the opposition is happy to support the legislation.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services (11.50): I table a revised explanatory statement for this bill. It removes something from the earlier statement that did not need to be there.

MS TUCKER (11.50): The Greens are prepared to support this bill in principle, but we have several reservations about how the legislation will operate and the way it has come before us.

The Minister cites the bill's objectives as being to:

- promote proper management and administration of collections for charitable purposes;
- ensure proper record keeping and auditing of accounts in relation to collections; and
- ensure that the public has access to information relating to collections.

While these objectives are fine, it is not clear from the explanatory statement or the minister's speech that the bill will achieve these objectives without adversely affecting charitable collection efforts.

The genesis of the bill was a national competition policy review in 1999 of the existing legislation by the Allen Consulting Group on behalf of the former government. This bill implements the bulk of that review's recommendations. Some targeted consultation took place during the review, and since then the government has changed and the new government has picked up the legislation. The government introduced it at our last sitting a couple of weeks ago, while at the same time running a short top-up consultation, and now brings it on for debate, assuring us that no-one has any problems with it. I am not so sure that this sort of consultation truly establishes that.

Recently, established charities were sent the bill and given two weeks to comment on it. This time is hardly adequate for stretched community groups to give proper consideration to the implications of this legislation, just as the time we members have been given to consider this legislation is inadequate.

Further, the information given with the bill does not explain it adequately—certainly not the explanatory statement, the bill itself or the minister's presentation speech. The scrutiny of bills committee said in its report 27:

The Explanatory Memorandum makes very little attempt to explain the content of the provisions of the Bill.

The scrutiny of bills committee keeps making this criticism, but it keeps on happening. The committee also made this criticism about the Land (Planning and Environment) (Compliance) Amendment Bill.

In each case the scrutiny of bills committee also pointed out specific errors and made various observations and criticisms. The government produced new explanatory statements that corrected the specific errors but did little to address the criticism of explanatory statements that do not explain.

1 April 2003

To the extent that the government responded to the other criticisms and observations made by the scrutiny of bills committee, we have been given very little time to consider the new information before being required to debate the legislation. This is not a process that is conducive to proper parliamentary scrutiny, let alone the community's understanding of what their law makers are doing on their behalf.

One of the issues raised by the scrutiny of bills committee—another regular—is that of strict liability offences, where there is no need for the prosecution to establish fault on the part of the defendant in order to convict. The committee said:

There is no explanation in the Explanatory Memorandum of why this is desirable, or whether consideration was given to providing for a reasonable excuse defence.

The Greens do not take the view that strict liability offences are necessarily a bad thing, but there should be good arguments for using them if we are not to unfairly prejudice citizens' rights—and these arguments should appear in the explanatory statement.

The government's response to this is fairly cursory—that strict liability offences are often more administratively efficient and that most of the offences to which this applies are the less serious ones. In response to this, I would say that not all of them are, and that a lot will depend on how the government administers this legislation. The legislative approach is one that places administrative efficiency above people's rights and, if the government administers this legislation in a heavy-handed or unreasonable way, I fear a scenario where people of goodwill raising money for a worthy purpose might unwittingly transgress a provision of the act and find themselves landed with a criminal conviction for their trouble.

Another matter of concern is that we are being assured that the charities are satisfied with the provisions of the bill. This assurance is based on the two-week period they were given to consider it and on a recent ring-around to see whether any of them had specific problems. While they may have no specific problems to report at this stage, given the consideration they have been able to devote to the legislation, are they really in a position to know how this legislation will affect them before it is operating, before the regulations are drafted and before the government has determined the threshold at which charities will be required to meet higher level accountability requirements? The government intends to determine this threshold in consultation with the charities. This is a good thing. But for a small poorly resourced charity, what side of that threshold they end up on could be critical to how this legislation affects them.

There are some good efficiency measures in the legislation. For example, licences will be issued for up to five years, instead of for each collection as is the case currently. The bill will also apply not just to collections in person but also to collections by telephone, post or fax, which often originate interstate. This bill is largely consistent with the New South Wales legislation, which should make it easier for charities collecting both here and there.

But there are unanswered questions as to how this legislation will operate in practice. The minister has said that "all collections in the ACT will need a licence", and that "it will be compulsory for each person taking part in the collection to display a complying

identifying tag and display the required information in an approved way”, and that “all licence holders will be required to lodge reports on an annual basis and when their licence ends”.

This appears to be very much aimed at established organisations. But what about ad hoc collections such as office collections or fundraisers? Do these all need to be licensed and come under the new reporting regime? And what happens if they do not, perhaps through ignorance of the law? With some of these rather serious strict liability offences for which there is no need to establish any fault or fraudulent intent, are we looking at convicting people who act in good faith?

While I understand that enforcement of this regime will be on the basis of complaints from community members, and while one might argue that people conducting charitable collections in good faith should not trigger such complaints, will people go out on a limb legally when they are moved to pass the hat around for a worthy cause but do not do so strictly within licensing requirements? If they do not, will this act as a brake on local community spirit and altruism?

What about when our schools collect money for charities, as they do for Stuart House, the RSPCA, the Salvation Army and others? Will they still be able to support these causes in the way they currently do, or will the new regime make it too difficult for the schools to administer their contribution?

These are the sorts of questions and concerns I have and would like further reassurance on before this bill becomes law. We will watch with interest as further consultation proceeds, the threshold is established and the regulations are drafted.

MS DUNDAS (11.57): Mr Speaker, the ACT Democrats will not be opposing this bill. It replaces the Collections Act 1959 and sets out clearly the rules and regulations that govern collections for charities. The legislation sets out some new rules, such as rules for wearing of identification tags. Members of the public will look out for those tags. This is a very important reform that will give confidence to those who go collecting from door to door.

The new reforms also include the issuing of a licence for up to five years, meaning that charitable organisations will not have to reapply each time they seek to make a collection.

The bill also has penalties for people who unlawfully collect for charity. The maximum penalty is two years imprisonment. I think this reflects community opinion that impersonating a charity collector is fraudulent and undermines the confidence of the whole community in donating to charities. Anything that we can do to protect our charities and crack down on fraudulent collections will help build confidence in the community and help promote donations to charities, which need public support to continue the good work they do.

I would like to add my voice to the concerns being raised about community consultation on this legislation. At the introduction of the bill, the minister stated that his department would be seeking feedback and comment. I understand that the government has done that, but only over one month. As the boards of many community organisations meet

1 April 2003

only once a month or once every six weeks, the consultation process seems to be a bit rushed. I hope it does not set a precedent that community consultation is one month and nothing more.

Our community organisations are a very vibrant part of our community and are very busy and sometimes overworked. They might not be able in one month to sit down and study a quite large piece of legislation and fully understand its ramifications for them. I know that we need to keep moving forward with making sure our legislation is up to date and workable, but we need to recognise that the community does not have the same resources and time as we do to consider law.

The minister also said that he would allow 10 sitting days for members to familiarise themselves with this legislation and to get their own community input. But we are debating it now, just three sitting days later. I need to put the question: why the rush? We recognise that the law needs to be changed, but a number of questions have been raised about how this legislation will work. The regulations, we hear, are still six months away, and a lot of the detail will be caught up in those. We seem to be rushing through this legislation without any clear reason.

The Democrats will not be opposing this bill. We hope the development of the regulations will be a slightly more open process and that the government will be willing to take more time with the community groups than they did in the development of this legislation. We will be closely watching implementation of the legislation to ensure that community groups understand how it will operate, that they are not unfairly disadvantaged by its operation and that they understand that they now have some protection when people are donating to charities, because the person they give money to will be clearly identified as a member of the organisation they wish to support.

MRS CROSS (12.01): Mr Speaker, I acknowledge the Australian Charities website, which has been an enormous resource for my office in preparing for the debate on this bill.

For thousands of years, humanity has understood and valued the need for charity. Many great and famous figures of history have extolled the need for philanthropy. Historical records show that the ancient Babylonian king Hammurabi, writing about 2000 BC, entreated his subjects to “see that justice be done to the widows, orphans and the poor”. In the ancient records there are many earlier references to charitable and philanthropic laws, but the code of Hammurabi is the most precise.

Moses appears to be the originator, nearly 3,500 years ago, of the tithe. At that time this meant giving one-tenth of the harvest yield. The tithe was given to the Lord, to be used to support the religious system and for the relief of the poor. In addition, every seventh year the fields would lay fallow and the poor would be allowed to pick any new growth. Philanthropy became an important part of Jewish life, even from the earliest days.

Confucius put philanthropy on a more spiritual and philosophical level when he stated:

He who wishes to secure the good of others has already secured his own.

Plato, the famous Greek philosopher, bequeathed valuable land to his disciples so that they could maintain his academy. In a similar way, the Egyptian king Ptolemy I (also of Greek of origin) founded and endowed the famed museum and library in Alexandria.

In many ancient societies, including those of Greece and Rome, the break-up of self-supporting kinship groups caused by urbanisation led to the institution of state-sanctioned measures to aid the infirm, the poor and the disadvantaged.

Similarly, all great religions—including Judaism, Christianity, Buddhism and Islam—recognise and encourage the duty of materially well-off persons to aid the less fortunate.

In Asia, Buddha formed a religion based upon personal restraint and charity to the poor. The kings of the region donated money to fund missionaries and, in so doing, became history's earliest and biggest donors.

The Christian era heralded a new age of enlightened philanthropy. Love and concern for humanity underpinned the new religion. From the very early days the Christians organised church funds to feed the needy. Later orphanages, alms houses, shelters and hospitals were paid for by church funds.

Mr Speaker, much closer to home, we have seen the spirit of charity come forth from the devastation of the 18 January bushfires. I am informed that over \$7 million has already been collected or pledged to support fellow Canberrans and to rebuild the scorched parts of our beautiful city.

I myself am not a stranger to charities both here in Australia and overseas. Indeed, in a previous life more than 20 years ago I won titles in the Miss Australia quest for raising money for research into cerebral palsy. In the 50 years the Miss Australia quest was active, it raised over \$90 million to assist not only children but also adults with this terrible illness.

The bill before us today is really an administrative and accountability measure to ensure that when the spirit of philanthropy is activated integrity is maintained in administering the money that is collected. As stated in the explanatory statement to the bill, some people are hesitant to give money to charities, because of a suspicion either about where the bulk of the money might go or about whether any of the money will go where it is supposed to go to. This bill sets out to stem those suspicions not only by tightening the definition of such terms as “collection”, “commercial fundraiser” and “benefit” but also by seeking to make charities more accountable and answerable.

I support this bill, as it decreases the possibility of unscrupulous people masquerading as charities and ensures that moneys raised are received by the charity for which they are intended.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (12.06), in reply: I thank Mrs Cross for her contribution. It was an interesting expansion of the debate. I found it quite intriguing to listen to the historical background she gave. She also mentioned her own contribution to \$90 million for charity. I had not realised her personal contribution was so much.

1 April 2003

I take note of what Ms Dundas and Ms Tucker commented upon when they expressed some concern about rushing this bill and not being absolutely clear about all the details. I do not think it is the largest bill in the world. It reads fairly simply. The measures are quite clear. We do need to be sure that when people take some money from us, willingly given, it goes where it is intended and is handled at all times appropriately.

I will deal with a couple of points that were raised. Office collections are exempted, so there will be no problem with passing the hat around the office. Schools are covered by the charity's licence. If shopping centres, as they do universally, collect on behalf of a charity, they are covered by that charity's licence also.

Mr Cornwell commented on the importance of this legislation and the considerable moneys that are raised in the ACT. He referred to questions on this subject he had asked a little time ago. I am pleased that we are now putting into practice some of Mr Cornwell's points of concern.

Mr Cornwell said that the register of those who are licensed might be on the Internet, I understand there should not be a problem with doing that to make everything more visible, which is the key to it all.

The identification tag is important. Sometimes in the street I see people with a badge and a bucket with a money hole in it. I will never put money into that sort of bucket. I will put money into buckets at public engagements where there is a whip-round, expecting that will be all right. If it is for a so-called charity I am not too sure about, I am very cautious about putting money in.

As Mr Cornwell and others indicated, we contacted a large number of stakeholders. We have responded to the few points that came from that source. One comment was in relation to clause 45, which requires a licensee to pay the money into a trust bank account within five banking days after receiving it. When an organisation runs an annual doorknock over three weekends, the people collecting generally give the money over at the end of that period, which is more than five days. That has been clarified. The money has to be banked within five days of when it comes from the people who are doing the collecting.

There was a comment that it would be good if we could organise it so that there was no more than one ACT-wide doorknock on any day. If there were a way of handling that, it would be through the application process. An applicant could be asked, "Are you aware that another charity is doing this?"

There was a comprehensive scrutiny report dealing with some of the legal issues and an equally comprehensive response from me in legal terms that I have studied. I am sure all members understand the full import of that. I sometimes get lost in legalese, so I am pleased that you have not asked me to extend the debate on that. The response that was given to the scrutiny report is entirely appropriate. A new EM is being circulated.

The bill has a delayed commencement of up to six months. That will allow for comprehensive consultation. We will get back to Mr Cornwell and other people on that so that they remain in the loop. The regulations will be important. They will include the

content of the identification tag and additional information to be provided to the public, as well as the contents of the reports to the chief executive. Several organisations that undertake collections have expressed interest in being consulted during the development of the regulations, so there is a deal of that activity to happen yet.

The department also intends to work with the ACT chapter of the Fundraising Institute of Australia during the consultation about the regulations and promoting changes in procedures for conducting charitable collections which will result from passing this bill.

This is an important bill. We all want to be sure that the money goes where it is intended and is used efficiently and effectively. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.13 to 2.30 pm.

Questions without notice Economic white paper

MR SMYTH: My question is to the Treasurer. Treasurer, the *Canberra Times* of Friday, 28 March reported:

The ACT Government has admitted its much vaunted Economic White Paper will end up costing taxpayers \$600,000—(that is) \$100,000 above budget.

That means the government thinks it budgeted \$500,000 for the cost of the economic white paper. That was confirmed by a spokeswoman for the Treasurer, who said that “\$250,000 was budgeted for the document in both the current and previous financial years.” That is two years at \$250,000, giving us a total cost of \$500,000.

Treasurer, budget paper 3, at page 163, makes it clear that only \$250,000 is allocated for the job. Who is right—your spokeswoman, who says \$500,000, or the budget paper, which says \$250,000?

MR QUINLAN: I do not have page 163 in front of me, but I have page 35 of BP4. Under “Changes to appropriation” it has the appropriation for 2001-02 at \$250,000 and the appropriation for 2002-03 at \$250,000, which added together come to \$500,000. A little confusion existed in the mind of at least one member of the media because there was a rollover line that put a minus \$250,000 in 2001-02 and a plus \$250,000 in 2002-03. The net effect within those machinations, difficult though they might be—two lines of them—was that there was \$500,000 in 2000-03. While you are asking your supplementary, I will try and find page 163.

1 April 2003

MR SMYTH: For the benefit of the Treasurer, I will speak slowly. Well then, Treasurer, does that mean that budget paper 3, on page 163, which clearly says that only \$250,000 was allocated to the economic white paper, is wrong? Or can you confirm that the table headed “Changes to appropriation” on page 35 of budget paper 4 shows how the \$250,000 previously allocated in 2001-02 has been rolled over in 2002-03 and is only spent once?

MR QUINLAN: I could not find page 163, so I will just rely on budget paper 4, page 35, which says that in 2002-03 the expenditure will be \$500,000. Do you agree with that? If the other budget paper says something different and there is a contradiction here, that is probably a misprint. That is the best I can do. If any further explanation is required that arises from a look at budget paper 3, page 163, I will get back to you.

Land development

MR HARGREAVES: Mr Speaker, my question to the Minister for Planning relates to the independent analysis of the government’s financial modelling for government land development. Could the minister inform the Assembly of the report’s findings on the robustness of the financial model?

MR CORBELL: Members may recall that one of the recommendations of the Estimates Committee report from last year was that the financial modelling underpinning the government’s land development agency be subject to an independent assessment. The government agreed to that recommendation and I would like to outline briefly to members what the results of that were.

Firstly, it is important to note that the government conducted a tender process to choose the consultant to undertake the financial assessment, and Rawlinsons Management were the successful tenderer. I am very pleased to advise the Assembly that the government’s confidence in its financial modelling for land development has been vindicated. The report has found that the government’s model is correct in both its methodology and its assumptions.

I note that Mrs Dunne has changed her tack on this subject. She is no longer talking about risk to government; she is now talking about affordability. Of course, she can no longer talk about risk to government when the report has found that the assumptions the government may have made are conservative by approximately 20 per cent, based on market sales over the past 12 months. That is a very significant level of conservatism built into the financial modelling for government land development.

Mr Smyth: You got lucky, Simon.

MR CORBELL: Mr Smyth interjects that we got lucky. Of course, the government undertook a very rigorous proposal. I am really interested to hear what the next argument from Mrs Dunne is going to be, because for the last six to 12 months she has been out there saying, “This is too dangerous, this is too risky, this is financially unacceptable. It will cost the territory an enormous amount of money.” Apart from the opposition being wrong on all of those counts, the government is very pleased to see that the independent assessment has actually identified that the government will get a better return than we have anticipated.

The government's reform agenda is on track, despite all of the opposition and all of the resistance from Mrs Dunne, based solely on an ideological preoccupation that the government should not be involved in any way in public land development. Despite the fact that Jeff Kennett did it when he was the Victorian Liberal premier and that past Liberal governments in New South Wales and Western Australia have also been involved in government land development, for some reason the opposition wants to deny the people of the ACT the opportunity to get a better return on the asset they own. That is what they do not want us to do—they do not want us to get a better return on the asset that is owned by this community.

Mr Speaker, it is in black and white now that the government's assumptions around the financial modelling are conservative, correct and accurate and that they will deliver a better return in the short term, given current market levels, than we originally presupposed. The reason for this is that the government built into its revenue projections an assumption that the average price per block would be \$85,000.

Mr Smyth: It is because you are manipulating something. You are land banking.

MR CORBELL: The consultants have come back and said that a more reasonable estimate is \$110,000 per block. That indicates the current strength in the market, and those projections have been amended for the short term. We know the market will not stay that way forever, so we have made that adjustment only in the context of the short term.

I hear Mr Smyth parroting on and saying, "You are land banking, you are holding back land." The reality is that this government has released more land than the previous government did in any one year. The government has released more land and made more individual dwelling units available than they ever did. That is this government's record. For the first time, this government has made sure we have got more land available on the shelf. When their land release program fell over they made no provision for replacement. In contrast, this government is preparing to have a program on the shelf of an additional years supply so that we have a years supply of land available in advance should a parcel of land fall over.

You go out to the industry associations and you ask them what they think of your failure to provide reliability in land supply. The reality is they are scathing of the former Liberal government's capacity, or should I say incapacity, to plan in advance for land supply. This government is the first government in the history of self-government to have a forward planned land release program, and we will be building it so that we will have two or more years worth of land supply planned and available for release in excess of any particular years land release program. That is this government's objective—one which those opposite failed miserably to achieve.

Let me address some other issues in the Rawlinsons report. Changes to the revenue projections are a result of a number of factors, including the requirement that the territory does not need to pay GST on land development activity. That is an important ruling from the Australian Taxation Office, which means that we do not have to charge GST.

1 April 2003

Further, the report has found that the development cost per block is closer to \$40,000, in contrast to the \$38,500 per block used in the government's modelling. So on that one point alone the report found that we were not conservative enough, and we have made the appropriate adjustment. But, Mr Speaker, when you look at the report in its entirety, it shows that the government's assumptions were accurate, they were responsible, they were conservative, and they deliver a return on an asset that this community deserves.

MR HARGREAVES: Mr Speaker, I ask a supplementary question. Minister, can you advise the Assembly what this report shows for the government's policy on public sector land development?

MR CORBELL: Mr Hargreaves and members, it shows that it is an endorsement of the government's policies. It is an endorsement of our financial modelling because it shows that public land development can work, that it can work responsibly and that it can be of a benefit in revenue and planning terms for the ACT community.

I would just like to quote what the consultants say. The consultants state in their executive summary that they "believe that the territory's model is correct" and that they "agree with the territory's positive forecast".

Mr Smyth: How much did the report cost?

MR CORBELL: Go and say that outside the chamber, Mr Smyth. The consultants go on to say:

we believe that the Territory's continued use of its development model would serve it well and would recommend the ongoing assessment of market conditions relevant to key assumptions ...

Mr Speaker, I think Mrs Dunne might be regretting that recommendation now.

Fireworks

MRS CROSS: My question is to Ms Gallagher in her capacity as Minister for Industrial Relations. The government's response to the report of the Standing Committee on Legal Affairs in relation to the sale and use of fireworks states:

The first priority will be to develop Legislation dealing with explosives (including fireworks), with a view to having the Legislation in place before the 2003 June long weekend.

Minister, as there will be only five sitting days before the 2003 June long weekend, would you please inform the house why we have yet to see this promised legislation? In your answer, could you indicate, if there is to be no legislation, what interim measures you will put in place to make the passage of this year's fireworks season less litigious and less problematic than it was last year?

MS GALLAGHER: I am advised that consultation is ongoing with the fireworks industry in order to work through some of the requirements of the new legislation and that the Fireworks Association has been very helpful in providing guidance and advice to the Chief Minister's Department. I acknowledge that it now seems unlikely that we will

have the Dangerous Goods Act amended in time for the June long weekend. The specifics of that I will take on notice.

I guess the issue for this year's June long weekend is to make sure that the distribution and use of fireworks operate in the safest possible way to ensure that people can access and purchase fireworks legally and that they will be used in a way that will not inflict safety concerns on people and animals particularly. It is about a balance between meeting the needs of the industry and ensuring that the community is safe. I think that that is something that we need to acknowledge and we need to work on. I will take on notice the specifics of the question and get back to you as soon as I can.

MRS CROSS: I have a supplementary question. Minister, are you confident that WorkCover will act in good faith in the lead-up to and during this year's fireworks season? Can you indicate whether your office has received any briefings from WorkCover on what improvements it intends to make in the administration of this year's fireworks season? If so, will you be informing the Assembly of those measures?

MS GALLAGHER: Yes, I can assure you that WorkCover will work as it should. Sorry, I missed the second part of your question.

Mrs Cross: Have you been briefed by WorkCover on what improvements it intends to make in the administration of this year's fireworks season?

MS GALLAGHER: I think that it will be work as normal for WorkCover. I can say that I have had some meetings with members of the fireworks industry. I think we can have more discussions with them and look at how we can cooperate. I think that some of that work is being done in terms of looking at the drafting of this legislation. I can assure you, Mrs Cross, that WorkCover has to make sure that it administers the legislation that it is responsible for and that it will be doing that on the June long weekend.

Land development

MRS DUNNE: My question to the Minister for Planning refers to last week's land sales, which brought a bonanza to the government in excess of \$40 million, not including stamp duty, which is yet to be paid. In that sale, blocks in Gungahlin of between 250 and 400 square metres brought a price tag of \$80,000 for the raw land component, before services, let alone a house on the land. We see from the Rawlinson report, released today, that the anticipated government retail sale price for land is in the order of \$110,000.

My question is: Minister, is it not a fact that your land release policy is driving the cost of housing beyond the reach of the average wage and salary earner? Can you inform the Assembly how people on average earnings can contemplate entering the housing market at these prices, or is it the wish of ACT Labor to put an end to home ownership, as in John Dedman's cruel gibe about creating a race of little capitalists?

MR CORBELL: The answer to the first part of Mrs Dunne's question is no. In relation to the second part, the recent land release conducted by the ACT government highlights a very strong interest in land sales. A number of bidders made significant bids for the Horse Park 2 estate. That parcel of land sold for approximately \$25 million. That was

1 April 2003

certainly a very high price, and one the government had not expected. However, the government is conscious of ensuring a reasonable supply in the territory. The government believes there is a good supply of land in the territory currently.

The total underlying demand for new dwellings in Canberra is currently running at about 2,300 dwellings per annum. The government has implemented a land release program that saw 3,051 dwellings provided for in 2001-02 and approximately 3,200 in 2002-03. Given that the overall underlying demand is 2,300 and that the government has released over 3,000 dwelling units in each year since its election, I think the government is responding responsibly to the overall demand for new dwellings.

I use the term "dwelling" because we are not simply talking about blocks of raw land. We are talking about redevelopment sites as well and a growing market for town house and apartment-style accommodation. We intend to continue the small annual oversupply into the 2003-04 financial year, with approximately 3,000 dwellings to be accommodated for in the land release program.

The industry needs to continue to behave rationally. Historically, the ACT building industry has been very slow to react to changes in market conditions. They tend to buy land and sell at high prices until the market hits the wall. Then there is too much land that builders cannot on-sell to clients, because the market has crashed. The government does not expect the market to crash. But everyone is expecting moderation in the market in the coming 12 to 18 months, especially if there are further negative changes in interest rates.

Whilst these matters are difficult to predict, the government's response has been entirely appropriate. Underlying annual demand in the territory is assessed at 2,300 dwelling, and the government has supplied over 3,000 in each of the two financial years it has been responsible for. I would urge the industry to ensure that the judgments they make are focused on the medium to longer term as well as the short term.

MRS DUNNE: My supplementary question is: Minister, are you satisfied with the situation in which you are forced to raise money at the expense of home ownership to prop up Mr Quinlan's budget, which we know is looking pretty ordinary?

MR CORBELL: I am satisfied that the government is undertaking a responsible land release program. I am satisfied that the government is making more land available than you ever did when you were in government. I refer members to the *Chronicle* of the week before last. The executive director of the Master Builders Association, Mr Dawes, said he welcomed the government's ready release program and welcomed the fact that the government now had land supply issues under control. He is a prominent and very important voice of industry.

We pay attention to what the Master Builders Association and the Housing Industry Association say. We do not always agree with them, but we certainly pay attention to them. Those comments are endorsement of the government's responsible approach to land release.

Affordable housing

MS TUCKER: Mr Speaker, my question is also to the Minister for Planning. Minister, your recent decision to call in the development application on Block 2 Section 6 of the Metropolitan residential towers was made on the basis of high quality design and numerous social and economic benefits. The application was approved, with conditions. Under the environmental assessment finding, one recommendation was that affordable housing is provided within the proposed development in accordance with the affordable housing task force's recommendations for providing affordable housing in this location.

As near as I can assess, the price of units in this development start at \$270,000 for one-bedroom units, or \$350,000 for two-bedroom units. Could you explain to the Assembly how this constitutes affordable housing?

MR CORBELL: Mr Speaker, I cannot recall that particular condition or statement in the development documents. As I need to check that, I will take the question on notice.

MS TUCKER: Mr Speaker, I have a supplementary question. Minister, could you explain to the Assembly how you are actually structuring affordable housing into all current developments—or any current developments would be interesting—including the government's own Kingston Foreshore?

MR CORBELL: Affordable housing is mostly the responsibility of my colleague, Mr Wood. He has carriage of the recommendations and implementations of the affordable housing task force.

There is a clear synergy between housing policy and planning policy, when it comes to addressing issues of affordability. Right now, the government is considering a range of recommendations from the affordable housing task force. I will be discussing these matters further with my colleague, Mr Wood, as we seek to implement those which we believe are most achievable and appropriate to the circumstances facing the ACT.

The government is not going to seek to do things in a piecemeal or ad hoc manner. The government is developing a holistic approach to addressing the issue of affordability. A number of the issues raised in the affordable housing task force included mandating particular levels of affordable housing into development proposals.

Another option was the capacity, as is done in other jurisdictions, to grant greater development rights in return for affordable housing and development. The latter one is certainly contentious, from my perspective. Nevertheless, they are all issues which need to be considered. The government is doing that. Once the government has concluded what it believes is the most appropriate response in relation to the recommendations of the task force. We will be moving to implement them, whether that is in housing policy or through changes to planning and development conditions for sites such as the Metropolitan.

Totalcare

MR STEFANIAK: My question is to the Minister for Industrial Relations. Ms Gallagher, you tried to speak to Totalcare workers about their rights this morning, but

1 April 2003

you were locked out. Who was it? Was it the management, the board or the shareholders who locked you out and humiliated you?

MS GALLAGHER: I have to say that I was expecting this. It was predictable. Given the opportunity, I can take you all through what happened this morning, from the beginning.

My day started off very early this morning. There is a bit of background. Earlier last week, Mr Quinlan and I met with relevant union officials from Totalcare Industries. We gave them some commitments at the time. One was that, as industrial relations minister, I was to focus on talking with union officials and workers, while we work through the working party process, through April, basically.

In setting up this meeting, I have to acknowledge that Totalcare management were not given the notice that they should have been given. I have already acknowledged that this morning. The union knew we were having a meeting, I knew we were having a meeting, but it appears that Totalcare management were not aware that we were having a meeting until quite late last night.

This morning, when I got there, I was under the impression that I would have 10 minutes to speak with some of the workers in the linen area. The line management there were under the impression that I was to go on a tour of the linen area, and the shift had started. When it became clear that I was not going to have the opportunity to talk to the workers, I decided not to go ahead, but to go back and wait until everyone got out of bed, basically, so we could ring and sort out what was going on, because at 7.05 there was no-one to call.

That was what we did and I am pleased to say that tomorrow, at 1 o'clock, I will be meeting with all the workers out at Mitchell.

Mr Smyth: I can lend you my CFMEU badge.

MS GALLAGHER: Actually, comrade, I noticed you were wearing a CFMEU badge. I bet that's the first union badge you have worn in your time.

Mr Smyth: I wear it with pride.

MS GALLAGHER: I am pleased to see it.

That is the story of this morning. It was very much a breakdown in communication. The important issue, I think, that we needed to focus on, and the one that I focused on this morning, was that, when it was clear that I was not going to be able to speak to the group of workers, it was best to remove myself and work out a way forward. The issue is actually getting to the workers and speaking to them. What we did this morning, Ted and I, is work out very clear communication channels. Everyone knows what is going on now and the meeting is to be held tomorrow.

That is what I want to do. I want to get there and hear what those workers' concerns are, because there are some concerns. Those workers need to have access to one of their elected representatives, which is what I am doing tomorrow.

MR STEFANIAK: Thanks, Minister. Ms Gallagher, is this then a case of a right-wing Treasurer come shareholder trying to stop a left-wing industrial relations minister from listening to workers, or simply a case of the left wing of the Labor Party not knowing what the right is doing?

MS GALLAGHER: Do I have to answer that?

MR SPEAKER: It is up to you, Minister.

MS GALLAGHER: This is quite scary for everybody, including some elements of the Labor Party, but the right and left are working together on this issue.

Outdoor education

MR PRATT: My question is to the minister for education. I understand that the primary school outdoor program, which was disrupted as a consequence of the destruction of Birrigai, is to be temporarily transferred to Dairy Flat. Minister, can you explain how Dairy Flat, an agricultural centre which is currently used to help students of a disruptive nature, which contains little, if any, natural bushland and which is in proximity to busy roads and an industrial area, is going to serve outdoor education objectives?

MS GALLAGHER: I know that this is an area of interest to you, Mr Pratt. In terms of issues between the shadow education minister and the education minister, it is certainly the one that is taking your interest.

We made a decision about Dairy Flat because we own the facility and we can get it going very quickly. We know that it is a safe environment for children, which, in looking at outdoor education, is a very significant issue. In relation to running several programs out there, I do not have a problem with running an outdoor education program for children who have mainstream educational opportunities alongside students who do not participate in that way for one reason or another. I do not see that as a big problem. Certainly, the education department does not see it as a big problem. In fact, it could be a positive thing if you look at it in that way. I hope that it will be.

There are some differences of opinion on whether the Dairy Flat-Jerrabomberra Wetlands area offers opportunities for young people. I think it does. It is not Tidbinbilla and it is not Namadgi, but it does offer opportunities for young people. As I said in a press release, it is a short-term measure. I am getting significant representations, as no doubt you are, about the rebuilding of Birrigai. There has been much emphasis on students not missing out and we are conscious of that. This was one way of addressing the measure in the short term while we all work on the long term. I think the right decision has been taken.

I know that there are some discussions to be had with Outward Bound. I am advised that those discussions are ongoing. This is not the end of the road; it is just one opportunity that we are putting in place to get going. I will be meeting with Outward Bound. I have not met with them previously—they have been having discussions with the department—but I have a meeting scheduled with Outward Bound to talk through some of the issues that have come up through this process.

1 April 2003

There are opportunities for the longer term for Birrigai. Children get outdoor education in a variety of ways. Most of it is actually done at their schools, but this site does give them the opportunity to get out and it is an area over which we have significant control because it is our property. It is the area to which we decided to go in the short term. That is not to rule out other alternatives as we go on build the new Birrigai, as I am calling it, but that is the decision that was taken last week.

MR SPEAKER: Do you have a supplementary question, Mr Pratt?

MR PRATT: Yes, thank you, Mr Speaker. Minister, whilst I accept the points you make about running concurrently—

MR SPEAKER: Come to the supplementary question, Mr Pratt.

MR PRATT: I wonder why you have not accepted before now the offers of Outward Bound Australia—I am glad to see that you are speaking to them—to transfer temporarily at least the outdoors natural bushland program to their excellent, safe and bushland-centric facilities.

MR SPEAKER: Mr Pratt, you are not entitled to give a long preamble to a supplementary question. Come straight to the question.

MR PRATT: May I ask it again, Mr Speaker? Why could you not have accepted earlier the offers made by Outward Bound Australia with respect to their excellent bushland-centric setting? Perhaps you could have saved a lot of time and effort on getting things moving.

MS GALLAGHER: Mr Pratt, the education department would not specifically refuse an offer just for the sake of it. There are issues that need to be worked through with Outward Bound. I do not want to go into them at the moment. I have not had the opportunity to talk to Outward Bound. I am happy to talk to you as well. Outward Bound provides an excellent service; there is no doubt about that. I am keen to talk to them. Those discussions are ongoing. I can assure you that the department would not just refuse Outward Bound if there weren't reasons for that at this time.

Community facilities needs assessment

MS DUNDAS: My question is to the minister for community services. Minister, would you please inform the Assembly of the progress of the community facilities needs assessment?

MR WOOD: It is moving on. That is what I can say. Also moving on are my claims in the budget rounds, as we seek to fund those facilities. I cannot give you the detail of that just now, but I am aware of continuing progress and I will come back to you with a bit of detail as to a timeframe.

MS DUNDAS: I have so many supplementary questions, Mr Speaker, but I will only ask one. Minister, would you please inform the Assembly—

MR SPEAKER: That is all you get.

MS DUNDAS: —whether or not the needs assessment is looking at requirements related to public liability insurance, including the current requirement of a \$10 million liability cover for meetings in public facilities such as libraries?

MR WOOD: I will come back to you on that issue as well.

Hospital waiting lists

MR CORNWELL: My question is to the Minister for Health. I understand that Calvary Hospital has still another six weeks of closures of its elective surgery operating theatres this financial year. This represents nearly half of the remainder of this financial year. What effect will these closures at Calvary have on waiting lists and waiting times? Is the Canberra Hospital also scheduled to shut down its elective surgery theatres at any stage during the remainder of the financial year—perhaps over the Easter long weekend?

MR CORBELL: I thank Mr Cornwell for the question. Calvary Public Hospital is proposing to close its theatres for elective surgery for three weeks, during the school holidays, from 7 to 28 April. Due to an unprecedented demand for medical services last year, Calvary Hospital was forced to take measures to manage within its available budget. The decision was made to cease elective surgery during the school holidays this year.

The reason behind this is that the previous government received additional funding as part of its agreement to sign up early to the last Australian Health Care Agreement. That funding, called the CUTS funding, was provided to increase throughput of elective surgery at both Calvary and Canberra hospitals.

Due to the fact that Canberra is the ACT's trauma hospital and has to deal with emergency surgery cases as and when they arise, it is desirable to have as much elective surgery as possible undertaken at Calvary Public Hospital, which does not have the same trauma function.

The impact of the closure will to some degree be pressure on waiting times. However, I am pleased to advise that ACT Health is in the process of implementing measures to avoid the planned two-week closure in July, which Calvary has also forecast. That work is ongoing. Calvary will obviously be making every attempt to treat category 1 urgent patients within the 30-day period. Emergency patients will, as always, receive the treatment they require.

It is worth highlighting that the public hospital system in the ACT is strong when it comes to addressing category 1 patients and seeing that they have their surgery within clinically acceptable times—that is, 30 days. Where we are not performing as well is in category 2 and category 3, and figures make that very clear.

The government is considering a range of responses to this issue, especially given that the CUTS funding, which was a one-off funding from the Commonwealth, has now expired, and we need to address the consequences of that. We will continue to manage

1 April 2003

the waiting lists in a responsible way, particularly to ensure that people with the most urgent needs are treated in clinically appropriate times.

MR CORNWELL: I have a supplementary question. Minister, given that you have said that waiting lists are your number one priority, how do you intend to overcome the problems you have just outlined, given there is a \$59 million black hole in the budget?

MR CORBELL: I think that is a request for me to announce government policy, and I am not going to do that.

Hospital waiting lists

MRS BURKE: Mr Speaker, my question is to the Health Minister, Mr Corbell. Minister, the *Canberra Times* of 27 March reported claims by staff at the Calvary Hospital that continence and chronic back pain clinics had been cancelled. Why has the government cut Calvary Hospital's budget, resulting in the cancellation of clinics catering to the needs of the sick and elderly of northern Canberra?

MR CORBELL: I thank Mrs Burke for the question. The reality is that we have to ensure, as we do with every other part of the government, that our public hospital systems try to operate within their budgets. As I have already outlined, Calvary Hospital is facing a number of cost pressures, primarily because a range of funding sources have ceased, in particular in relation to elective surgery.

Elective surgery is a very costly element of any hospital's budget and it is very much supply driven. It is difficult to respond to it in an effective way because it is supply driven. Indeed, the more capacity you create for elective surgery, the more patients you often get. Doctors know that there are more people who can be treated, so they put more people onto the waiting list. This is one of the pressures we need to manage, Mr Speaker.

The government is working to ensure that both Calvary and Canberra Hospitals work within their budgets, but there should not be an expectation that funding for health is a bottomless budget which can continually be drawn upon. We need to ensure that our hospital system remains of the highest possible quality, whilst also working within the appropriate budget restraints and constraints within which all other government agencies have to work.

That is one of the key challenges the government is addressing. The government, through its reform of the health system, is seeking to ensure that no longer will we have different parts of the health system arguing against each other, but instead we will have them cooperating with one another to address the issues our community wants to see addressed. That includes responsible financial management. It must include that. That is the challenge for the health system, although it is not unique to the territory's health system. That is a challenge upon which I and the relevant officers of the department are working very hard.

MRS BURKE: Mr Speaker, I have a supplementary question. Would the minister please tell us, then, what other clinics the ACT government is looking at closing down to try to fill the Treasurer's budgetary black hole?

MR CORBELL: Mr Speaker, it is not about trying to fill the Treasurer's budgetary black hole. The issue is that we must make sure that the services the territory pays for are delivered. Yet there should not be an automatic expectation that you can deliver more services than those which you are paid to deliver, and that the government will automatically deliver additional funding for that. That has been the trend, and members opposite should know that.

The trend in public hospital funding has been that you spend the money you have and then you respond and treat still more patients, with an expectation that the funding will be supplied. We expect agencies to work within the budget.

I am a strong advocate of public health—I am a strong advocate of making sure that public health is available to all. However, that does not mean that it is a bottomless bucket of money. It means it must be responsibly managed, to ensure that those who need health care get it, in a timely way.

Mr Smyth made a comment about rationing. Mr Speaker, that is what a waiting list is.

Mrs Burke: On a point of order, Mr Speaker, I do not know that the minister is answering my question at all. Could he tell us what clinics he is proposing to close down to fill the budgetary black hole?

MR SPEAKER: Resume your seat, Mrs Burke. There is no point of order.

MR CORBELL: Mrs Burke talks about rationing. A waiting list is a type of rationing—it determines availability of services based upon need. That is what a waiting list is. Those with the highest needs get the treatment first; those with the second highest needs then get the treatment; and then those with the third highest needs get the treatment. That is the way a health system has to be managed.

It is interesting that the approach of the opposition seems to be that you can spend as much money as you like on health. The reality is that we could spend double the amount of money on health as we do now and there would still be unmet need. That would be the outcome. It is about spending the money in a smart way, to get the best possible outcomes for the people who need the care.

That is the very responsible approach the government is adopting. The government will continue to ensure that our health care system is of the highest quality and that its services are targeted to provide health care to those who require it, based on their clinical needs.

Treasurers conference

MS MacDONALD: My question is to the Treasurer. Last Friday, in Canberra you attended the annual Treasurers Conference. As this event has significant implications for the territory, would you please advise members of the outcome of the meeting.

MR QUINLAN: The recommendations of the Grants Commission were adopted almost to the letter by the federal Treasurer in the letters of offer to each state, with one notable omission. The ACT receives about \$15 million each year as special fiscal needs. That

1 April 2003

covers the additional funding we spend on the police force as a direct result of the national parliament being here and the extra demands imposed by visits and demonstrations. Some other funding is paid to other states anyway.

I was advised by the federal Treasurer that the federal government wanted to roll that amount into discussions on the ACT's bushfire needs. It is a cause for some concern when something in a forward estimate in the federal budget and evaluated and measured by the Grants Commission has to this point been withheld.

In the normal financial assistance grants, the ACT received in the order of \$10 million-plus less than we anticipated. The Grants Commission has judged that growth in household income and property values in the ACT would allow the ACT capacity to raise revenue through gambling taxes, through stamp duty on conveyancing and through payroll tax. I would like members to note those three. The Grants Commission believes that we are underachieving in revenue generation through gambling taxes, conveyancing duty and payroll tax.

Other matters that came before the ministerial council included the whole question of Commonwealth/State financial relations. New South Wales, Victoria and Western Australia described themselves as donor states subsidising us mendicant states. They wanted the Grants Commission system changed. I guess the principle of horizontal fiscal equalisation and the justice inherent in that proposition were not entertained.

Concern was raised regarding the continuation of special purpose payments from the Commonwealth in real terms. Part of the interdepartmental agreement was that SPPs would be maintained at the level before GST. But whom can you trust these days?

National competition policy payments were discussed. Now that the so-called reforms have taken place in most states and the deadline approaches for all the reforms required under national competition policy, the federal Treasurer is talking about linking future competition policy payments with water reform. I imagine that is a convenient stick with which to pull the states into line or to get the states to contribute a little more in a couple more areas.

It was observed in a paper delivered that the Commonwealth's share of the national taxation cake is increasing at a greater rate than that of the states and territories, or its share is increasing in proportion while the state and territory share is decreasing in proportion.

The last matter I bring to the house's attention is an agreement by all states except Queensland to end bidding wars in pursuit of the location of business. Already there exists agreement between New South Wales and Victoria. They feel that that has saved them millions of dollars and not changed many decisions. It is hoped that at officer level we will continue to work to ensure that Australia-wide the bidding for business location becomes a thing of the past.

MS MacDONALD: I ask a supplementary question. Treasurer, are you concerned as to the ultimate receipt of the special fiscal needs funding?

MR QUINLAN: Yes, I am. I think the Assembly should be aware—and I will repeat it—that funding we normally receive under that heading, which is to compensate the territory in the main for police services that are provided and for some corporate taxes the Commonwealth handles, has been excluded from the offer made to the ACT, with the statement by the federal Treasurer that we will tie this in with discussions on the Prime Minister’s offer to give the ACT consideration of additional assistance, given the magnitude of the disaster of the bushfires of 18 January.

I am presuming that our Prime Minister is an honourable man and that that offer was a genuine offer. However, it is quite disconcerting that an amount of money which is provided for a specific purpose, a purpose unrelated to the bushfires, is being withheld and somehow tied in so that we have two unrelated items to be negotiated together. It sounds as if the Commonwealth does not want to honour that commitment but still wants some money to be thrown around at the end of the negotiations, or it suggests something more sinister about the future of that funding. All members of this Assembly should be concerned about that. I will keep the house informed.

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

Economic white paper

MR QUINLAN: During question time, I took a question from Mr Smyth in relation to funding for the economic white paper. I was able to point out to him that the budget papers show that there is \$500,000 allocated towards the establishment of that white paper. Mr Smyth then referred to page 163 of budget paper 3, saying it appeared as though it was only \$250,000.

It may have been tempting. In governments past, initiatives were announced more than once. The section from which Mr Smyth extracted his information on page 163 is part of the section of the budget paper called “Initiatives Explained”—initiatives, Mr Speaker, implying something new.

We have here a situation where an original \$250,000 was appropriated during Supplementary Appropriation Bill No 2 of 2001-02. The budget for 2002-03 adds \$250,000 to that—something new. If you had looked at page 35, Mr Smyth, you would have seen that there is a sum of \$500,000 in the column 2002-2003. Maybe we need to simplify the budget papers for your benefit. However, it is pretty clear that \$500,000 has been added. If one is looking at initiatives, one ought not be taking those as gross figures. They are supposed to be what they are—initiatives explained. That is the explanation, Mr Speaker.

I did not hear the news item but I recall being quizzed by at least one member of the media about this. There was further confusion, with Mr Smyth claiming we had not allowed for GST. He reading the budget papers incorrectly.

Mr Smyth: Your staff used the GST excuse. I did not raise GST.

MR QUINLAN: Okay, I will not pursue that—I will take your word for it, Mr Smyth. That was what I heard from a member of the media who thought you were of the mind that we had not allowed for GST, when in fact we do not pay it. We do pay it, but claim

1 April 2003

it back immediately. Anyway, if you need any help with reading the budget papers, please let us know.

Fireworks

MS GALLAGHER: Early in question time today, I undertook to get back to Mrs Cross about why new dangerous goods legislation had not been presented to the Assembly. Mr Speaker, it will not be possible to develop legislation which can be passed prior to the June 2003 long weekend, although the government will have legislation introduced to enable plenty of time for fireworks operators to implement the new requirements before the following June long weekend.

There are two people in the Chief Minister's Department who work on fireworks policy and legislation. They also work on occupational health and safety policy and legislation, and provide support to the ACT Occupational Health and Safety Council and its three subcommittees.

Since the government tabled its response to the standing committee, the Chief Minister's Department has researched and prepared answers to 50 separate questions on notice about fireworks litigation, regulation and storage. This has diverted resources away from the development of the legislation.

However, work is continuing on the legislation. Transitional arrangements will implement the major commitments made by the government regarding the type of fireworks available for sale to members of the public for this June long weekend. The Chief Inspector of Dangerous Goods will shortly issue the 2003 standards for sampling and testing shopgood fireworks. This will limit the sale of shopgood fireworks to those which do not produce a report or a loud bang. This is intended to address the noise complaints and issues associated with fireworks frightening pets.

Regarding interim measures to make sure this year's fireworks season is less problematic, the Chief Minister's Department has organised a briefing session for all fireworks operators at 10 am next Thursday, 10 April. All fireworks operators have been invited and all but one have indicated that they will be attending. The purpose of this meeting is to discuss the interim arrangements that will be in place this June long weekend, and to ensure that the process for applying for licences is conducted in a timely and orderly way.

The Chief Inspector of Dangerous Goods will be attending this meeting and the Chief Minister's Department will be assisting the chief inspector and ACT WorkCover in managing the licensing application and approval process this year.

Leave of absence

MS TUCKER (3.33): I move:

That leave of absence for the remainder of the day be given to Ms Tucker.

Question resolved in the affirmative.

Answers to questions on notice

MRS BURKE: This is a request for explanation, under standing order 118A, concerning an unanswered question on the notice paper in my name. That is question 379, to the relevant minister, in relation to carers funding.

MR CORBELL: Mr Speaker, I apologise to Mrs Burke for that. I will undertake to get an answer to her as quickly as possible.

MR PRATT: Under standing order 118A, I request an explanation concerning question on notice 381, at page 895, to the Minister for Industrial Relations, with regard to the WorkCover Annual Report 2002.

MS GALLAGHER: I am sorry, Mr Pratt. I signed a letter to you today, which you may not have seen, to explain the delay. I believe the letter has been sent to your office. That might have happened around lunchtime today.

As to the reason the answer is late, there were 13 questions regarding the management of the workers compensation supplementation fund, including information about the current estimates of the liability of the fund flowing from the collapse of the HIH Group. The fund actuary presented his report on current estimates of HIH liabilities to the government last week. To avoid confusion and ensure the Assembly was provided with accurate information, it was necessary to wait until this report was finalised before the answering of questions on notice. That is the reason why we could not get it to you within the 30-day timeframe.

I hope to have the answers to you next week, and I apologise for the delay.

MR SMYTH: I also have some overdue questions from the Chief Minister. Question 395 was due on 22 March. On 18 February, during question time, the Chief Minister took a question on notice regarding the chronology of events leading to the bushfire crisis on 18 January.

On 19 February, the Chief Minister took on notice a question as to when the AFP advised the Emergency Services Bureau of the need to declare a state of emergency.

On 20 February, the Treasurer took on notice a question about what advice cabinet received regarding the \$10 million that was spent on fire safety.

All four questions are now overdue, and I would appreciate answers.

MR STANHOPE: Mr Speaker, yesterday and today, I signed a number of responses to Mr Smyth. I must say I was not aware any of them were late. If they were, I apologise for that.

In relation to the questions that Mr Smyth says were taken on notice, I will check the *Hansard*. I am not sure whether either I or my office were aware that I had taken those questions on notice. I will certainly look at that and report back to Mr Smyth.

1 April 2003

MR QUINLAN: I give a similar answer, Mr Speaker. I was not aware that we had an outstanding question. I will pursue it.

Paper Totalcare

MR SPEAKER: I present the following paper:

Totalcare financial information—letter from Ted Quinlan MLA, Treasurer to Mr Wayne Berry MLA, Speaker, Legislative Assembly for the Australian Capital Territory, dated 24 March 2003, in response to the resolution of the Assembly of 19 February 2003.

A copy of the Treasurer's letter was circulated to members last week.

Executive contracts Papers and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment): For the information of members, I present, pursuant to sections 31A and 79 of the Public Sector Management Act 1944, the following copies of contracts in accordance with the lists circulated.

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long term contracts:

Penny Shakespeare, dated 26 February 2003.
Andrew Rice, dated 3 March 2003.

Short term contracts:

Gordon Davidson, dated 26 February 2003.
Brett Phillips, dated 12 March 2003.
Ken Douglas, dated 4 March 2003.

Schedule D variations:

Penny Gregory, dated 18 February 2003.
Mandy Hillson, dated 17 February 2003.
Narelle Hargreaves, dated 12 February 2003.
Lynette Allan, dated 17 February 2003 –

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

Leave granted.

MR STANHOPE: Mr Speaker, this is another set of executive contracts. The documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act which require the tabling of all executive contracts and contract variations. The contracts were previously tabled on 4 March 2003. Today I present two-long term contracts, three

short-term contracts and four contract variations. The details of all these contracts will be circulated to members.

Board of Inquiry into Disability Services—first six-monthly report

Paper and statement by minister

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (3.38): For the information of members I present the following paper:

Implementation of the Government response to the recommendations of the Report of the Board of Inquiry into Disability Services—First six monthly report, dated April 2003.

I seek leave to make a statement.

Leave granted.

MR WOOD: Mr Speaker, today it is my pleasure to table the first six-monthly progress report on the implementation of the recommendations of the Board of Inquiry into Disability Services in the ACT. Members will recall that, in September 2002, I announced a systematic reform strategy—*Steps to Reform*—based on a series of actions and innovative steps to be implemented over the next three to five years.

As the report I present today will attest, we are meeting our responsibilities. We have achieved significant progress on delivering improved disability services, working in partnership with people with disabilities, their families, carers and supporting community organisations. We have moved quickly to progress a range of initiatives outlined in the government's response to the board of inquiry. Our systematic strategy builds on initiatives totalling some \$2.5 million in extra expenditure, announced in last year's budget.

A comprehensive framework is now in place to springboard a raft of service improvements across the disability sector. We have established five joint community and government reform working groups to assist Disability ACT, as well as the soon-to-be-appointed community advisory body.

These groups will be investigating a broad range of issues covering access, eligibility, funding, housing quality and standards, work force and legislative reform. I am encouraged that more than 40 community representatives are involved in the groups, meeting every two to three weeks since their inception late last year.

As I have previously noted in the Assembly, the establishment of these working groups is a tremendous achievement. There are, I believe, very few examples of such extensive and direct community participation at the beginning of the policy development process. Each working group is co-chaired by a government and community representative, with the terms of reference based closely on the priority areas identified in *Steps to Reform*.

1 April 2003

They are required to produce one or more discussion papers, options papers and policy proposals for submission to government. These groups, in partnership with Disability ACT, are essentially the engine that will guide and drive the reform agenda. There are a number of initiatives arising out of the government's response, although not specifically addressed in *Steps to Reform*, which are outside the scope of the working group.

The Department of Disability, Housing and Community Services conducted an extensive executive search and has recruited very experienced personnel to the executive director, director and senior manager's positions of Disability ACT. These executives—Ms Lois Ford, from New Zealand; Ms Roslyn Hayes, from Queensland; and Mr Gerry Brown, from the UK—are all committed to innovative leadership within Disability ACT. They are working with the disability sector to create a strong service and support network for people with disabilities.

It is our mission to develop new and better ways of assisting people with disabilities. We have established an innovation fund designed to encourage families, individuals and organisations to apply for funding, to explore new opportunities and flexible approaches to supporting people with disabilities.

There has been a high level of interest from people keen to contribute their experience and ideas. A panel of government and community representatives is currently evaluating the funding applications. You will be aware that the Disability Advisory Council and the Disability Reform Group completed their terms of office at the end of February.

We are establishing a new disability advisory council that combines the functions of both these groups, and I will announce the composition of that council shortly. More than 40 nominations were received for membership. The council will perform a very important role in advising government on issues like policy development, strategic planning and direction, legislation, consultation, service development, and budget and funding priorities.

It is vitally important that people with disabilities have appropriate access to government programs, services and facilities. To this end the government, along with Craig Wallace and the Disabled Peoples Initiative, is launching an accessibility audit kit to assist ACT government departments and instrumentalities to meet their responsibilities under the Commonwealth Disability Discrimination Act and the ACT Discrimination Act.

Agencies will be required to conduct an audit using mandated reporting criteria, which will be used to develop a series of agency-specific disability action plans. The Department of Urban Services has already made progress in this area by piloting a disability action plan.

As I indicated earlier, the reform process is focused on the promotion of a values-based people-centred approach to responsive and individualised care, support and accommodation arrangements for people with a disability. We are developing a five-year strategic plan for Disability ACT to entrench these ideals within the organisation's services process. Disability ACT is also instituting a number of organisational improvements to enhance the quality and standard of direct support services.

To ensure that future policies are soundly based, Disability ACT is finalising a detailed profile of people with disabilities in the ACT. Information has been gathered from a variety of sources, including the ABS and the Australian Institute of Health and Welfare. For the first time, we have a consolidated information base for policy development and program planning, as well as a benchmark to monitor future trends in disabilities.

The government is committed to improving the level of service delivery to those in our community who have unique needs. Discussions are continuing within Disability ACT on integrating the therapy services currently provided separately by the Child Health and Development Service and Disability ACT. This follows the convening of a working party and community consultation, to explore the efficacy of integrating child and adult therapy services.

I have previously referred to the additional \$2.5 million provided in the last budget. With regard to child health, \$500,000 has been allocated to early intervention services. This money is funding an early intervention playgroup and early intervention unit for children with autism, enabling the employment of additional psychologists, therapists and social workers.

The sum of \$1 million has been allocated to the post-school options program to assist young people with a disability to transfer from school to employment and adulthood. The program currently has 44 participants. The remaining additional funding has been allocated to the disability sector for day support programs, high and complex needs clients and to progress reforms in sector development.

The board of inquiry demanded leadership and vision from government, to confront and tackle what it saw as a systematic breakdown in the provision of disability services in the territory. Today I have tabled a comprehensive report which reflects a fundamental shift in our approach to the provision of disability services. It is an approach built on respect for the views of people with disabilities and a commitment to community partnerships.

Given the complexity of the task, I believe we can be well satisfied with what has been achieved in the past six months. Importantly, we have a government and community framework in place, to build on the substantial work of the DRG and the progress of the reform agenda. People with disabilities, their families and carers can be assured that the Labor Government is absolutely committed to disability reform, building an integrated quality service that is accessible, transparent, flexible and responsive to need.

Mr Speaker, I seek leave to move a motion authorising publication of the paper.

Leave granted.

MR WOOD: I move:

That the paper be authorised for publication.

Question resolved in the affirmative.

1 April 2003

MR WOOD: I further move:

That the Assembly takes note of the paper.

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

Kippax master plan Paper and statement by minister

MR CORBELL (Minister for Health and Minister for Planning): I present the following paper:

Kippax Master Plan—Outline of public consultation timetable.

I seek leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, in response to a motion in the Assembly's last sitting, I undertook to report back to the assembly by 1 April this year to outline the timetable for further planning consultation with the local community in West Belconnen. I have pleasure in tabling the consultation schedule. As I mentioned during the debate on Ms Dundas' motion, the government is focused on getting the outcomes that are needed in West Belconnen.

I believe the planning work done at Kippax over the past few months by a joint departmental task force has considered the wide range of issues relevant to this issue and identified needs and a way forward. I am sure the fundamental planning principles established will be refined and further enhanced through the course of the upcoming community consultations.

Stakeholder consideration of the draft siting plan for community facilities would be another important step towards achieving the best outcomes for the West Belconnen community. The consultations for Kippax will commence in the week commencing 21 April this year, with initial discussion with the West Belconnen LAPAC. Broader public consultations will commence following the holiday period, in the week commencing 28 April. The development of community facilities in Kippax, such as the construction of a permanent library, will be considered in the context of the 2003-04 budget.

Papers

Ms Gallagher presented the following paper:

Operation of the *Occupational Health and Safety Act 1989* and its associated law—
Second quarterly report for the period 1 October 2002 to 31 December 2002.

Mr Wood presented the following papers:

Legislation Act, pursuant to section 64—

Public Trustee Act—Public Trustee—Appointments to the Public Trustee Investment Board 2003 (No 1)—Disallowable instrument DI2003-26 (LR, 6 March 2003).

Road Transport (General) Act—Road Transport (General)—Declaration that the road transport legislation does not apply to certain roads and road related areas 2003 (No 1)—Disallowable instrument DI2003-28 (LR, 11 March 2003).

Utilities Act—

Utilities (Dam Safety Code) Variation Determination 2003—Disallowable instrument DI2003-27 (without explanatory statement) (LR, 6 March 2003).

Utilities—Water Restriction Scheme Approval 2003 (No 1)—Disallowable instrument DI2003-29 (LR, 13 March 2003).

Gungahlin town centre Government response to motion

MR CORBELL (Minister for Health and Minister for Planning): I seek leave to make a statement on the Gungahlin town centre community consultation report.

Leave granted.

MR CORBELL: Mr Speaker, this statement is in response to the motion from Mrs Dunne which the Assembly considered and passed during the last sitting of the Assembly. That motion called on me, as Minister for Planning, to immediately recommence consultations with the Gungahlin community over the design and layout of the Gungahlin town centre, particularly in relation to a pedestrian precinct and town square.

During the previous debate, I spoke at length on the extensive amount of consultation which has already occurred on the Gungahlin town centre and the way in which consultation was continuing. I am pleased to be able to provide an update to members on this consultation process.

It is worth mentioning, however, before I focus further on the consultation process, that the government has subsequently announced a \$40 million private sector investment in the Gungahlin town centre. There are two major developments. One involves Coles Myer, who will develop section 13 with a Coles Supermarket, specialty retail and commercial space. Woolworths will develop section 14 with a Big W, specialty retail, commercial space and residential apartments.

These developments are major investments and will be a boost to the Gungahlin area. They are also a sign of the high level of business confidence, not only in Gungahlin but in Canberra in general. The two projects represent a private sector investment of over \$40 million. Retail space in the Gungahlin town centre will triple, providing the first Big W on the north side of Canberra. The Coles supermarket will provide Gungahlin residents with greater choice in the variety of retail products.

1 April 2003

These developments are obviously also good news with regard to jobs. Over 500 construction jobs will be created and, on completion, over 600 retail jobs will be created, adding significantly to the employment base for the town centre.

A significant number of people living in other parts of Canberra already shop at the Gungahlin town centre, because of the ease of access. Indeed, 28 per cent of shoppers using Gungahlin live outside of Gungahlin. They will now do so also because of the retail variety, making Gungahlin a significant regional centre in northern Canberra.

Mr Speaker, in addressing further the issue of consultation on the further development of the Gungahlin town centre, I am pleased to advise members that, two weeks ago, I launched a digital animation on the form of the Gungahlin town centre in the future. The animation will be used to inform the community on how the town centre may look as it develops. The launch was attended by over 80 business and community representatives, many of whom provided positive feedback on the animation and also on the plans for the expansion of the town centre.

The animation is an important tool which will assist with a range of consultation and information processes that are currently underway. These include a regular newsletter on developments in the town centre. The first of these was published last week and distributed to all households in Gungahlin. The next issue will be published in May.

A community open day was held last Saturday in a marquee outside the Gungahlin marketplace. At the open day, the animation was running and there were static displays. It was staffed by the GDA and representatives of Coles and Woolworths. I am informed that over 700 people viewed the displays and that feedback on the expansion of the town centre was positive.

Some issues of concern for the community, which will need to be addressed by government agencies, were identified. Another open day is planned, in about four weeks, for further community comment. The animation will be taken to a range of venues over the next few months, to give as many people as possible the opportunity to view and comment upon it.

GDA staff will be offering to attend meetings of local organisations, to show the animation and discuss and receive feedback on issues concerning the development of the town centre. Woolworths and Coles will commence their own program of consultation on their individual development proposals in May.

Issues that have arisen in consultations to date will be the subject of more focus group sessions commencing in May. These will be independently facilitated. They will provide the opportunity for people to discuss the issues concerning them in more detail and will help to formulate the issues.

There will also be a process commenced seeking community input to the design of the town common—the key landscaped public space in the town centre. This space is to be developed as part of the Coles and Woolworths developments. A good outcome is vital to ensure it is a relevant, usable and people-friendly space.

Mr Speaker, I am sure you will agree that the above is a comprehensive program which reinforces the government's commitment to ongoing consultation with the Gungahlin community on the issue of the development of the Gungahlin town centre—and that it will ensure that the town centre's expansion is carried out in close contact with the community, and provide the opportunity for community concerns to be addressed.

War in Iraq

Ministerial statement

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.58): I seek leave of the Assembly to make a ministerial statement concerning the war in Iraq.

Leave granted.

MR STANHOPE: Mr Speaker, I rise today to express, in the strongest terms possible, my opposition to the war in Iraq.

I also express my immense sorrow—sorrow at the tragic loss of life, sorrow at the trampling, by the great democracies of the world, of the United Nations—the very institution we entrusted to uphold global peace, and sorrow at the fact that, for the first time in our history, Australia has acted as an aggressor in a war.

Mr Speaker, on 19 February the Legislative Assembly passed a motion calling on the federal government to oppose the proposed war in Iraq and to immediately withdraw our troops from the Middle East. Sadly, but not surprisingly, the federal government ignored our call and Australia became a party to this war last month.

As was required by the motion, however, I conveyed the resolution of the Assembly to the Prime Minister, to all federal politicians, the UN, including the United Nations Security Council, the President of the United States and the Prime Minister of the United Kingdom.

Mr Speaker, I have had some very interesting and, indeed quite moving, responses to my letter, and I table those responses. The Leader of the Federal Opposition, Simon Crean, said:

Prime Minister Howard has committed Australia to war. The decision was reckless, unnecessary, illegal and wrong. War should always be a last resort. The weapons inspectors were making progress. They should have been allowed to finish their jobs...

Australia should not have become part of the Coalition of the Willing. Instead, we should have worked through the UN to disarm those rogue states who possess weapons of mass destruction, and uphold the rule of international law.

Labor supports the disarmament of Iraq. We support our troops. But we do not support the war.

1 April 2003

The Federal Member for Werriwa, Mark Latham, said—and I quote:

Along with many other Australians, I do not want a world in which one country has all the power. I do not want a world based on “Axis of Evil” Rhetoric and the constant threat of pre-emptive military strikes.

There is a better way. It is called international cooperation. It means respecting the reports and findings of Hans Blix. It means respecting international opinion—in this case, the position of France, Germany, Russia and China. It means sharing power across the globe, instead of allowing one nation to appoint itself as the global policeman.

The war against terrorism must target terrorists, not the women and children of Iraq. It must solve problems, like catching Bin Laden, wiping out Al Qaeda and addressing the Palestinian question. It must attack the core reasons for terrorism, rather than rush down the path of American adventurism.

I add my voice to that of my Labor colleagues. This war is wrong—fundamentally, legally and morally wrong—and it can only have consequences that are both tragic and terrifying.

This war diminishes each of us as individuals. This war diminishes us as a nation. The death of the first Iraqi at the hands of the invading forces, of which we are a member, has diminished each of us as we are required—as we must—to accept collective responsibility for the actions of our government and our nation. There is no comfort to be found in attributing the death and destruction being daily meted out in Iraq to some shadowy or anonymous “them” or others. It is “us”—all the peoples of Australia—who must accept responsibility.

Mr Speaker, as we discuss the war that is currently being waged by us and in our name, it is worth reflecting on some history. The United Nations was established in 1945, in the aftermath of the Second World War, to help stabilise international relations and give peace a more secure foundation. It is worth recalling the Charter of the United Nations, which begins:

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, AND FOR THESE ENDS to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples, HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

The charter, with its eloquent preamble, creates a compelling vision of a more peaceful future for all citizens of the world. The charter goes beyond mere words, establishing sound and just processes for maintaining world peace and order.

Our government—the federal government—has joined with the United States and the United Kingdom and committed this nation to a war that does not have the sanction of the United Nations.

Up until recently, the United Nations—with its democratic foundations and its vision of a better world for all—commanded international respect. The sneering dismissal by the USA, Great Britain and Australia of the United Nations' opposition to a war against Iraq has weakened the United Nations. Many now openly deride its impotence.

The UN has found itself powerless in the face of the obdurate determination of the world's only real super power to have its way. The UN has lost the respect of many who would support it. The international standing of the UN has forever changed, and a terrible precedent has been set. A new rule of international relations, if not law—namely the legitimacy of pre-emption—has been established.

It is true that we are united with these nations—but we are united in shame in being the first nations to ride roughshod over safeguards agreed by the great democracies of the world. Our actions have mocked the United Nations and held in contempt the very essence of democracy and sovereignty. As I said in my Canberra Day oration, those who choose to ignore history end up repeating its tragedies.

The Prime Minister, in committing our nation and our troops to this war, said:

Only one nation can determine whether force will be necessary or not. Only one nation, acting alone, can make the choice for peace. That nation is Iraq.

I do not believe that statement to be true. We too had a choice but we chose badly and we chose wrongly. I, like many others, question who in Iraq is making those decisions—and who is feeling their impact.

We are now up to day 12 in what our Prime Minister euphemistically described as the operation to disarm Iraq. Make no mistake—we are at war, with all its full gore, its indiscriminate toll of death and destruction and its permanent legacy of trauma, despair and anger. Each day, we are bombarded with words and images that show, in heart-wrenching detail, the carnage taking place across Iraq. We see images of young children, bloodied and distressed, orphaned or lying dead in a morgue somewhere. Would they have chosen peace if we, who had the power, had given them the chance?

Yesterday's *Sydney Morning Herald* has an article fittingly headed, "Baghdad's children pay the price of freedom with their lives." The article begins:

From outside on the dirt street, the wailing was like a beacon of grief, arcing across the cloudless, star-lit night.

Inside, a dozen women clad in full-length black cloaks sat huddled on the floor of a living room, bobbing back and forth and sending piercing, high-pitched screams into the night.

1 April 2003

Under the glow of a single kerosene lamp, three rough-hewn wooden caskets containing the bodies of the male children of the al-Hamdani family, aged 20, 18 and 12, lay on the floor.

Neighbours said they were killed when a bomb or missile struck a crowded, open-air market about 15 metres away from their home.

The article ends with the following:

Dr Ahmed Sufian, a resident at al-Noor Hospital, said he had been treating “severe” injuries, describing a 1-year-old girl who suffered open intestinal wounds in the blast. “I’m a doctor and I can’t understand this. They come to free us? This is freedom?”

No—this is not freedom—it is not the freedom that our forefathers, who went to fight the war to end all wars last century, sought to defend and maintain. This is not a war that will be judged kindly by history.

In the words of Mahatma Gandhi:

What difference does it make to the dead, the orphans and the homeless, whether the mad destruction is wrought under the name of totalitarianism or the holy name of liberty or democracy?

Through the media we are also confronted with the chilling words of our allies, proudly claiming to have killed hundreds, if not thousands, of Iraqi soldiers, who are described as the enemy. We must remember, however, that our enemies in this war are almost all young men—much younger than those of us here—who are most likely impoverished, undernourished and uneducated.

Did they too choose war over peace, or is it just possible that they were conscripted into this conflict—called like all our soldiers to defend someone else’s vision of freedom, justice or what is right? Are they, in obeying the laws of their country and their military superiors, justifiably slaughtered? Are these thousands of young Iraqi conscripts not also innocent? By what right do we define them as the enemy and seek them out and kill them with the overwhelming superiority of our arms and technology? They are not Australia’s enemy. They are not my enemy.

As Bob Ellis said in today’s *Canberra Times*:

We’re in a war where no-one bad gets killed, because our targeted smart bombs miss the innocent. We only kill the chambermaids and cooks and butlers and gardeners of Saddam’s palaces, the office cleaners and late-working bureaucrats and typists of his ministries, the cameramen and boom-swingers and make-up girls of his television studios. Bad people like that. And, in their hundreds, teenage conscripts defending bombarded cities in the south.

This conflict has introduced into our thinking and our lexicon a hierarchy of human life. All humans have certain inalienable rights—it is just that the right to life of some is more valuable than that of anyone we call our enemy.

Our soldiers are mourned and named individually—as they should be—yet enemy casualties, in their hundreds and indeed thousands, are celebrated and the dead depersonalised—becoming bland statistics jotted down to signpost the progress and success of the war.

Coalition soldiers died for an honourable cause—the cause, we are told, of freedom—while Iraqi citizens and soldiers alike just died. Unfortunately for them and uncomfortably for the USA, Great Britain and Australia, they were killed by us before we could liberate them.

Mr Speaker, we are often told that those of us who do not support this war are disloyal to our troops. I, and many others, find this accusation offensive and simplistic. Many people in Australia—and I include myself—are experiencing deep emotional turmoil over this war. They are torn between a deeply-felt opposition to the war and a strong and instinctive desire to support our nation and troops engaged in this deadly conflict.

Throughout our history, members of our armed forces have given their lives to defend our freedom and democracy. It is therefore vitally important that, in a vigorous democracy such as Australia, we protect the right to say what we think and feel, without facing the accusation of disloyalty to our nation or our armed forces.

Mr Speaker, I am not disloyal to our troops, who are discharging their duties with all the skill, dedication, bravery and professionalism we have come to expect—I simply do not support the war to which the Australian government has committed our armed forces.

We are also asked whether Australia should continue in its aggressive role, now that the war has begun in earnest and we are committed. To ask such a question is, I believe, to miss the point. This war is wrong. To persist with it will never make it right—nor will any amount of post-facto justification or rationalisation.

It is never too late to do the right thing. Being halfway through a wrong act and deciding to carry it through to completion will never make it right. To have initiated this war was wrong, but to continue it will forever diminish our nation and all that we stand for—fairness, tolerance, decency and democracy.

Before the war began, US Senator Robert Byrd said:

We are sleepwalking through history. In my heart of hearts I pray this great nation and its trusting citizens are not in for the rudest of awakenings. I truly question any president who can say that a massive, unprovoked military attack on a nation that is over 50 per cent children is 'in the highest moral traditions of our country'. Our mistake was to put ourselves in the corner so quickly. Our challenge is to find a graceful way out of a box of our own making.

We still have some hope of finding our way out of this box—it won't be graceful, it won't be easy—but it can and should be done.

To close, I again quote from Mahatma Gandhi:

Liberty and democracy become unholy when their hands are dyed red with innocent blood.

1 April 2003

Mr Speaker, I present the following papers.

War in Iraq—Copies of correspondence received in relation to the resolution of the Assembly on 19 February 2003 from:

John Howard, Prime Minister.

Kaylene Dore, Assistant Adviser—Policy, Office of the Deputy Prime Minister, dated 26 March 2003.

Dick Sherwood, Senior Adviser, Office of Minister for Regional Services, Territories and Local Government, dated 24 March 2003.

Simon Crean, Leader of the Opposition, dated 25 March 2003.

Senator Claire Moore, dated 24 March 2003.

Senator Natasha Stott Despoja, Senator for South Australia.

Teresa Gambaro MP, Federal Member for Petrie, dated 13 March 2003.

Senator Santo Santora, Senator for Queensland, dated 14 March 2003.

Senator Kim Carr, Labor Senator for Victoria, dated 12 March 2003.

John Cobb MP, Federal Member for Parkes, dated 13 March 2003.

Bernie Ripoll MP, Federal Member for Oxley, dated 13 March 2003.

Geoff Berry, Electorate Officer for Senator Guy Barnett, Liberal Senator for Tasmania, dated 13 March 2003.

Kay Elson MP, Federal Member for Forde, dated 25 March 2003.

Ian Macfarlane MP, Minister for Industry, Tourism and Resources, Federal Member for Groom, dated 28 March 2003.

Mr Mark Latham MP, Member for Werriwa, dated 17 March 2003, enclosing a copy of his most recent speech to the Parliament.

Ms Jackie Kelly MP, Member for Lindsay, dated 13 March 2003, enclosing a copy of the Prime Minister's speech of 4 February 2003.

Senator Ian Harris, Senator for Queensland, dated 14 March 2003, with attachment entitled "Occasional Paper", dated 10 January 2003.

The Hon Alan Cadman MP, Federal Member for Mitchell, dated 14 March 2003, with attachment entitled "Iraq and weapons of mass destruction".

Warren Truss MP, Minister for Agriculture, Fisheries and Forestry, Federal Member for Wide Bay, dated 13 March 2003.

Tony Windsor B.Ec. MP, Federal Member for New England, dated 13 March 2003, enclosing several media releases together with the Hansard extracts of his speeches delivered in the House of Representatives.

Duncan Kerr MHR, Federal Member for Denison, dated 17 March 2003, enclosing a copy of his most recent speech in the parliament.

I move:

That the assembly takes note of the paper.

MR SMYTH (Leader of the Opposition) (4.12): Mr Speaker, there is no doubt that this is an important issue, but I would dispute that this is an appropriate way in which to conduct the debate—that being through a ministerial statement. I note the Chief Minister’s passion for this issue and I respect him for that. However, this is not the appropriate way to bring on this debate. The better way would have been for him to move a motion, either as a private member on private members’ day or using the device of executive members’ business created when we were in government.

I can find nothing in the administrative arrangements which allow the Chief Minister to make a ministerial statement on this issue—simply because he has no ministerial responsibility for this. I sought advice from the clerk. The clerk says, basically, that the constitution of the territory is the Australian Capital Territory (Self Government) Act 1988, an act of the federal parliament.

The act goes on to list the things we can do. We can make laws for peace, order and good governance of the territory. It then lists some things which, under section 23, are specifically excluded from the Assembly’s powers. Schedule 4 of the act lists the matters concerning the things for which the executive has the power to govern the territory. Foreign affairs and defence are not included in that list.

Whilst I believe it is appropriate for this place to have debates on issues like this, I do not believe that the device of trying to elevate it, through making a ministerial statement on it, is the appropriate way to do it.

The Chief Minister starts his speech by quoting a large number of people who are against the war. The people he quotes all happen to be members of the Labor Party in the federal parliament. I could quote equally as large a number of people from the Liberal Party, if I wanted to, who would think this is a justified thing.

Let us make the point that war is terrible. War is a terrible thing. No-one willingly goes to war. However, I believe you reach a point in time where it is the lesser of two evils. I will not quote people from my party, I will quote people from the membership of the Canberra community. I quote an article from the *Canberra Times* of 21 March 2003 entitled “Multicultural leader says war is justified”. It says:

The president of the ACT Multicultural Council believes the war against Iraq is justified if it rids the world of Saddam Hussein, an “evil, heartless butcher”.

Mohammed Omari has been leading protest marches against the Iraqi president since the 1980s, comparing the dictator’s cruelty to Adolf Hitler’s and calling for his overthrow.

“I don’t know whether Hitler reached this stage,” Mr Amari said.

“Saddam is a butcher with a lot of blood on his hands.”

He said Saddam had personally eliminated his brother, his sons-in-law and even his own ministers. “He even oppresses his own people.”

It is interesting to go through the Chief Minister’s speech, to see that, as some sort of justification for his position, he says things like the following:

1 April 2003

The UN has found itself powerless in the face of the obdurate determination of the world's only real super power to have its way. The UN has lost the respect of many who would support it.

That could equally read, "The UN has found itself powerless in the face of the obdurate determination of the world's only real monster, Saddam Hussein. The UN has lost the respect of many who would support it."

The US has been found to be powerless in the face of Saddam Hussein—10 years and 17 resolutions prove it. Mr Stanhope goes on to say:

Our actions have mocked the United Nations and held in contempt the very essence of democracy and sovereignty.

What has Saddam Hussein said and done for so many years? Mr Stanhope goes on to say:

Make no mistake—we are at war, with all its full gore, its indiscriminate toll of death and destruction and its permanent legacy of trauma, despair and anger.

He is right—we are! But where was the outrage when Saddam was torturing, gassing and murdering hundreds of thousands of his own people? There was none. The world, in many cases, stood back and let it happen.

The other person I would quote from is an Iraqi woman, whose name I will not use, who I met at Harmony Day at the Canberra Centre the other day, where the Chief Minister spoke. I said to this woman, "You are Iraqi—how do you feel?" She said, "My heart is against it. I have family and friends in Baghdad. I do not want them hurt, but my head says this must happen because, unless it happens, nothing will ever change in Iraq. That is the point, Mr Speaker—nothing is going to change in Iraq, and that is the problem.

The Chief Minister goes on:

It is never too late to do the right thing. Being halfway through a wrong act and deciding to carry it through to completion will never make it right.

That is on the assumption that what is occurring is the wrong thing. But that is the problem, isn't it? The problem is that this was not completed in 1991, when commitments were given to democracy; commitments were given to disarm; commitments were given to better the lives of the people of Iraq—and it did not happen.

What does the head of the Multicultural Council say? The article continues:

"Of Kurdish descent, and with no reason to support Saddam, Mr Amari said the United States have made a grave mistake by allowing him to survive the 1991 Gulf War.

Now he is like a god, his power has increased.

"This monster has to go."

To finish the article, for the sake of honesty, Mohammed then stresses he was not speaking on behalf of the Multicultural Council—he was speaking for himself.

There is a voice who knows—there is a voice who has suffered. I think it is important to stand here and look at what is being said. We can all trot out quotes. Mr Stanhope quotes from Mahatma Gandhi. It says:

Liberty and democracy become unholy when their hands are dyed red with innocent blood.

When we had this debate several weeks ago, Mr Speaker, I finished with a quote which motivates and guides me. I quoted the words of Edmund Burke, the Anglo-Irish philosopher, who said, in seeing the horror of the French Revolution, that the only condition for the triumph of evil is that good men do nothing.

That is a hard call—it is a tough decision. That is the decision which has been faced by the federal cabinet. I feel that, in what they have done, they have made the right decision. In this case I think that, reluctantly, we have to accept that it is the lesser of two evils.

Mr Speaker, whatever our views on the war, the war has commenced and Australian troops are committed. We must remember that there are young Australians over there doing their duty, and I believe it is vital for us at home to give them our full support and not give succour to those they oppose.

On the front page of yesterday's *Daily Telegraph*, there was an article headed, "Please don't hate our dads." The sub-title is, "Emotional plea by troops' families to Australia." The wife of an RAAF technician is quoted. The article reads:

No-one wants the war to end more than the families of the people fighting, Peggy said. "If the war wasn't on, my husband would be home safe with me", she said. "But nothing's going to get resolved peacefully. Saddam has to be stopped."

That is interesting. A young wife, Rebecca 22, who is married to Luke, who is 23, who must be a member of the 4th Royal Australian Regiment which has units over there, says:

"I hope our country and all our politicians get behind our boys because we sit on the phone and we say that we are proud of them and that we support them. It would be 100 per cent better if the rest of the country could get behind them and say that they support them as well, because it is affecting them."

If we affect our troops in the front line, if we impair their judgment or hurt them in the way that they carry out their work, then we are placing them at risk. We do not have that right. We do not have the right to say that to our troops.

Mr Speaker, it is simplistic and populist to simply say, "Bring the troops home." I believe it does nothing but undermine the morale of our defence services personnel. I believe the statement of the Chief Minister does them a great disservice.

1 April 2003

I think Mr Stanhope could do well to follow the lead of his federal leader, Mr Crean, who has now said that we must get behind the troops. Indeed, at the reception that brought about the *Daily Telegraph* article, the Prime Minister, the Governor-General and Premier Bob Carr all got together to send the message that we are 100 per cent behind our troops.

Mr Speaker, you could only dismiss the Chief Minister's statements as irrelevant. If only it could be as simple as to dismiss as irrelevant what the Chief Minister has said. This would confirm why people laugh at local politicians, such as yourself and myself, and mock the Assembly. But it is worse than that. It undermines those young men and women out in the field, who are serving their country. It gives propaganda value to those in Iraq who, I feel, have proven they care very little for human life and slaughtered their own citizens.

I believe this is important—that, when we talk about the relevance of the ACT Assembly it is easy for us, who have no jurisdiction over these issues, to stand here and make statements about Australia's involvement in the conflict in Iraq. That is what we have federal representatives for, and that is why we should send messages through them.

This is an important issue to discuss. Through the self-government act, we are charged with looking at things like the government's inattention to hospital waiting lists. There is the fact that people are worried they will not receive adequate attention if they get sick—the jobs of Totalcare workers, the farce of the economic development white paper, the exercise in self-indulgence and smugness called the Connors report and the budget blowout itself. In my view, there are many more important issues that we should be discussing, because we are charged, by the self-government act, with taking care of those. We are charged by the electors—the people of the ACT—with being responsible for those matters.

I would say to the Chief Minister: get some logic and accountability into this place and, just for a moment, put yourself in the position of the Prime Minister or the Defence Minister. If you were given the information that led them to make this decision, how would you go about pulling them out now? How would you extricate our military personnel from Iraq without putting British or American troops, or others, at grave risk? How would you pull them out? What would the consequences of that be? What would it say to the world about Australia, let alone what it might say to other nations with which we have long-term relationships—the US and Britain, and others beyond that pool?

What message are you sending to somebody like Saddam Hussein? We sent the same message in 1991 when the man was disarmed, when the man's force was destroyed, when the man's power was taken from him, when there was hope across the world that something better might come about for Iraq. We balked at the last moment. We stopped and put the world in the same position in which we find ourselves yet again. Mr Speaker, I think the question has to be: What message do you send to our young men and women fighting for justice, democracy and a fair go in Iraq?

It is interesting that we are having this debate in the Assembly today. I can assure you that nobody in Iraq is having this debate under Saddam Hussein. In Iraq, you do not get debates like this. They do not provide the fundamental right for me to stand up and have my say on my country, my society, and ask for a fair go.

I do not hear anybody standing up and saying that. I believe this is a time for unity—I do not believe it is a time for divisive statements from our Chief Minister.

I do not believe that anybody in their right mind would willingly go to war. The UN has tried to avoid this, over 10 years, with 17 motions. A war was fought by the entire world in 1991. I think that, by hiding under the umbrella of a ministerial statement, to give it some sort of credibility, we do a disservice to democracy, and to those fighting on our behalf in Iraq today.

Mr Speaker, I have one final quote—I note there are many quotes in the Chief Minister's speech. I note also the argument of the Chief Minister that we should not be using the defence that it is not disloyal to be making these statements. I will finish with a quote from John Stuart Mill, the founder of modern liberalism. It says:

War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. The person who has nothing for which he is willing to fight, nothing which is more important than his own personal safety, is a miserable creature and has no chance of being free unless made and kept so by the exertions of better men than himself.

MR HARGREAVES (4.26): I, too, like the Chief Minister, find ugly and offensive any suggestion that I am disloyal to the troops overseas because I oppose this war. I would like people to come up to me and tell me that to my face in a dark alley outside the chamber. If they did so they would see who is getting ugly and offensive.

Mr Speaker, during the Vietnam war I wore a green suit and GP boots. No doubt Mr Pratt did the same. I was thinking just the other day about the position that Mr Pratt has articulated in this place. Whilst we differ and disagree on probably most of the arguments, I acknowledge that Mr Pratt served an enormous amount of time in the uniform of his country and therefore he is quite qualified to speak on how it feels to be a soldier, how it actually feels to be in the front line. He has the right to do that; he has got the medals on his chest to prove it. I have no problem with that, and I pay him that respect, even if I disagree with most of his argument.

I know that Mr Stefaniak has had an enormous amount of experience as, I think, a major in the Army Reserve. He was prepared to do the same thing. But Mr Smyth has no such right. He found after his particular service that it was not suited to him. Shame on you! You have no right to speak on how soldiers might feel about this.

When I walked down the street in the late 1960s and the early 1970s—when people were fighting in Vietnam—people spat on me because I was wearing my army uniform. And you reckon that I do not know how our soldiers might feel. I will walk on broken glass, Mr Smyth, to make sure they do not feel that way. I can tell you that after the Vietnam war the Australian community realised the dastardly thing it had done to our troops and it made up for that big time. There is no way in the world that the community here in Australia is going to treat the troops that have gone to the Gulf war—to this illegal war—the same way they did in the Vietnam one. I do not believe the Australian community is capable of doing that. So any suggestion in fact that anybody in this country who opposes the war is being disloyal to the troops is utter crap and it is offensive.

1 April 2003

MR SPEAKER: Mr Hargreaves—

MR HARGREAVES: Mr Speaker, I withdraw the word “crap”.

MR SPEAKER: Thank you.

MR HARGREAVES: Mr Speaker, we have to understand that this is an illegal invasion. Kofi Annan said that its legality is questionable. I do not have any difficulty about the view that I hold. There is no United Nations sanction; nobody like Kuwait is being invaded; there is no liberation. We are talking about the freeing of people from a political regime, however dastardly it may be. This is a political regime. Nobody has the right to do anything about that except the Iraqi people themselves or the world community, as embodied by the United Nations.

I am struck by a couple of the things that Mr Smyth said. He said that the Chief Minister was doing the wrong thing by raising this issue. Right now, at some stage or another, everybody in the ACT is talking about it. There have been demonstrations. People are out there looking for leadership. What they are getting is a smack in the chops from those sitting opposite. Those opposite want to talk about being lily-livered and gutless, but that is what they are demonstrating by the bucket load.

What we are seeing from the Chief Minister is a bit of leadership. He has stood up here and said unequivocally that it is an illegal war and we are opposed to it, and that if he were the king of the world he would bring the troops home. How definitive do you have to be? I echo absolutely what was said in the Chief Minister’s statement.

What the Chief Minister is doing is showing this community some leadership so that when people go out and demonstrate and feel like being a little bit over excited, they will know how their leaders, the people in this chamber, feel. So it is most appropriate that he make a ministerial statement. He is speaking on behalf of the ACT government. I know that he does not speak for those people on the other side of the chamber—as far as I am concerned, they are just a bunch of warmongers.

Mr Speaker, Mr Smyth talks about the lesser of two evils. Well, what are those evils? We can leave Saddam Hussein in place and people could be killed or we can go and bomb half of them to death and then liberate them. As somebody said, “We’ll kill thousands of Iraqis and liberate the survivors.” Well, good on you. Liberate the survivors—both of them. I think that is appalling.

They are only two of the evils. What about the visitation on the Australian public by the people who have decided that they want to take it out on us? Only last Friday night Bishop Browning talked about the difference between fundamentalists and radicals. It is not the fundamentalists we need fear; it is the radicals. I have to say that I had not thought about it in the terms that Bishop Browning articulated. I am concerned because he is right in the sense that there will be a return visit, and I do not want the return visit to be on my kids or my grandkids, thanks very much.

Another casualty of this war is the United Nations. I do not care how many resolutions somebody does not comply with, the resolution is there. Let us try and breathe some life into and thereby strengthen the United Nations, instead of saying, “Okay, damn it. We’ll

walk away. We'll do it ourselves. Blow you." What has happened? George W Shrub has walked straight into Iraq with his troops, bombed the heck out of them and said, "We're gonna liberate you, we're gonna make you free". Isn't it funny how the United States is the only nation that talks every day about the word "free"? It is not in the lexicon of most other people. We live it and we do not have to keep believing it like they do. I just think these people are absolutely hypocritical.

The United States, in one fell swoop, has emasculated the United Nations and rendered it powerless. It is now going to be a joke. Any big super power will be able to walk in and do whatever it likes. They can do so because they have got the power of veto in the Security Council and nobody can do anything about it.

If there is ever a rogue state at the moment vis-a-vis the United Nations, it is the United States. Mr Smyth says it is simplistic and populist to want to bring the troops home. It is not. It was not in 1972. Gough Whitlam brought the troops home three years before the war in Vietnam ended.

Mr Smyth: They were already home. He brought the last hundred. The majority of them had come home. It is something you fail to ever—

MR HARGREAVES: Mr Smyth is very fond of trying to rewrite history. I don't give a damn who brought them home, but an Australian had the guts before the end of a conflict to just walk away from it because it was wrong. It was an illegal act of bastardry perpetrated on the Vietnamese community and an Australian had the goodwill and the strength to just walk away from it. We can do so again if we have got the will. John Howard has not got the will but he has got the weight. He won't say sorry and he won't move out of Iraq.

Mr Smyth asked, "What would the world say about Australia?" Well, I ask you this question in return: what did the world say about New Zealand when they told the Americans to stick it? Nine-tenths of the world said, "Good on you. You are only a little state but good on you, mate." What did the Australians say? They said, "Oh dear me, there goes the ANZUS Treaty." As far as I am concerned, you can burn it or throw it into a garbage bin where it belongs. That is where I say it can go.

Mr Speaker, I am totally opposed to the war. Indeed, I was totally opposed even before it started and there were mumblings about it. These people are not liberators. They are invaders and they have dragged us into an illegal conflict. We have been dragged into this illegal conflict by people that have not signed up with the international court of criminal justice, or whatever its name is. Why? Because by not signing they will not be held answerable to the world community for an illegal act. But we are. We are signatories to it. These people have dropped us fair into a cow pat, and I am not particularly interested in being there, thank you very much.

I have the most incredible sympathy for, and my heart goes out to, our men and women soldiers in Iraq. I just cannot imagine how they would feel. I want to send this message to them: "Good on you; you are doing a great job. I wish you weren't doing it and if I was king of the world you would be home not doing it. You would be looking after our doorstep, not fighting in some desert, spilling your blood in a desert that nobody really needs to spill their blood in."

1 April 2003

Mr Speaker, the first Gulf War had at its core the invasion of Kuwait, and we went and did something about it with the United Nations' blessing. This is nothing short of an invasion by one rogue state trying to eliminate a political regime in another. If they had put some teeth into the United Nations then the United Nations would send some troops in and do something about it perhaps, and I might support that politically. I do not support our troops going over there with or without United Nations' sanction. I think it is a criminal act of bastardry on our part. The blood of any Australian person that dies over there will be on John Howard's hands, and I will be the first one to stick it at his doorstep.

MS DUNDAS (4.37): The ACT Democrats thank the Chief Minister for bringing this debate to the floor of the Assembly today. This Assembly has asked the Chief Minister to write to our federal parliamentary colleagues and people around the world, and it is pertinent that we should come back to close that debate now that some responses have been received. Although some of our letters have been ignored, parliaments such as those in Tasmania, the ACT and the Northern Territory are showing their strong opposition to this immoral and unwanted war against Iraq. Australians do not want a war—a war that will affect us internationally, regionally and domestically.

The Prime Minister cannot explain why we are in this war, why we are the only country in our region to be taking part. Why is New Zealand not in this war? New Zealand, which is known for its commitment to peace and an end to tyranny, is not in this war because it took a stand against the United States. Canada is not in this war as it has taken a stand against the United States. So I again ask: why are we in this war?

Last week in the Senate the Leader of the Australian Democrats asked the Minister for Defence why the Defence Department had purchased 10,000 anthrax vaccines when we had deployed only 2,000 troops. The answer was as simple as it was abhorrent: "Because we expect the war to go on so long that we will need to rotate our troops a number of times." Today we hear that several more members of the RAAF are heading off to help the US, that the position of naval boats is being changed, and that Howard will send more troops to take part in this war, this war that nobody wants.

I would just like to respond to something that was said by the Chief Minister. In his ministerial statement he said that what this war is doing is creating a hierarchy of human life. Just to correct that, Chief Minister: the hierarchy of human life has unfortunately been part of our world for a very long time. This war does nothing to stop—it unfortunately reinforces—this hierarchy.

The Leader of the Opposition questioned why we were having this debate about the Assembly's jurisdiction over international matters—matters of foreign affairs and of defence. We as members of this Assembly have jurisdiction over our hearts and our conscience, and also over our ability to speak out. We are the elected representatives of people in the ACT and we must take every opportunity we can to speak out on what we know is right, and we know that this war is not right.

Mr Smyth told us—I forget the exact words—that for evil to triumph it just takes good men to do nothing. The opposite of war, the opposite of this war, is not nothing. There are other things that we can be doing. We do have an international body called the

United Nations. One of the saddest things about this war besides the tragic loss of human life is that it is totally ignoring the international processes that were agreed to so many decades ago to help stop international war. Why don't we send in our troops with the blue berets of the UN that they they have so proudly worn in so many other places around the world, as opposed to sending them in as aggressors?

I would also like to talk about the protests that have gone on around the world. At the most recent protest on the lawns of Parliament House, I was speaking to a young woman who said, "Sometimes I question why we are here. We are already at war and it looks like it is going to be quite hard to change John Howard's mind." My response to her was, "Imagine if we weren't here. Imagine if nobody was speaking out against this war; that the people of the world were saying, 'It's okay to randomly drop bombs on schools, buses and communities. It's okay to randomly march across a desert shooting at busloads of women and children.' Imagine if we were not out here saying that there must be another way. There must be a way in which we can bring peace to our world and support the people of the world to live their lives as they choose and have the real freedom to make that choice."

I am, as are the Australian Democrats, passionately opposed to this war. I would like to pay special tribute today to Ruth Russell. Ruth Russell is a proud member of the Australian Democrats, and a local councillor in the Tea Tree Gully local council in South Australia. She took a huge risk when she went to Iraq as a human shield. She has been based near the wheat silos 20 kilometres north of Baghdad. Symbolically, the silos are used to store Australian wheat.

Ruth is a peace loving activist, a mother of two, and a member of the Women's International League for Peace and Freedom. As she was leaving, she told ABC Radio:

I'm putting my life on the line and I know that, and that's one of the things I've had to work through. But the nature of war has changed. It's not soldiers fighting soldiers. This will be the bombing of civilians, and we have to say this is not acceptable. I am here to say that I will put my life on the line because we need to stand up and say killing innocent people is not the answer.

Today our prayers and thoughts are with Ruth, as there have been reports that the silos have been bombed. Ruth had been sending emails regularly and speaking of the families she had met and the children that she had helped. But today her silence just adds to our worry. Our thoughts are with her children, Amanda and Ashley, who have been under increasing media scrutiny but have stood by their mum all the way. They are doing their mum proud.

I think it is important to note when we are discussing human lives what it is that is going on in Iraq. I read a beautiful speech by a 12-year-old girl who stood up on the steps in Washington DC and said to the people of America, "Think about what it is you are doing because what you are doing is bombing a child like me, somebody who is just trying to get an education and live their lives." I think it is important that we remember that—that we are all human beings; that to drop bombs on anybody is never good, is never right; and that there must be other ways. We need to remember that the people who are suffering in Iraq, be that at the hands of Saddam Hussein or George W Bush, are people just like us.

1 April 2003

This war should not be about oil, money or Rumsfeld's stock portfolio. This war is about people. Soldiers on all sides are dying and being injured; civilians, women and children are being killed and maimed. And to Mr Howard we must say, "There is blood on your hands."

MR PRATT (4.45): Mr Speaker, I rise to speak on behalf of the servicemen and their families who live in this town and across Australia; I rise to speak on behalf of my Iraqi, Kurdish and Arab friends; and I rise to speak on behalf of just-thinking people in this country who know that what has got to be done has to be done.

I respect the Chief Minister's point of view and I respect the fact that this is a fairly complex debate. There are many shades of grey as to what is right and what is wrong. I think it is good that people can talk about peace and the horrors of war, and have the right to march in support of those ideals—and thank God we can. I have no truck with those people, although I do have concerns about the hardcore extremists, the political hacks, who have hijacked the peace movement and its marches for other means. One must question whether those people really have the best interests of the Iraqis at heart.

Mr Speaker, to call for the troops to come home now that they are committed is really to pull the carpet from beneath their feet. To say that the troops must come home is an expression of no confidence in them; it is an expression of no confidence in the motives of the Australian contingent that has been deployed to Iraq; it is an expression of no confidence in the professionalism of those men and women, their practices, and the way they are conducting themselves.

Comments calling for our troops to come home are comments which comfort the Iraqi regime, and the troops know that. Our soldiers scattered throughout the western desert of Iraq and now moving up to the fringes of Baghdad know that the comments they see via email or mail at some stage comfort the Iraqi regime.

Mr Speaker, at the moment our servicemen and women are lucky to get by with two to three hours sleep a night. They have been going flat out for 10 to 12 days. They are operating under severe conditions. They are operating well, they are operating professionally, and they are pursuing this country's intention of absolutely seeking not to cause civilian casualties. They are operating in a very professional and a very ethical way. They do not need the sorts of political pressures that have been espoused in the Chief Minister's ministerial statement. We should not distract them from their duty and they must understand that this country is entirely behind them.

It is illogical to take an extreme anti-war position and to then say that we support our troops. It does not work. The troops know that these are not statements of support for the very difficult duties that they are carrying out. The troops on the ground are also being condemned by the extreme language that is being used to condemn the government and our allies. The maintenance of morale of our people operating in harm's way is extremely important, as is ensuring that as a country and as a community we support the troops' families at home. It is also extremely important that we show respect and support for ADF personnel at home. We must ensure that as high as possible morale is maintained in these difficult times. The sorts of statements we have heard from the Chief Minister do not do that cause any justice.

Mr Speaker, let me talk of my Vietnam experience. I did not go to Vietnam. I served at a time when we were training to go to Vietnam and, luckily for me, I did not have to go. But I served alongside and had to command some soldiers who had just come back. They told me about the dreadful times that they had when they saw what was happening back home. They had no problem with the news footage showing peaceful peace marches. They respected that. As far as they were concerned, that was laudable, that was fine. But our servicemen in Vietnam in the late 1960s and early 1970s also saw footage of violent demonstrations in which political hardcore elements carried placards demonstrating their support for Ho Chi Minh and the National Liberation Front. In the eyes of those Vietnam veterans, that was simply just too extreme, and it tore at their hearts.

A lot of the stress being suffered now by Vietnam veterans—whose combat experience, by the way, was really no worse than that experienced by the veterans who fought in World War II and Korea and during the Malaya emergency through the 1950s and early 1960s—is based on the fact that their participation was received badly by the hardcore political extremists in our community. The demonstrations and the hysteria engaged in by those elements played heavily on the minds of those veterans, and we do not want to see that happen again. We never again want to see our servicemen, who are doing what they are told to do—by the way, they sign up and make a commitment knowing that they may very well have to go away and do what they are told to do—subjected to those sorts of pressures.

Mr Speaker, I want to touch on the reason why the alliance has gone to war. Firstly, there are the weapons of mass destruction. Ansar al-Islam in the north-east corner of Iraq near the Iranian border village of Kumul have certainly had in their ranks up to 30 Afghan and foreign Arab fighters who are members of al-Qaeda. There is strong intelligence and information which will take many weeks to work through that Ansar al-Islam and their associate group Hezbollah Kurd, who I had problems with in 1994, have with them the means and the intention of using weapons of mass destruction.

Mr Speaker, in the towns of Najaf and Basra in the south, thousands of chemical war suits have been located, as have decontamination vehicles for decontaminating troops who use weapons of mass destruction. The jury is still out on whether the breadth and the depth of the evidence of that stuff points to weapons of mass destruction. It will take time after the war is over for the occupying troops—troops, by the way, who will be occupying in the very short term—to dig up and find those weapons of mass destruction.

Mr Speaker, the French and the Russians in particular bear responsibility for UN prevarication because of the position they took on the Security Council. Their actions have given to Saddam and his regime comfort and the encouragement to continue to defy United Nations' requirements to disarm.

The Iraqis have been suffering. We see terrible footage every night of Iraqis suffering in this war. That was inevitable. We do not like to see this happening but it was always going to be the unacceptable side of war. But may I please remind the House that in the 23 years that Saddam Hussein has been in power, a minimum of 1 million Iraqis have died. In 1988 the Republican Guard divisions attacked the township of Halabja with chemical weapons. When I was in Halabja in 1994 I saw the aftermath, in the form of the injuries that people were still carrying, of the deployment of mustard gas and other chemical agents. I think most of us have seen the footage—taken by the Iraqis, who were

1 April 2003

very explicit and very tidy in recording all of their events; and film which, of course, has been stolen and smuggled out of the country—of the foul work that they did in Halabja. (*Extension of time granted.*)

Also, Mr Speaker, I remind the House of the program called Anfal which, in 1988 and 1989, involved the removal by Saddam Hussein of 100,000 men aged between 15 and 50 from the Kurdish areas. They were taken away to be executed, leaving behind a minimum of 30,000 widows and their families. These are the reasons that this country and others decided to end the prevarication—the 12 years of no action and the ongoing death rates—and to therefore intervene and try and sort out this mess.

Mr Speaker, Amnesty International, Human Rights Watch and other respected human rights organisations have chronicled that between 2,000 and 4,000 Iraqis have died every month since the first Gulf War. On a given month, anywhere between 30 per cent and 60 per cent of that number died from summary execution. The remainder died from medical and food neglect because Saddam Hussein did not distribute commodities under the food for oil program to the families which needed them. Those products, of course, went to the Republican Guard divisions and to the Ba'ath Party and the families of its members.

Mr Speaker, I call upon us all to be less emotional about what is happening. It is understandable that we be emotional about war, but I ask that we look at the facts. Remember this: while elements of the Labor Party have no compunction about attacking the United States-led intervention of Iraq without UN backing, they certainly were supportive of a US-led intervention into Kosovo in 1999—a US intervention which did not have UN backing. It seems to me that the aims of the coalition in 1999 and the aims of the coalition in 2003 are exactly the same.

The Chief Minister consistently attacked the United States in his speech today. But he fails to acknowledge that the United States, and the United States alone, pressured the Iraqi regime to allow UNSCOM inspectors back into Iraq six months ago.

The Chief Minister also talks of the sad and regrettable TV footage of Iraqi civilian casualties and deaths. This is unacceptable and it is sad, and we have talked about this before. It is fair enough that the Chief Minister should be raising that issue; it is a very important issue to raise. But, on balance, he has failed to talk of the kilometres of stolen Iraqi government documentary footage demonstrating the deaths of Kurds in Halabja, the summary executions of menfolk of Shi'ite populations in the south, and particularly the graphic footage of the executions of Shi'ite Arabs in Basra after the 1991 failure by the West to support those people. We see in that footage men being dragged like dogs across the sand, to be shot through the back of the head and thrown into mass graves. We see demonstrations of Republican Guard officers enjoying themselves and treating these people like cattle. The Chief Minister has failed to raise those issues.

Mr Speaker, the Chief Minister has failed to talk about the pictures of the Saddam's Fedayeen fighters in the last seven days strafing with machine gun and artillery fire civilians fleeing Basra—fleeing to try and get the assistance and protection that the Fedayeen and the Ba'ath Party do not provide in the city of Basra. He fails to talk about the pictures of British troops who have put themselves in harm's way by stepping forward and intervening between thousands of fleeing civilians and these mongrel, cowardly Fedayeen fighters sitting on the edge of Basra, shooting away at columns of

fleeing civilians. The Chief Minister fails to raise these issues. The Chief Minister fails to exercise balance in his ministerial statement. I support the sentiment and I support his right to talk about these issues. He has raised some good points but he has not done so in a balanced way.

Mr Speaker, I would like to finish by simply saying that it is most important that we continue to support our troops. I raise again the point that comments about seeking to disengage our forces and bring our troops home are simply comforting to the Iraqi regime, and our troops know that. It is also upsetting for the families of our troops to see these types of comments.

Again, I ask the Chief Minister: what the hell is the solution if there is no intervention in Iraq—another 12 years of 2,000 to 4,000 people dying monthly? And what about the weapons of mass destruction which present so much danger to us all? War is horrible, but in this case there is no alternative. We need to be patient, and for now we need to support our troops. Launch into political attacks later when our troops come home, but not now.

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

MRS CROSS (5.01): I think that, aside from a debate we had last year on another matter, this is probably going to be the most painful matter that we have to discuss in this chamber, simply because it pits people against each other, their ideologies are challenged, and it is not one of those things that we can say is black and white. We all have our passionate position on this.

My position is based on my many years of being married to someone who served in the military, the many years that I served in a number of countries overseas, and, like Mr Pratt, the suffering that I witnessed of the many millions of people who live in very atrocious circumstances. I am not saying that I know it all. I don't. In fact, I wish it was my husband giving this speech because he would do so in a far more articulate way, with far more knowledge, experience and depth than I could. But here goes.

I am going to read from a press release that was issued on Thursday 20 March this year by Dr Ameer Ali, President of the Australian Federation of Islamic Councils. Presumably the release is in the name of all Australian Muslims. The release states:

Today is a sad day for humanity. The Muslim people of Iraq are fodder for the war machines of America and are seen as less than animals to be bombed and killed without mercy.

He continues:

... Muslims in Australia and around the world believe that this is a war against Islam and Muslims and has little to do with the humanitarian concerns of the Iraqi people that Bush and Blair are using ...

The Muslims of Australia join with many hundreds of thousands of Australians to condemn the illegal and immoral invasion by the world's most powerful nations

1 April 2003

against Iraq which stands no chance of defending itself and its people from the impending massacre.

My comment on that press release—and a number of other issues have been addressed in a very comprehensive manner today—is as follows. I believe it is a blatant lie to claim that this is a religious war. Ameer avoids the facts that, firstly, it was the Muslims of Kuwait who were liberated from the vicious, brutal and rapacious forces of Saddam's Iraq in 1991 by the American-led coalition; and, secondly, it was the American-led coalition, while the UN sat wringing its hands, that liberated the Muslims of Kosovo from the ethnic cleansing Christian Serbians.

It seems that only Arabs/Muslims are the concerns of Dr Ameer Ali. He is, in his own fashion, entirely unconcerned about members of other faiths. For example, in Iraq there are Christians, Zoroastrians and members of other faiths; and besides Arabs, there are Kurds, Assyrians, Chaldeans, Medes, Turkomen, Azeri, et cetera. Muslims have studiously avoided—as have certain demonstrators throughout the world who seem to think that some fairy with a wand can cure the ulcer that is Saddam's Iraq—any reference to the way Hussein has conducted himself for several decades towards his own citizens and towards his neighbouring Muslim countries, and how he has relentlessly abused his country's membership of the flaccid and contemptibly helpless UN.

Saddam Hussein has been a relentless oppressor of Muslim peoples for years, but apparently that is of no import to Dr Ali. Ali's comments drip with subjectivity and religious and, yes, racial vitriol.

It is of deep concern to me to observe how the spin doctors of one side of this argument ignore the facts. As I mentioned, the facts are that it was the Muslims of Kuwait that the American-led coalition freed in 1991; it was an American-led coalition, with the UN sitting back and doing nothing, which liberated the Muslims of Kosovo from the ethnic cleansing Christian Serbians.

Blind Freddy could tell you, Mr Deputy Speaker, that this is not an anti-Muslim war. I know that there are a variety of opinions on this issue, even in my own office, and I think the wonderful thing about a democracy is that people are entitled to have differing views on these issues, and we have to respect those views. But I would like people to stop and think and look at the history and the facts, rather than follow the emotion and the ideology of their respective parties. I do not believe that our Prime Minister took lightly the decision to send our troops to war. I believe that the intelligence information that is at hand is significant enough and crucial enough for us to have made the decision to send our troops to war.

I do not believe that our Prime Minister, irrespective of who he is and what political party he belongs to, would sacrifice our young men and women carelessly. I am deeply concerned as an Australian that, instead of coming together and supporting our Prime Minister in the way we did in 1991 under another Prime Minister when we sent our troops into Kuwait, this nation has been divided to such a degree. I am deeply concerned about this and I would hate to think that—

Mr Smyth: A Labor Prime Minister who Mr Stanhope worked for.

MRS CROSS: Yes. I thank members for their indulgence. I truly hope that when this war is over we can make life better for the people of Iraq. I hope that we can go back and help to rebuild that country. I know that after the war has ended there will be the need to rebuild Iraq—to rebuild its economy and the self-esteem and welfare of its people. This needs to be done so that the people of Iraq can live free lives and not be afraid to speak openly and democratically; so that they will not be afraid that they will be killed if they speak against their leader. Of course, in this country we can say whatever we like against people without fear of persecution in a physical sense.

I have been quite disturbed by the adversarial approach that we have witnessed in our country over the last month. I hope that in future we will be able to work in a cohesive way.

MR BERRY (5.08): I am one of the demonstrators who have been marching against our government's war against the people of Iraq. I have been doing so ever since the demonstrations started here in the ACT, and I must say that I salute all of those who have been demonstrating against this ugly war.

I also marched against the invasion of Iraq in 1991 that was sanctioned by the United Nations. I was right to march against the war then, because what did it achieve? One set of numbers that I have seen—the numbers that have been hurled around are often hard to confirm—show that 20,000 Iraqi military people were killed, massive amounts of military equipment were destroyed and there were serious impacts on the Iraqi people. I have heard of numbers like 200,000 people dying as a result of the ongoing effects of the war. It is always difficult to determine what the real numbers are, but if 20,000 soldiers being killed is acceptable to some people, I have to say it is not to me.

We have to ask what, at the end of the day, the war in 1991 really achieved? Okay, the people of Kuwait were able to re-occupy their country but, if all that we hear is true about Saddam Hussein's regime, not much was achieved at all. So I look back, without much relish, on my participation in those demonstrations and I ask myself, "Well, I was right but what help was it for the Iraqi people?" The answer is, "Not much."

The more recent demonstrations have been criticised, particularly those held close to the sending away of the troops. The spin doctors, who are great at building straw men and then knocking them down, are trying to turn this into a demonstration against the soldiers who go away to do the bidding of the government of the day. But those soldiers would understand that the government of the day does not have universal support in this country—the government cannot argue that it has. The soldiers who go away would also understand that it is open to people in this great country who have a different view from the government of the day to voice their concerns and to demonstrate against what is happening.

I am a great supporter of the human rights of all people. I hate to see this country invading another, because there is always a downside to being part of an invading force, notwithstanding the immediate effects on the military forces. We can only guess what will happen after all of this. We do not know. We do not know whether our children or their children will be the subject of ongoing tensions throughout the world as countries strive to get over these invasions. I fear that the conflict has only just begun,

1 April 2003

notwithstanding the hopes of many that something good can come out of the slaughter of tens of thousands of people. I fear that it is very difficult to argue that case.

I think our federal government has lost its humanity. But it is acting in our name, and that is what I find most troubling. My earliest memory of the Prime Minister, Mr Howard, was when he, as a young Liberal Party official, was hectoring conscientious objectors who were objecting to the Vietnam conflict. Mr Howard was arguing that these conscientious objectors should be sent to jail for two years. So I am not surprised, and I have never been surprised, by the way he has drawn us inexorably into this war which is not our war. He says, "Blame me." I will never forgive him because I think Mr Howard's actions in this matter are unforgivable. I think he is building just another straw man in saying that those of us who continue to protest against this war are in some way disloyal to our troops. This is a dishonesty which we ought not be confronted with.

I will continue to demonstrate against what is happening and I will continue to say the right place for those troops is home. I will not be swayed from that course by complaints that my pursuit of this aim is in some way dishonourable to, or in some way puts in danger, the troops who are overseas because it may affect their morale. I want them to know I want them to be safe, and the best place for them to be safe is here. I will continue to pursue that course.

I remain troubled about the future in Iraq and the surrounding countries. We all know that the involvement of the US in the affairs of those countries over many years has much to do with the tensions and conflict. Foreign policy has failed. The United States is a great and powerful country but I do not think we should be, if you like, foreign policy lickspittles to the United States because they are so big and powerful. We are entitled to have foreign policy of our own which is honourable and which is humane, and I think we have lost that aim in our sycophantic approach to the United States. And it has been done in my name, it has been done in our name, and that is why I am so troubled. I do not follow the same ideals as George Bush and I do not follow the same ideals as John Howard, so I will not stand idly by and, without complaint, ignore what is happening in Iraq.

At the end of the day, the military are the instrument of the government of the day. They are not free agents in conflict. They are, in many ways, the instrument of the people of the country to which they are loyal and for which they sign up to go into conflict. But I want them to understand that I and many of people who demonstrate in this country against this horrible war—and I take for granted that I can speak on their behalf—want them out of there, and the reason we want them out of there is because we want them to be safe. We do not want this conflict to be carried on in our name any more.

There is no end in sight for this conflict. Even after the belligerents, if you like, discontinue the confrontation in Iraq, this conflict will go on. (*Extension of time granted.*) I thank members for granting me an extension of time. It is not my practice to extend debates but I think this is an important one and I will take just a few more minutes.

One of the things that trouble me is the recent entry of suicide bombers into the war. That, to me and to most people around the world, is a sign of desperation. It will be said by many that suicide bombers come from countries other than Iraq and that they are

terrorists who have joined the fray because that is what terrorists do. Well, it seems to me that this is a sign of desperation. We have seen these signs of desperation in other countries in the past and I fear that these sorts of things will continue. It is horrible to imagine that a suicide bomber would attack other human beings with the view to destroying as many people as possible.

I cannot help thinking that the failure of foreign policy and the militaristic aims of the great nations of this world have forced those people into such a position of hopelessness that they would destroy themselves to hurt others. I cannot comprehend why people would do that, but I think I understand their feeling of desperation once they are confronted with the might of the great nations of this world.

I want to express a few words of sympathy for the people of the United States. I believe that the people of the United States have also been caught by the failure of foreign policy. The events of September 11 were a great tragedy to everyone on the planet. It was a great tragedy that the people of the United States were hurt so badly by terrorists who decided to strike a blow against ordinary Americans, many of whom would not have agreed with the foreign policy aims of the United States. Nevertheless, I think it is understood by most people that the reason for that great horror was, again, a failure of foreign policy; it was a response to that failure.

I live in hope that some day people will see that we need to do more than invade countries that we disagree with. We need to do more to extend peace. After all, who will be next after this invasion? Where else will we seek to invade and liberate the occupants of a country that is run by what can be described as a despot, and in doing so destroy many of them, destroy many of their futures and create a lasting confrontation between different groups of people somewhere else on this planet?

I close by saying that I will continue to demonstrate against this war because I believe that people who disagree with a war being conducted in their name without their agreement have an obligation to do so.

MS MacDONALD (5.22): I rise reluctantly, I was not going to speak, but I rise to put on the record my opposition to the war in Iraq. I also have attended a few of the anti-war demonstrations. My concern is that some people take opposition to the war as being support for Saddam Hussein. It is not.

I personally believe that Saddam Hussein is an oppressor of many. He only protects his own interests. His offences and atrocities are many. Some have been raised in this place today.

My major concern is that coalition forces entered Iraq without allowing the UN inspectors to finish their job. George W. Bush referred to the US, the United Kingdom and Australia as the coalition of the willing. I was not willing, nor were the majority of the population of this country, when the invasion began.

I disagree with the comment that opposing the war and opposing bringing Saddam Hussein into line through military action would cause ANZUS Treaty problems. I believe that true friends tell each other when they believe that they have done the wrong thing. In other words, we can tell the US when we believe that they are going in too fast.

1 April 2003

We can tell the United Kingdom when we believe that they should allow the United Nations to complete its weapons inspections. This need not be a threat to the ANZUS Treaty.

Mr Smyth, in an interjection, claimed that the war was not illegal. I am not going to enter into that argument. The war may well not be illegal, but the way that it has been entered into is certainly highly immoral.

In the lead-up to this war links were being made to terrorism. Comments were made along the lines that Saddam Hussein and the Iraqis had links to Al Qaeda or other terrorist groups. I do not believe these links have been proved. They certainly have not been proved to my satisfaction or the satisfaction of many of my fellow countrymen and countrywomen, and certainly not to the satisfaction of the people debating the topic within the United Nations.

In finishing, I quote Simon Crean's comments:

Australia should not have become part of the Coalition of the Willing. Instead, we should have worked through the UN to disarm those rogue states who possess weapons of mass destruction, and uphold the rule of international law.

Labor supports the disarmament of Iraq. We support our troops. But we do not support the war.

I agree with those comments wholeheartedly.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.27): I too rise to support the comments made by the Chief Minister and to put on the record my opposition to the war in Iraq. We have been given many reasons why war with Iraq is justified. The reasons range from security issues related to weapons of mass destruction and terrorism to the need to liberate the Iraqi people from Saddam Hussein's oppressive regime.

At the same time, some suspect there are other reasons for this unprovoked attack—reasons related to oil, economic supremacy and political influence. No doubt these reasons will continue to be discussed as they have been over and over again in the past months, as we have struggled to find any reason to justify the death of innocent civilians and the death and maiming of children, women and men who have no involvement in this war and who are increasingly reduced to impersonal statistics. I do not believe that there is any reason which can justify such destruction.

My difficulty with this debate is that I have frequently had to argue points that to me are so obvious. The contradictions of this conflict are ignored by the leaders of the coalition of the willing—contradictions like ignoring UN processes to attack a country for its non-compliance with UN resolutions; contradictions like using bombs to deliver humanitarian ends; contradictions like spending \$1 billion in just one day of an unprovoked attack, when that \$1 billion could have been used to help the Iraqi people to build links with their region and to try to deliver a peaceful outcome.

These contradictions are obvious to me and to many other people across Australia and around the world who oppose this war. I do not believe that there can be a humanitarian

war. I do not believe that anyone with a serious commitment to humanitarian values and to the health and wellbeing of the Iraqi people can possibly support the violence and the terror that Iraqis are now being visited with. I cannot believe that anyone can seriously think that those responsible for the death of Iraqi children will be welcomed as liberators by the parents of those children.

We are lucky in this country to have never faced war on our soil. Sure enough, we have sent brothers and husbands and sons and fathers to fight in other wars, but as a community we have never had to face war at home. We have not had to cower in shelters wondering if we would see the morning. We have not had to see our houses, our schools and our places of work destroyed by bombs. We have not had to search for food, clean water and medicine. We have not had to dig the bodies of our children out of the rubble of their own homes. Our injured children have not been turned away from the hospital because there is no power, no medicine or no space. We have not had to suffer through any of this. Yet this is what the Iraqi people are living with right now.

We sit night after night in front of our televisions gradually getting used to the images of war, and switching off or switching over. We hear the debate about who exactly is responsible. We are told that war is a messy business and that it is not easy to tell whose bomb killed whom. We cook our dinner, we kiss our loved ones goodnight and we go to bed. Not so in Iraq.

Yesterday in the *Canberra Times* there was a photo of a little girl injured in the crossfire between coalition and Iraqi forces. Her eyes were swollen and bleeding, and she was crying as soldiers tried to help her. Her father had been injured in the attack and her mother killed. If she was here today, what would we say to her? “We are trying to help you”? “We used this response as the first one”? “Your mother is dead because we could not wait for another solution”? “You will thank us”? I would not be able to say anything to that girl other than, “I am sorry. I think we are wrong. I think we have failed our children, we have failed diplomacy and we have failed peace. And, more importantly, we have failed you.”

Until yesterday there were photos here in the Assembly of children injured in the first Gulf War and of babies born after it—babies who suffered hideous deformities as the result of the depleted uranium used by US forces during that conflict. The effects of this uranium linger long after the war is over, causing serious health problems. Yet in this so-called war of liberation, in this war that is supposed to help the Iraqi people, we are using depleted uranium once more.

As a parent, as an activist and as a humanitarian, I refuse to believe that death is ever an acceptable outcome or an acceptable price to pay. Everyone with a commitment to humanitarianism and peace should raise their voice in opposition to this conflict, and we should not forget that the people in Iraq are just that—people with lives. and hopes and dreams, and friends and families. They are people like me, and like you, who do not deserve to die just because we did not try harder.

Question resolved in the affirmative.

Residential property rating system Discussion of matter of public importance

MR DEPUTY SPEAKER: Mr Speaker has received a letter from Ms Dundas proposing that a matter of public importance be submitted to the Assembly, namely:

That the ACT's residential property rating system should be equitable, and should ensure revenue growth to match the rising cost of government services.

MS DUNDAS (5.32): I hope that everyone who speaks on this matter of public importance will agree that our rating system should be extended, but there will be some divergent views about what system can best ensure equity. We know there are households that entered home ownership when Canberra's house prices were substantially lower. Some of these people are now struggling to pay their rates following rapid rises in the value of their property. I agree that it would be undesirable for people on moderate incomes to be forced to sell their houses and move because their rates have risen beyond their capacity to pay.

The government has claimed that their decision to cap rates increases to CPI increases during their first term was intended to prevent people from being forced out of their homes. But a blanket measure like this is a clumsy and ineffective way of achieving this policy goal.

The existing rating system is fairly complex. It takes the actual unimproved value of the property, subtracts \$19,000, then multiplies that amount by 0.782 per cent for residential properties, or by 0.3910 per cent for rural properties. A fixed charge of \$300 is then added for residential properties to obtain the final rates bill.

There is a 50 per cent concession scheme, but it applies only to pensioners, and concessions are limited to \$250 per property, which does not go far in reducing a rates bill in the inner south or inner north.

There is currently no concession scheme that applies to the working poor, and unfortunately I have seen no evidence that the government is proposing to introduce one. The only relief available for the working poor is a rates deferment scheme, but deferred rates bills accumulate interest, and only 76 applications for deferment have been approved. This suggests that the deferment scheme either is too difficult to access or is currently unattractive to lower income ratepayers.

The government's CPI rates cap must have reduced rates revenue to well below what would have been received if the original system of unimproved values had been retained. Whilst this may give some immediate relief to people in their hip pocket, it will probably have an impact on our social services.

While we have forgone so much revenue, the CPI cap has probably not taken much strain off low-income households. Canberra's highest income households have been given an unwarranted bonus when they could have easily afforded a rates bill based on their unimproved land value.

Now the government is investigating permanently capping rates increases to CPI for home owners of 12 months standing, with the stated goal of making the rates system fairer. I have grave reservations about this proposal, in the absence of evidence that rates capping will be means tested.

Mr Quinlan: I take a point of order, Mr Deputy Speaker. I appreciate the wording of the MPI, but if we are getting into debating the proposed new system I think we are anticipating a bill on the notice paper.

MS DUNDAS: On that point of order, Mr Deputy Speaker, it is my understanding that there is nothing currently on the notice paper about the rates scheme.

Mr Quinlan: We are going to have the debate twice or three times then.

MR DEPUTY SPEAKER: Maybe. The bill is not yet on the notice paper, in which case there is no point of order.

MS DUNDAS: There is nothing on the notice paper about the rates system, but I believe it is important that we have this debate now.

The proposed rates system has been circulated publicly. If we are to have an impact on the decision-making processes of government before the budget is tabled in the next sitting week, we need to have this debate.

My understanding is that the government is proposing that from 1 July 2004 rates for new residential owners be calculated using the AUV but that property owners who have held a property for more than 12 months pay last year's rates plus CPI. I believe that this proposal is manifestly unfair.

The government's proposal seems to assume that people have a real choice about when they move house, and that they can decide not to move if they cannot afford a higher rates bill that is based on current unimproved value. But in reality people do not always have a lot of choice about whether or when they have to move house.

Common reasons for moving include a relationship breakdown and the need to move into bigger premises because of the birth of another child. These events bring enormous financial strain. To hit these households with higher rates bills than their well-off neighbours does not seem fair.

The modelled impact of the government's proposal to cap rates to CPI for the longer term is an average saving of \$323 per annum per property for home owners in South Canberra, which is our wealthiest area. Presumably the savings for homes in our most expensive suburbs will be dramatically higher than this average figure. Yet households in Belconnen will save only \$89, and in Tuggeranong the savings will be a tiny \$56 a year under the CPI capping proposal. I see the Treasurer frowning at me, probably wondering where I am getting this information from. It is a Department of Treasury briefing that these figures are coming from. They are not figures I have randomly calculated myself using the amazing AUV system. They are the government's own figures.

1 April 2003

The Democrats have always advocated a strong social safety net in housing, as in other areas of need. We do not believe that anyone should be homeless as a result of poverty, but many people in the ACT cannot afford housing in the private market, and we do not have enough public and community housing. The barrier to expanding our subsidised housing stock is a lack of revenue. And here we are looking at a rates scheme that will cut into our revenue base.

Cutting taxes across the board is usually electorally popular, and we have to recognise that there are people in the ACT who are paying taxes and rates beyond their ability to manage. We have to balance that with the fact that our revenue needs to come from somewhere to support those in our community in need.

Property rates are one of the core revenue sources for the ACT government. If we reduce rates revenue gains to CPI, our territory revenue will not keep up with rising costs, unless the government has secret plans to introduce a tax to make up for the revenue we are going to lose through the rates system.

We know that wage costs in areas like education and health often rise faster than CPI. In recent budgets, not just budgets from this government but budgets from the former government, we have had a non-matching of CPI increases, so our current social systems have gone backwards. We need to be able to meet the rising costs of meeting the needs of our community without the community suffering a cut in services.

The reason that I believe it is important to debate this matter as a matter of public importance is that we need to be debating the rates system in the ACT to ensure that it is equitable and that those who can afford the most are paying the most. For those who move—and we know that it is people at the poor end of town who move more often—there should be an equitable system of rates, and we should have sufficient revenue to provide services to people who have to pay higher rates when they move and to other people who need social services.

This debate is important. The government should be thinking again about a rating system that will give concessions to those who really need them and that will help territory revenue to grow as our needs grow. Such a system would tax those who could afford to pay. Maybe the government should be looking at means-tested rates or a means-tested concession system so that more than 76 people can access the concession if they need it.

We cannot have a change to our rates system that looks like a barefaced grab for votes. Such votes would be bought at the expense of our education system and our social services. We cannot afford to be so short-sighted.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.42): I rise to defend my proposed system against what Ms Dundas said. But Ms Dundas did not say much. She said several times that this debate is important. I did pick up the suggestion of a means tests for concessions. I reckon that is about it.

There are some misconceptions inherent in what Ms Dundas said. They ought to be corrected. Ms Dundas said that this system would lead to the loss of revenue. That lot

over there reckoned that it was a grab for money. Guess what? The truth lies somewhere between.

It is important to know where we are coming from. Acknowledgment of what we have today was not inherent in what Ms Dundas said. She rightly stated the formula we have. The formula has traditionally been added to by a cap of CPI at the gross level. You talk about inequities. That has given rise to considerable inequities. In the last two years of the Liberal system, rates in Ainslie went up by 10 per cent; in Dickson, by 12 per cent; in Downer, by 10 per cent; in Watson, by 12 per cent. In the inner north rates went up by 10 per cent in two years. That is the last two years of the Liberal system. I only put them up by CPI across the board last year. I am talking about 2000-01 and 2001-02. If over the same two years you lived amongst the poor people in Barton, your rates would have decreased by 6 per cent. If you lived in Narrabundah, a fairly middle-of-the-road suburb populated in many parts by low-income earners, you would have had a 13 per cent increase.

I can add some more figures. Compare Narrabundah to Bruce. The differential, taking into account the increase or decrease, was 30 per cent in two years—up 13 per cent in Narrabundah and down 17 per cent in Bruce. The differential between Dickson and O'Malley was 17 per cent, rates going down in O'Malley. The differential between Watson and Barton was 18 per cent.

Over a number of years we have tried to keep the rise in rates at a manageable level. It has not worked. The major single objective of what the government is proposing and what I am proposing is to ensure that people living in given suburbs are not overtaken by spiralling land values. This Assembly ought to be taking a serious look at the system I have proposed.

Mrs Burke: We are.

MR QUINLAN: Good. Think of the people in Duffy. Duffy is a suburb that has a fairly wide socioeconomic spread. Chapman has some fairly salubrious areas but a reasonable socioeconomic spread also. Blocks of land in Duffy, after the bushfire, have sold for \$250,000,000. Blocks of land in Chapman have sold for \$500,000 to \$600,000. What is going to be the impact for Chapman and Duffy and probably, in the fullness of time, Holder and—perish the thought—Weston?

If what looks like taking place in Chapman, Duffy and Holder in the Weston Creek area does happen, we will have what has happened in Yarralumla.

MR DEPUTY SPEAKER: That's enough.

MR QUINLAN: Stop there? Actually, Mr Deputy Speaker, Woden has done quite well in recent times. For example, Garran has had a decrease of about 2½ per cent in its rates over the last couple of years. I am sure you would believe that that is targeting the right socioeconomic strata.

The system we have used over the last few years has not worked. It has had differential impacts. It has lowered rates in O'Malley; it has lowered rates in Isaacs; it has lowered rates in Barton. But it has hit suburbs that have been heading towards the desirable stage,

1 April 2003

the redevelopment stage. I know people who have lived in Deakin for 40 years or more. They are now paying astronomical rates. They are pensioners. They just happen to have been around for a long time. Their choice under the current system, which catches up with them, is sooner or later to get out and leave the support structures, the people and the area they know.

This is not a money grab. It does not confer upon government any more opportunity—probably less—to jack up the overall rates take than does the current system (please read it). It is not a money grab. It is about trying to protect people who bought houses in fairly average suburbs. Let us take another example: Curtin. Curtin is on the cusp of redevelopment. Curtin has been around since the early 1960s.

Mr Smyth: Since 1967 or 1968.

MR QUINLAN: A bit earlier than that. There are people who have been in Curtin for all of that time. I know some of them as well. I used to be president of the Curtin sub-branch of the Labor Party. Land values in Curtin will escalate dramatically, it is close to the city and it is convenient. There is a snowball effect. A desirable area becomes a desirable area because it is a desirable area. Where do we “upwardly mobile” to or where do we want to buy again and redevelop or rebuild something that really suits our needs and confers upon us greater utility? I think it is eminently fair that people who buy into that suburb because it has grown in desirability and utility, and are buying today’s desirability and utility, should pay rates based on a reasonably steep unimproved value.

People who bought into Yarraluma and bowled over houses and built bigger and better ones as they tried to overshadow one another should pay the higher rates. They bought in Yarraluma because it is convenient, has access to the lake, has access to the Royal Canberra Golf Club and has ease of access to the city. A lot of amenity is conferred on that suburb.

At the same time, why should the longstanding residents of Yarralumla have their rates go through the roof because of the redevelopment process? That is unfair. That is inequitable. So we offer a system that takes care of both. It charges higher rates for people who have moved in latterly, but it protects long-term residents. The people who bought cottages in Deakin many years ago did not do so because it was going to be a desirable area and a good address. It was just a suburb. To them, in large part it is still just a suburb.

However, there is ever-increasing pressure. A pensioner I know had to sell up and move out of Deakin because they could not afford a \$5,500 rates bill on a three-bedroom cottage now that Deakin is deep inner south and very desirable. That is unfair. It is fair that when the next mob come along and want to bowl that house over and build something bigger and better because the site has the advantage of being near Grammar and has greater amenity they should pay the higher rates.

Everybody who moves will make that decision consciously. They will know what the rates are. The rates will be levied at full unimproved value for everybody, but there will be a term residency reduction, depending on how long people have been in their home. That is an eminently fair system to protect long-term residents. At the same time it

makes people pay what they can afford to pay. If they want to buy increased amenity, they will know the rates.

One of the criticisms that will be levelled at this system, particularly by real estate agents, is that it will decrease the amount of churn; that people will not be forced out of their houses and forced to buy another one, so the government will lose stamp duty. If you invert that argument, we should run our economy by penalising those people.

That will be the pressure that ensures that government does not allow rates to go through the roof each year, even when houses are changing hands. The government will have to make one decision. They will know the CPI figure, but they will have to make one decision as to what number they will incorporate into the formula to ensure that rates do not prohibit or totally inhibit people from changing from place to place, or make some areas totally unaffordable.

If your objective is anything other than knocking the system because it came from government, just sit back and think it through. Give us another system. I have given you some numbers that tell you how poorly the previous system operated. You give me a system that operates better than the one I offer. I will happily accept it, because we want fairness and equity in the system.

MR SMYTH (Leader of the Opposition) (5.57): If what the Treasurer is seeking is fairness, then I can only take the words of Mr Andrew Whitecross, a former Leader of the Opposition and a former Labor member of this place, who in speaking about the then Liberal government's new rating system said on 17 June 1997:

I believe that the people of the ACT now have a rating system which is fair.

Why did he say that? Because it incorporated the use of three-year rolling averages as put forward by Labor. It is curious that we want to talk about fairness. The Treasurer wants to achieve fairness. What about the poor pensioner in Yarralumla who has a large house and who because they cannot maintain a large property any longer sells the house and moves to the next street in Yarralumla, into a smaller house or an older person's unit. What will they pay? Ted's larger rates bill. Why will they pay it? Because they moved one block. After 1 July Ted will slug you for it.

The Treasurer will slug you if you move into a larger home because of your family has grown, as pointed out by Ms Dundas. The Treasurer will slug you if you move into a smaller home because your family has moved on or because in your twilight years you want something smaller. The Treasurer will slug you if, as the result of an accident, you have to move into a house specially equipped for someone with a disability. Even though you may move only next door, the Treasurer will slug you.

The Treasurer will slug first home buyers who buy a house after 1 July. They will pay at a rate different from that for the people next door. The Treasurer speaks of the bushfire victims in Duffy and Chapman. If you are bushfire victim, buy your new house before 1 July. If you do not, you will be paying the Treasurer's larger rates slug simply because you chose to leave behind something you wanted to move away from. There is no fairness in the Treasurer's system.

1 April 2003

The Treasurer said it was all about getting rid of the inequity of somebody in Dickson or Downer paying 10 or 12 per cent extra and people in Barton and O'Malley seeing their house prices go down by a few per cent. Let us take an example based on the Treasurer's formula. Let us take a street in Chisholm, my suburb. If you own an average property in Maclean Street, not my street, your rates will go up by CPI—let us leave it at 3 per cent—and you will end up paying \$599 in rates this year.

But if you live at No 52 and on 2 July you buy No 54, under the Treasurer's formula your rates will go up by nearly 25 per cent. That is in the first year. Rates will not go up by 10 per cent in some areas and down by 17 per cent in others. They will all go up. Everybody's rates, every year from now on, will go up. All will go up by at least CPI. Because it is fair and equitable, some will go up by at least 25 per cent! You can hardly say that Chisholm is the salubrious heart of the redevelopment industry in the ACT. All the rich people are racing to live in Chisholm!

If you move next door in Maclean Street after 1 July, your rates will go up by nearly 25 per cent. Rather than paying \$599, as a new owner you be pay \$737. Why? Because the Treasurer says it is fair. I am going to pay \$599, Mr Speaker, and you are going to pay \$737. That is fair!

This is about money. It is about revenue. Mr Treasurer has a problem. The December figures say that instead of a surplus of \$6 million at the end of this financial year, the figure will be at least minus \$59 million, and who knows where it will go. This is not about equity. This is not about fairness. You should not be using taxation to distribute welfare.

For a person who was living in Red Hill before 1 July rates will go up by CPI. That is all they will go up by. They might have a mansion worth \$2 million or \$3 million, but their rates will go up only by CPI. The battler in Chisholm, whom the Treasurer ignores, faces an increase of at least 25 per cent. The Treasurer produced one graph when we asked for the data. Where is the data that says that overwhelmingly we need to reform the rates system because it penalises the battlers of Canberra? There is no data. What have we got? What did the Treasurer wave around but would not release from his paw? He did not do his homework. He has one graph. What does that graph say? It says that revenue will go up.

The Ratepayers Association have done their homework. They reckon under this scheme the government's take from rates will double in 10 years. That is revenue going up. We said we would limit the total take to CPI each year. That is what we did, and that was fair. Under the government's scheme the take will be a minimum of CPI plus a percentage increase for all the people who move after 1 July.

The REI are trying to work out for me how many people move every year. The number is about 10,000, or about 10 per cent of the market. Over 10 years a substantial proportion of the people of Canberra will move. What does this mean? You will have many new residents living next to old residents, and there will be enormous differences in the amount of rates they pay.

Worse, people who move to another property in the same suburb because their current property is too large or because they can no longer maintain the lawns will pay higher

rates. They will pay Ted's new rates—CPI plus a percentage. If on 30 June someone moves into a complex of older persons accommodation being developed in Yarralumla, they will pay under the old system. If a friend moves into the same complex on 1 July when their unit is completed, they will pay under the new system. Same property, same development, same street, same suburb—different rates. According to the Treasurer, that is equity, that is fair.

The Treasurer said, "Make people pay what they can really afford to pay." How do you judge that through a rates system?

Mr Quinlan: Excuse me. Did I?

MR SMYTH: Yes, you did. I wrote it down. You said, "Make people pay what they can really afford to pay." We will check *Hansard*. They were words close to that, if not those exact words. You said, "Make people pay what they can afford to pay." How is that equitable? You are making people pay because they can afford to pay. What about value for service? What about consistency of service? What about getting the services that you desire? What about a government looking after you and keeping their promises? We do not get that.

Ms Dundas raised the point that very few people, about 70, have approached government to defer payment of their rates. Perhaps we have not done enough to alert people to the fact that if they are having difficulties they can defer payment. That is how assistance should be provided. You should not do it through the tax system. As we know, people can rot any tax system.

On Thursday the Treasurer will bring forward a bill to put his system in place. Today we ask the Treasurer: how will your system give equity to the first home buyer who buys after 1 July? It will not. How will you give equity to those families that have expanded—had twins or had a third, fourth, or fifth kid—and have decided to get a bigger place because they are on a bit better wage and they want to give their kids a better go? How will your system give them equity? It will not.

How will you give equity somebody who becomes disabled and needs to move? If they stay in the same suburb but move to a house that has been renovated or specially modified for them, they will pay different rates. That is equity, according to the Treasurer. People who retire and move to a smaller unit in the same area after 1 July will pay more in rates than somebody who moves before 1 July. According to our Treasurer, that is equity. A bushfire victim who because of something they had no control over has to move and buys a house after 1 July will get lumbered with a higher rates bill. According to the Treasurer, that is equity.

This is not an equitable system. This is a grab for cash. Over time this grab for cash will bring extraordinary amounts of money to the government. You say that it is all about equity. There is no equity in this system. I do not wish to anticipate debate. This matter will be on the notice paper again tomorrow. I hope we will have a more detailed discussion on it then. It is not a fair system. It is not an equitable system.

1 April 2003

Andrew Whitecross, Labor Leader of the Opposition—your colleague, Mr Speaker—finished his speech on the current rating system with these words:

... Labor welcomes the fact that it has finally come and that the ACT will now enjoy a fair rating system.

That current system, in the words of Mr Whitecross, should probably stay in place.

MRS DUNNE (6.07): The rating system and how it is equitably applied across the ACT has been one of hardy perennials of self-government. On Sunday, when I was going through some files at home, I found the collected papers of the 1995 election campaign. In the ratings that came out after the 1994 budget, the people of Bruce were slugged unmercifully and experienced a 25 per cent rate rise under the old system that was replaced by the Carnell government. This caused enormous grief to the incumbent Labor Party at the time. Liberal candidates across Belconnen made fast and loose with the extreme discomfort of the Labor Party because their rating system was palpably inequitable.

Getting rating systems rights is very difficult. The previous government spent a lot of time and a lot of effort and came up with a system that, as much as possible, flattened out the inequities. From time to time a suburb will become flavour of the month, the unimproved capital value in the area will go up and everybody will pay through the hip pocket. The rolling average rating system introduced by the previous government, as the Leader of the Opposition demonstrated so eloquently today, was recognised as fair and equitable by everybody in this place at the time.

From time to time you will be able to point out inequities or think that things might have been done in a better way. But nothing matches the inequities that the Treasurer proposes to dish up to the people of the ACT. During the election campaign in 2001 the Liberals demonstrated time and again that this process was ill-thought out and ill-conceived. Eighteen months after Mr Quinlan announced this scheme, we still see an ill-thought-out and ill-conceived notion of what is equity.

I would like to talk about a suburb that I lived in, Melba. It is quite close to where I live now. For about eight years, which is about the Canberra average, I lived in Melba. I would like to look at a couple of houses. For the property at 14 Grainger Circuit in Melba, the current rates are \$586. Assuming that the long-term owner stays there, rates under the Treasurer's scheme will continue to increase by 3 per cent each year, or whatever the CPI is. Three per cent is roughly what it is at the moment. The property next door at 16 Grainger Circuit currently has the same rating value, because it has the same UCV. The rates are \$586 a year.

If the good residents of No 16 sell their house and somebody buys it after 1 July, the new owner will be subject to the new rating scheme. Under the formula provided by the Treasurer, the rates on that property will increase by almost 30 per cent in the first year. Instead of going up by 3 per cent of \$586, they go up to \$761. By the end of next year the person at 14 Grainger Circuit will be paying \$586, and the person next door at 16 Grainger Circuit will be paying \$761.

This differential will increase to more than 47 per cent after five years. If neither property is sold, the differential will be more than 70 per cent after 10 years. The people at 14 Grainger Circuit, after 10 years, will be paying \$764, but the poor people at 16 Grainger Circuit will be paying \$1,307, or 70 per cent more than the people next door. This is the new Treasurer's notion of equity.

Mr Hargreaves: He is not new anymore.

MRS DUNNE: He still has his training wheels on when it comes to working out things like equity and how to come up with an equitable rating system. Lord help him if he ever takes his training wheels off. He really will crash and burn. This is a crash-and-burn proposal. This Treasurer may not crash and burn over it, but the people of Canberra will. This is not equity. If the Treasurer calls this equity, he is raising Humpty Dumpty semantics to a new height.

MR SPEAKER: The discussion is concluded.

Adjournment

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

That the Assembly do now adjourn.

CFMEU

MR SMYTH (Leader of the Opposition) (6.13): Mr Speaker, it is with a great deal of pleasure that I rise in the place in the adjournment debate wearing the badge of the CFMEU, as Ms Gallagher pointed out during question time. I am very pleased to wear the badge, because it was presented to me by members of the union a couple of weeks ago when they very generously handed over a vehicle worth about \$41,000 to the Guises Creek Volunteer Bush Fire Brigade. The vehicle is a Holden Rodeo dual-cab four-wheel-drive. It was mainly paid for by the CFMEU, with assistance by the Kingston Hotel and Gary Robb and Associates. On behalf of the brigade and all volunteers in the ACT, I would like to say thank you. I am happy to say thank you, Comrade Berry.

The idea grew out of the night of 18 January, when members of the Guises Creek brigade were standing at the shed without vehicles in which to go to fight fires. Somebody said, "God, wouldn't it be useful if we had an extra vehicle." Jim Bodsworth, captain of the emergency services section of the brigade, is cross-trained to wear both the orange and the yellow overalls. Leading up to 18 January and in the weeks following, he wore the yellow overalls as a bushfire fighter and did fabulously well. In his spare time he was on the phone talking to a number of organisations which virtually on the spot agreed to help fund the new vehicle for my brigade.

The response of the CFMEU in this case was absolutely fabulous. The new vehicle gives us increased capacity. On the night following 18 January we talked about how we could do things better and what we would do. One of the things we came up with was an additional slip-on unit—a small pump and a tank slipped on the back of a ute. We also came up with the concept of point defence kits—a locker with a standpipe, a set of hoses and some nozzles—so that volunteers with hoses can be stationed at the front of houses and further the good work volunteers do.

1 April 2003

But you need vehicles to do that. The response from the CFMEU, the boys at the Kingston Hotel, and Gary Robb and Associates was fantastic. The brigade itself kicked in \$3,000 to equip the vehicle with lights, sirens and the protective strips that are necessary for the safe operation of the vehicle.

The other person who needs to be congratulated, Comrade Speaker Berry, is your colleague the Treasurer and his chief adviser, Mr House. When the brigade was trying to get this deal through, they were a few bob short because of stamp duty and some other charges. It took a single conversation with Mr House, who is in the chamber this evening and is to be congratulated. He said, "Wonderful idea. We will fix it." I assume he spoke to his boss, who said, "Go for your life." With the minimum of fuss and with a great deal of support from the Treasurer's office, the purchase of this vehicle went straight through. It has been presented to the brigade. It has been decked out. It now has lights and sirens. I say thank you to Emergency Services as well. They have provided a fuel card and all the necessary covers that such a vehicle deserves.

I wear the badge of the CFMEU, because George Wasson and Glen Parry said to me, "Here is the badge, mate. Make sure you wear it." They gave Bill Stefaniak a badge as well, because he was at the presentation also. Some members on the government benches probably have not been trusted with such a badge. You can understand why, given the current climate. I said, "I really appreciate what you do." This is one of those days when I think everybody agrees that the unions do a good job. In this regard they did a fabulous job. I said that in honour of that I would very proudly wear the badge of the CFMEU at the Assembly. I honour my commitment today by doing so and praising all the ladies and gentlemen of that union for the assistance that they have given to the Guises Creek Volunteer Bush Fire Brigade.

Answer to question on notice

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (6.17), in reply: At question time Mr Smyth asked me about a question on notice. I think I said, "If I have some written advice and it is not a cabinet paper, I will get it to you." I do not have such a paper, so unless I find one, assume that one does not exist.

During the debate on the MPI, Mr Smyth referred to the Ratepayers Association. A year or so ago I was approached by someone purporting to be the president of the Ratepayers Association. I asked him how many members they had. He was not sure. I asked him for the last couple of annual reports. They have not been forthcoming. I rather think that the Ratepayers Association is a non-existent organisation that offers a convenient title when a certain gentleman wants to go out in public and make comment.

1 April 2003

The same gentleman is the president of the Property Owners Association and would dearly like land rates indexed to CPI or all property owners' costs indexed to CPI but would very happily have rent income float up with the market. That is a good system if you can get it.

Yes, I do expect some objection from the real estate industry in introducing an equitable rates system.

Question resolved in the affirmative.

The Assembly adjourned at 6.18 pm.

Schedules of amendments

Schedule 1

Consumer and Trader Tribunal Bill 2003

Amendments circulated by Ms Tucker

1

Proposed new clause 8 (2A)

Page 4, line 20—

insert

- (2A) In appointing members under subsection (2) for the hearing of a matter, the president must consider whether a member with qualifications or experience in consumer affairs should be appointed.

2

Proposed new clause 11 (1A)

Page 5, line 27—

insert

- (1A) In appointing people to the tribunal panel, the Executive must ensure that the panel includes members with qualifications or experience in consumer affairs.

Schedule 2

Consumer and Trader Tribunal Bill 2003

Amendments circulated by Attorney-General

1

Clause 33, proposed new note

Page 13 line 13—

insert

Note The Legislation Act, s 170 and s 171 deal with the application of the privilege against selfincrimination and client legal privilege.

2

Clause 46 (1) (a)

Page 20 line 23—

omit clause 46 (1) (a), substitute

- (a) order the person to pay an amount to the Territory or someone else, of not more than—
- (i) if the person is an individual—\$1 000; or
 - (ii) if the person is a corporation—\$5 000; or