DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 June 2003

Wednesday, 18 June 2003

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

Legislative Assembly—security of chamber
Statement by Speaker

MR SPEAKER: Members, you will note that there are some changed arrangements at the entry to the chamber. Yesterday there was an incident where somebody from the gallery entered the chamber and breached the traditional security that we have in this place. I have considered this matter overnight and there are some changed arrangements with the rope line. I had intended to place the bar across the entrance to the floor of the chamber but some members had some concerns, and we will deal with that later. But there are security issues in hand in the secretariat, which I will be considering in due course and which will come to the attention of the Administration and Procedure Committee.

Gaming Machine (Allocation) Amendment Bill 2003

Mr Stefaniak, pursuant to notice, presented the bill and its explanatory statement.

Title read by acting clerk.

MR STEFANIAK (10.34): I move:

> That this bill be agreed to in principle.

The Gaming Machine (Allocation) Amendment Bill is a simple amendment to the Gaming Machine Act. Mr Speaker, in accordance with your ruling, I have brought forward my amendments in the form of a substantive bill. This bill basically faithfully replicates the amendments I sought to move in May, which members I think are well aware of.

Mr Speaker, poker machines came into ACT clubs back in 1976. Those of us who lived in the territory at the time would probably recall some amazing analogies, such as the Queanbeyan Leagues Club, which was then a haven for persons from Canberra, having 25,000 members and Queanbeyan having a population of 20,000.

I said yesterday in the debate on the cap that whilst there are certain evils in relation to poker machines, as there are with any form of gambling, the money from the machines has been well used by the licensed clubs in the territory. Back in 1984 the current situation was put in place, and basically two class A machines were allowed into taverns and hotels. The class A machines are basically the old slot machines, the fruit machines, and they were restricted by the legislation to a payout of no more than 40 20 cent coins, namely $8. Those machines ceased to operate in the territory, I believe, in 1993 or 1994. The last tavern that actually had them was the Shanty at Woden, run by John Press.

Hotels with 12 or more beds were entitled to up to 10 class B or class A machines. Class A machines, as I have indicated, no longer exist. You may be able to find some in a couple of pubs in rural England but that's about it. They do not exist in Australia and have not existed in the territory for about 10 years.

There are currently some six hotels in the territory that have 10 class B machines, and they are draw poker machines. There are a further six of those machines out in the licensed clubs. Hotels and taverns are not entitled to any class C machines, which are the normal, modern garden variety poker machines we see in any club in the territory. That is, indeed, a very different situation to what is happening in other parts of the country.

Mr Speaker, over many years I have been involved in the club industry as a director of three different licensed clubs. I am well aware of this debate around poker machines, and I am well aware of what I believe are a lot of fallacies in relation to this debate. I can very clearly recall when I was a director of Royals in 1985 to 1988 the debate that was raging about taverns and hotels seeking justice, seeking access to a limited number of class C gaming machines. At that time it struck me that my old club, Royals, would not be remotely affected if the Rose and Crown and Matilda's Tavern, which were the two local watering holes at Weston, each had two class C machines. Indeed, in those days Royals would often close at two or three, and some of the more intrepid and often the younger members of the club would wander down for a few more cleansing ales, probably rather stupidly, at the Rose and Crown or Matilda's.

Two poker machines would not have made a jot of difference there, nor would they have made a jot of difference to the ACT Rugby Union Club at Barton, which I was also a director of from 1986 to 1987. Perhaps they would not have affected the Polish Club at O'Connor, of which I was up until recently also a director, if there had been a licensed establishment at the O'Connor shops. That club, of course, like a lot of other small ethnic clubs, is not going particularly well. But you are catering in many ways to different clientele.

There are some big problems, apart from just the eminent fairness problem, for hotels and taverns. I did a tour some six months ago of all the taverns in my electorate—and there are about 12; we are probably talking about 26 taverns all up. There are not a huge number of hotels. If members look at the second part of my bill they will see what effectively is a reservation of a little under 200 machines for hotels and taverns. So we are not talking about a lot of machines. If my bill is passed we would be talking about probably 3 per cent or so of total gaming machines in the territory.

But there are a number of problems. Let me take Federation Square. The owners of the tavern at Federation Square, which is a tourist destination in Canberra, have been operating for about three years. Like all tavern owners, they are struggling. Tourists drop in to enjoy a meal, enjoy a beer and have a little flutter on the poker machines, as they do in their own states. But they leave when they find out there aren't any poker machines. They say, "We would like to play some poker machines, you don't have any, where can we go?" The tavern owners lose a fair bit of business because of this.

From going around my electorate, and having talked over the years to a number of tavern owners, many of whom have since gone out of business, I was struck by the struggling nature of this industry, particularly when you are talking small establishments. For example, the person who runs the tavern at Giralang went without a holiday for some seven years because he just simply was unable to afford to put on a casual. Many of the people I spoke to worked two jobs. If they were married, obviously the other partner worked but in many cases they themselves worked two jobs just to keep what effectively was a struggling business afloat.

Until recently the gentleman who ran the Boardroom worked two jobs—he worked in the New South Wales Department of Health and also came to Canberra to run his tavern. He somehow worked out this arrangement with his family, but basically he could not have continued to run the tavern if he had not worked in another business. Of course, taverns and hotels suffer from not being able to provide the cheap meals and some of the obvious benefits that clubs can offer. Also, as I have indicated, some of them have significant difficulty in employing casuals.

There have been some arguments about why we should change the situation. After all, clubs are not-for-profit organisations, and we don't quibble about that at all. But what we are saying is that there is a fairness argument here. First, let me deal with the proliferation argument—that if you allow machines into hotels, if you allow machines into taverns, there would be a proliferation of poker machines. I don't accept that particular argument, and I will come to that a little bit later.

The other argument is the thin edge of the wedge. If you look at the legislation, hotels with more than 12 rooms have only ever been able to have up to 10 class A and B machines. Other hotels and licensed premises—that is, taverns—have only ever been able to have two class A machines. This legislation is not seeking to change that at all. It may well be that perhaps that is something that should be changed, especially in view of the artificiality in relation to hotels with more than 12 rooms.

But we are not even trying to do that. We are faithfully giving precedence to what has been in the legislation for some 19 years now, but are merely seeking to upgrade what those establishments are entitled to. We are seeking to enable hotels with 12 beds or more to have up to 10 class B and/or C machines, and to enable other hotels on general licensed premises and taverns on licensed premises to have up to two class B or C machines. That is all the legislation that is now before us seeks to do.

I find somewhat incongruous the argument that this will expand gambling, especially when one looks at the number of taverns that have closed in recent times. The Charnwood Tavern operated up until I think about the end of 1995-96. It was taken over by the Labor Club and now has I think some 73 poker machines. If this legislation were in effect and it had remained a tavern, it would have only two poker machines. So much for proliferation!

The Coolabah Club at Kaleen, which I think is now owned by my old club Royals, which used to be owned by somebody else and before that was a tavern, now has a number of poker machines. I am not too sure but the last time I was in there it had about 30 or so poker machines. Again, were this legislation to succeed, as a tavern it would be allowed only two. I understand that the gentleman who works with health in New South Wales is

no longer operating the Boardroom and has gone out of business, and that a club is taking over that establishment. Certainly more than two poker machines will be brought in there.

We hear a lot in this house about problem gamblers, and in the debate yesterday I briefly alluded to that issue. Mr Quinlan I think quite rightly and sensibly commented that problem gamblers really are probably a bigger problem in the bigger clubs. They tend to gravitate to the bigger clubs which have a greater range of poker machines. The trouble is that problem gamblers are a lot more anonymous in bigger clubs. Unless problem gamblers are well known to perhaps staff at large clubs with large banks of poker machines, they could, quite sadly, gamble and no-one would be the wiser.

In a small club or, indeed, in something small like a hotel or a tavern where staff or the owners know the patrons, there is a much greater ability for anyone with a problem to be stopped and assisted. I indicated yesterday during debate on the cap that that is something I have done personally as a club director. I certainly am aware that other people try to assist those who they know are probably blowing far too much money on poker machines.

So I think when you are talking about responsible gambling, far from there being a proliferation of poker machines, some of the problems may well be addressed by legislation like this. You have to remember, too, that many of the people who drink in hotels and taverns also go to clubs. They go there to play the poker machines. They go there because there are certain deals they want to participate in, and then they might come back and drink at the hotel or the tavern. A lot of the patrons do both, and I would suggest that problem gamblers will be more of a problem in a big club than in a small tavern, a small hotel or, indeed, even a small club.

Mr Speaker, clause 4 of the bill amends sections 18 (2) and 18 (3) of the act. It substitutes new subsections (2), (3) and (4). Subsection (2) deals with premises to which a general licence applies, and that is residences that have at least 12 rooms that are used for lodgers—in other words, hotels with accommodation. If this legislation succeeds, they will be entitled to any combination of no more than 10 class B or class C machines. So they could have 10 class B if they like—and, indeed, six of them currently do—five class B and five class C, or 10 class C.

If the premises do not contain 12 rooms, they would quite simply be entitled to two, either B or C or any combination thereof, and that does not change substantively what has been in the legislation for 19 years. I note that the AHA has some issues with that, and they make some very good points. But members need to be aware that all this does is give them access to proper class C machines. Where there is an on licence, they can have up to two class B and/or class C machines, or any combination thereof.

Subsection (4) states:

> A licence must not be issued for premises to which an on licence applies unless the on licence is stated to be for the primary purpose of running a 'tavern/bar'.

That is to ensure that only taverns and bars—and bars being hotels—have access to these poker machines.

One of the arguments put forward against extending anything to do with poker machines is: you don't want them in any sort of licensed premises, in a take-away grog shop or in a restaurant. Quite so. And that is why subsection (4) is included in the bill. The Gambling and Racing Commission—and, indeed, the Liquor Licensing Board—looks at a fairly simple test, and that basically is that licences are not to be issued for premises in which an on licence applies, unless the on licence is actually stated to be for a certain purpose, and that is the primary purpose of running a bar or tavern.

Also the conditions provide that the installation of the machines must not dramatically alter the nature, character or purpose of the premises, which it certainly would not do if it is a pub or a tavern but it would if it is something like a restaurant. The person must hold an on licence or a general licence. Indeed, they look at things like the volume of liquor disposed of on a premises exceeding 30,000 litres over 12 months, and also a minimum opening time of eight hours. These conditions apply to the granting of licences and the granting of liquor licences to premises at present, and they are important in considering whether a place should be entitled to a licence for machines. Hence, the primary purpose must be for running a tavern or a bar. I want to make the point quite clear that this excludes restaurants and it excludes supermarkets, grog shops and the like.

The final amendment—the second part of this bill, which is not dependent on the first part—is concerned with the reservation of machines. It basically means that some 5,008 machines are reserved for clubs out of 5,200 on licensed premises all up. According to the figures up until yesterday, that reserves 192 machines for hotels and taverns. If this legislation is successful, it is then up to the commission to see who gets what.

From what the Treasurer told me yesterday, there may currently be only 5,005 machines in clubs. So be it. If my legislation is passed there will be three additional machines for clubs and 192 for pubs and taverns. Having talked to the commission and the Treasurer, I doubt very much if anything will occur in the next week. If there are any problems, I would certainly be happy for that to be amended in order to reflect the status quo. But from what the Treasurer tells me, I think there are now effectively 5,005 machines in clubs, not 5,008 in terms of what the commission did yesterday. So, again, that is quite consistent.

Mr Quinlan: 5,065

MR STEFANIAK: Yes 5,065; and there are 5,068, 60 of which were the 60 class Bs in the six hotels. So that, again, is fine in terms of what I have in my bill. That is not affected by the current situation, as of what the commission did yesterday at its monthly meeting.

Mr Speaker, I commend the bill to the Assembly. It is not going to lead to a proliferation of poker machines. It is going to lead to a lot more fairness, though, for these very important businesses. Many of these undertakings are small, struggling family businesses which are all involved in the entertainment industry in Canberra. Certainly, hotels are a very important and essential part of tourism and the little suburban taverns are a very integral, essential part of local communities.

Like the clubs, who do an excellent job in supporting community activities and charities and sponsoring sport, the little taverns and the pubs also do an excellent job. They are not afraid to pay even a greater tax rate on poker machines than what applies to clubs. They have no problems there. They contribute and have always contributed to our local community and obviously want to continue to do so. But I do not think artificial things should be put in their way.

We have a very artificial situation where currently most pubs and taverns are entitled only to non-existent machines and only six are entitled to the half reasonable class B machines. It is only fair that these businesses, most of which are small businesses, be entitled to operate current gaming machines within the limits stipulated by the legislation, which has been in force for some 19 years. Fairness demands that a bill such as this be supported by the Assembly. I commend the bill to the house.

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

Gaming Machine (Appropriate Premises) Amendment Bill 2003

Ms Tucker, pursuant to notice, presented the bill and its explanatory statement.

Title read by acting clerk.

MS TUCKER (10.53): I move:

> That this bill be agreed to in principle.

Mr Speaker, this bill would fill a gap in the powers of the Gambling and Racing Commission to refuse to issue a licence for gaming machines to a club. The gap is the power to consider the social effect of a club introducing gaming machines to a particular premises. Specifically, this amendment would provide that the commission may not issue the licence unless the installation and use on the premises of gaming machines are not likely to affect adversely the nature or character of the premises or the general use of the premises or enjoyment of persons using the premises.

This restriction already applies in relation to applications to put gaming machines in premises where there is an on licence or a general licence, but it does not currently apply to applications for clubs. Under the current legislation, for applications for gaming machines in clubs, the commission must:

- consider whether the size and layout are suitable—section 14A (c) and section 41, which also apply to the other categories of licensed premises;

- assess that the club is an eligible club—section 14A (a);

- check probity requirements for management at sections 14 and 15A;

- be satisfied that, at an appropriate ballot, the majority of voting members agree to the proposal for new or extra gaming machines at the club premises.

Applicants must comply with requests for information from the commission on any relevant matters. The commission can decide how many machines are suitable for the application. Licences are for particular venues, and for particular organisations and the particular people in charge of those organisations.

The commission in its review of the Gaming Machine Act affirmed the importance of the power to determine the appropriateness of particular venues. However, as the legislation currently stands, for clubs there is not much scope to consider the impacts on the area or on the premises generally. And why does this matter? The specific urgency is that there is an application with the Gambling and Racing Commission for a gaming machine licence at the premises of the new Belconnen community pool.

When Mr Stanhope learnt that the lease purpose clause for the pool complex, as set up by the previous government, would allow a social or sports club and that there was a possibility of poker machines as part of that social or sports club's facilities, he said it was an "unpleasant surprise". I believe that contemplating poker machines as part of the pool development is an unpleasant surprise for many people.

The development is described on Swimming Centres Australia's website as a very integrated whole. However, it is not appropriate because it links in the one premises swimming for young families with gaming machines. It is not appropriate because it is a community pool—it is not a club first and then a pool. This is a long-awaited community facility subsidised by up to $11 million in public money, with entry prices to be held at reasonable levels and so on.

A community swimming pool premises is a place to go and hang out and to absorb all that is on offer there. The notion that parents might be able to go and have a drink and a punt on the pokies while their children swim was raised in the media and has certainly stimulated community alarm, and this illustrates the potential for negative impacts on the premises as a whole of permitting such a tenant.

While it is possibly too late to change the lease purpose clause without huge expense, there is still the question of whether the regulator of gaming machine licences, the Gambling and Racing Commission, should allow a social or sporting club tenant a licence for gaming machines. The Gambling and Racing Commission is required by section 7 of its establishing act, the Gambling and Racing Control Act, to perform its functions in a way that best promotes the public interest, and in particular, as far as practicable, promotes consumer protection and reduces the risks and costs, to the community and to the individuals concerned, of problem gambling.

Of most relevance to this question is the obligation to reduce the risks of problem gambling to the community and individuals concerned. However, the act, as I have described, does not currently for clubs include any requirement to consider the overall impact on premises, beyond the requirement that members are happy with the addition. It is therefore hard for the commission to put into practice the requirements of section 7. That is what this amendment would achieve. It empowers the commission to consider the impacts.

I have made clear my view of the social impact on the pool premises of allowing a gaming machine licence. I have illustrated the need for this change and the need for this change to be made urgently. But, of course, if we pass this amendment the assessment will be up to the commissioners.

For the purposes of illustration, I believe that this amendment would allow the commissioners to consider whether the addition of poker machines to the pool premises would, firstly, affect adversely the nature or character of the premises—I believe it would; and, secondly, whether it would affect adversely the general use of the premises. Yes, it impinges on use of the premises by people with a problem with gambling. Yes, it impinges on the use of the premises by families who may be concerned that their children will see gambling on poker machines as a usual thing to do.

I have had a letter from the director of the Ginninderra Swim Club. The swim club uses the Kaleen indoor swim centre, which is co-located with the Kaleen Sports Club, a club licensed for gaming machines. He states in his letter that the club has been supportive and has never caused any problems for the swim club, which is a successful swimming group, attracting large numbers of people. I am pleased to hear of this relationship. However, the prospect of including a club in this new community pool is, I think, different.

I do not know whether there is a flow-on effect in terms of recruitment to gambling by the co-location at Kaleen. That would be an interesting study for the gaming research group in its work particularly on young people and gambling. Of course, people under the age of 18 are not allowed on club premises on their own, but is it an effective form of advertising by association for them later in their life when they are over the age of 18?

Gambling on the pokies is something that many seem to enjoy, and good luck to them. There will always be people who want to gamble and the government regulation of gaming is aimed at harm minimisation. But there are risks. There are risks to our community in allowing unchecked spread and ill-considered location. The statistics show that poker machines do create their own market. Arguably, it may be the fundamentals of education, strength of community, social capital, alternative activities through which to switch off and relax, and alternative risk-taking activities which will make people more resilient to the lure of pokies. But, meanwhile, as regulators, we need to be aware of what risks we are creating.

We do know that those least able to afford it are the most impacted upon by poker machines. Social research indicates that for disadvantaged and marginalised people, gambling and that far away possibility that there might be a big win is very seductive. I remind members of the survey on the nature and extent of gambling and problem gambling in the ACT that was released in 2001, which found that Canberra's problem gamblers lost $77 million or $14,500 each annually when punting, despite the fact that 74 per cent of them earn less than $35,000. Professor Jan McMillen of the Australian Institute of Gambling Research believes that was a conservative figure, given that the respondents underreported their spending, particularly on gaming machines and casino tables.

I would also like to make a brief comment on the interpretation of the boundaries of a "premises". Some might suggest that "premises" should only be understood in this example as the part of the pool complex proposed to be occupied by the social or sports club. However, taking the example of liquor licence considerations of bars, for one, the premises is clearly the entire building, with the bar area—the area to be licensed—only one small part of it. In the particular case of the pool, the government has permitted and agreed to an entire pool complex, with the later inclusion of various other developments. The concept on the website for the pool's developers is clearly as an integrated whole.

I urge members to consider this bill and to consider my request that this bill be considered urgent. In the words of the ACTCOSS president, it is "untenable that the government would now consider allowing a swimming centre to have a licensed club on site". If we don't pass this amendment, it will be very difficult for the commission to find a legal basis to refuse to issue the licence.

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

Bushfire Inquiry (Protection of Statements) Amendment Bill 2003 (No 2)

Ms Tucker, pursuant to notice, presented the bill.

Title read by acting clerk.

MS TUCKER (11.04): I move:

> That this bill be agreed to in principle.

My initial position on the government review of agencies response to the January bushfires was that a formal inquiry under the Inquiries Act was not necessary. However, as things evolved in February and March and as it became clear that the McLeod report would not include public hearings, and other details of the process emerged, I changed my view and did support there being a full inquiry under the Inquiries Act. The opposition at that time was raising questions of witnesses not coming forward or being overly restrained in what they would say for fear of defamation action. The Bushfire Inquiry (Protection of Statements) Act is the product of those concerns.

I was, however, particularly concerned when earlier the government introduced into the Assembly statements from government agencies to the McLeod inquiry, seemingly in order to give them parliamentary privilege. Now the government has put before us a bill to amend the bushfire inquiry act. I asked the clerk for advice when it was introduced, because I was concerned that once again the line between legislature and executive was being blurred. The clerk's advice reaffirmed my concerns about using parliamentary privilege to provide protection for a report that is commissioned by the executive. The clerk's advice also raised the possibility that such protection would interfere with other legal processes further down the track.

While government has argued that it can solve the problems identified in the legal advice in its own way—by amending its bill—it seemed judicious to be absolutely sure that there are no issues of contamination, as it were; that the Assembly and the executive are

kept separate; that people involved in the bushfires do not lose legal entitlements as a result of the inquiry becoming a de facto proceeding of the Assembly; and that there are no questions or difficulties over immediately publishing the report.

I have picked up on recommendations of the clerk's advice and had this bill drafted in order to give specific legal privilege to the McLeod report. I also have an amendment at hand to do the same thing if the government chooses to proceed with its bill.

I do not think the question is about intent. The government's approach, through its amendments, may yet prove to be the best option, and I am happy to look at that. It was for that reason that yesterday my office actively supported an adjournment of debate so that we could all have time to look at the alternatives before us.

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

Women's AFL Team—success

MR HARGREAVES (11.07): I move:

> That the Assembly:
>
> (1) congratulate the ACT women's AFL team, the Canberra Currency, on finishing third in the National Women's AFL Championships held in Darwin earlier this month;
>
> (2) welcomes the sponsorship of the Canberra Currency by the Canberra Labor Club and notes the success of the Government's women's sport funding initiatives.

I note the absence of many members from the chamber and want that recorded for *Hansard*. I don't wish to call your attention to the state of the house, other than that it is somewhat empty.

Mr Cornwell: Are you calling a quorum or aren't you?

MR HARGREAVES: No, I'm not, Mr Deputy Speaker; I'm just stating my disappointment that people think this is not a serious issue.

Mr Speaker, the 2003 national women's Australian football championships were held in Darwin earlier this month. Over 240 players, representing seven states and the Australian Defence Force, participated in the competition that concluded on 8 June at Marrara Oval. The competition was the largest national women's Australian rules championship carnival since the inaugural competition in 1998.

The Canberra Currency had a good trip and finished third in the competition, losing in the semi-finals to the eventual winner, Victoria. They had four players picked in the all-Australian side, Mr Speaker: Alana Lowes, from the ANU; Mandy Bithell, Emily Diprose and Jane Leyshon, all from Eastlake. I should note, Mr Speaker, that Rebecca Goddard, a former staff member of Mr Wood's and now a policewoman is an effective driver of the profile of this team.

The Currency would not have been able to participate in the national championships without the support of the Canberra Labor Club group, and I think it's important we acknowledge that support. The Labor Club are often the recipients of a bad wrap in this place, so it's time to square the ledger up. This club has also acknowledged its community obligation to non-elite women's sport and put its money where it's mouth is, and credit for this must go to the advocacy of the president, Barbara Byrne, and to the board.

Mr Speaker, I'm a big supporter of women's sport and am always interested in seeing more funds flowing to women's sporting teams, both elite and community based. I believe that governments have a responsibility to do whatever they can to promote that participation. Women make up more than half the population but certainly do not receive that share of the available sporting dollars.

I acknowledge that women's participation levels are well below those of men, but the only way to address this imbalance is to support and promote women's sport. I'm pleased that the Stanhope government has taken some steps to address this. The government has introduced a $60,000 grants program specifically for women's sport initiatives. Some of the great programs the government has funded this year include:

- ACT Rowing, $3,000 for the women rowing for their lives program;
- Pedal Power ACT, $3,000 for the new horizons cycling program;
- Soccer Canberra, $2,000 for the bend it with Belwest program;
- Squash ACT, $3,400 for the balancing the gender bar program;
- Tennis ACT, $5,000 towards the women in tennis program;
- the YMCA Canberra, $5,000 for the life ball program;
- Women's Soccer Canberra, $3,000 towards a kick-start for coaches;
- ACT Swimming, $2,170 towards coaching development;
- ACT Cricket, $4,000 for the cricket and coaching fundamentals program;
- ACT Futsal, $2,000 for the coaching education program;
- ACT Rugby Union, $2,000 for the women's rugby development program;
- ACT Touch, $4,500 towards a technical development for women;
- ACT Volleyball, $5,000 for coaching development;
- AFL Canberra, $4,500 for developing the ACT women's AFL—

a great move on the part of the government, that one; and—

- One Basketball Canberra, $4,200 for coaching development.

The government also provides $20,000 for the establishment of four elite women's coaching scholarships:

- Netball ACT;
- Softball Canberra;
- ACT Rowing Association; and
- ACT Cycling Federation.

The government also provides funding for these national league teams:

- Canberra Capitals, women's basketball, $100,000;
- Canberra Strikers, women's hockey, $40,000;
- Canberra Eclipse, women's soccer, $40,000.

I should note that the majority of sport and recreation organisations in the ACT are not gender based and provide for participation by both sexes. Furthermore, many sporting groups that had gender divisions, for example, hockey and lawn bowls, have amalgamated to increases efficiency, share resources and provide common strategic directions. This is an important trend in improving the quality and quantity of women's participation.

Mr Speaker, in bringing this matter to public attention through the Assembly today, I urge the sporting peak bodies, such as the AFL in the ACT and New South Wales, rugby union and league, cricket and all the major sporting codes to take a leaf out of the book of ACT Hockey. ACT Hockey treats women's and men's participation in sport equally. The result, Mr Speaker, speaks for itself, with massive followings for the national teams of both genders. Indeed, the women's Australian side enjoys international acclaim greater than that of the men.

Can the same be said for the Australian women's cricket team? No, it can't. And yet it enjoys an international reputation. People just don't hear about it. And the advertising and sponsorship dollar doesn't flow as a result. This needs to change.

I urge the peak bodies to have a change in policy focus and a resulting change in resource distribution. They should not neglect 50 per cent of possible participants in their sport. They should accept their responsibility for that promotion and get behind women's and girls' participation in their sports.

Let us break the image of sport being the province of the archetypal Aussie male. The time has come for change, and these bodies have the power to effect that change or stand condemned for abandoning half the people in our town and indeed for losing an opportunity of leading the nation in removing this discrimination.

Mr Speaker, no sport, or aspect of sport, can survive and thrive if it's starved of media oxygen. It is significant, and should be acknowledged, that the media have now discovered that the results in women's sport, particularly at the national level, are newsworthy and worth reporting. I wish to acknowledge the coverage by WIN TV of the women's AFL ACT representative team's tilt at the championship.

I need to acknowledge that the *Canberra Times* has also presented coverage of results in women's sport on a regular basis in recent times, and I would encourage them to continue to do so. It should be on the public record that Tim Gavel of the ABC and the ABC presenters have always been willing to give coverage. Without their support, women's sport would languish behind.

On a final note, regarding women's AFL, Mr Speaker: I'd like to share my hopes for the future. I dream of the day when the grand final of the women's AFL in Canberra is a curtain-raiser to the men's grand final at Manuka Oval. This will only be achieved,

Mr Speaker, when there is a mindset change by those people who control AFL in Canberra and a mindset change by those people who control fixtures at Manuka Oval. One of these days they will wake up and realise that they can double the crowds at Manuka Oval if only they double the participation rate.

If you want to know why you only get 5,000 people to a men's AFL grand final in the ACT, it's because you haven't got the women's grand final of the AFL in the ACT on the same day. If you do, you will get the partners of both groups along to watch both of the teams, and you will double attendance; you will get 10,000 people at Manuka Oval.

Mr Speaker, I also dream of the day when an ACT representative side plays a New South Wales representative side in women's AFL as a curtain-raiser to a regular AFL match between Sydney and the Kangaroos at Manuka Oval.

When I first talked about women's AFL in the ACT, Mr Speaker, to my horror I discovered that the ACT representative side went into the national championships wearing borrowed jumpers and borrowed shorts and socks. The attempts that I had to redress this resulted in the Canberra Labor Club's group sponsorship so that they got their own jumpers and the rest of their own kits and got assistance in travel. I used the Canberra Labor Club as an example because it just happened to be them that rescued the women's representative side; it could have been anybody; I would have hoped that we had enough community spirit in this town to back a women's representative side. But how ordinary was it to have them in that position in the first place—an ACT national representative side in borrowed strip?

Fortunately, Mr Speaker, that's not the case now. For the last couple of years they have actually had their own, and it is brilliant. I have to say that, when the ACT women's AFL team run on the park in the national championships, even Victoria worry about them. Victoria have won it since its inception. The ACT women's side is the only side to keep Victoria under 100 points in a final; they're the only side to actually kick a goal against the Victorians at all; and they actually hold the highest score kicked against the Victorian side so far.

My affection for AFL is fairly well known, but let me tell you, Mr Speaker: I have seen these women play an AFL match and I believe their skill level, their toughness and their dedication to their sport make us particularly proud. Remember that we don't have the resources the rest of the country does to plough into this team because of our population level. For this team to consistently come third or second in a national competition is very, very significant.

I pay tribute to the coaching staff and all of the families that support the team in this sort of endeavour. I invite members of the Assembly to come out to the oval and see these people play. I do not suggest that you try taking them on at their sport; you will get creamed.

Mr Speaker, I welcome the government's initiatives so far to promote women's sport. I think there is a leadership being shown here, and I look forward to billing on their jumpers in the years ahead. Sporting groups, particularly women's groups, can be assured that I will be a passionate advocate for their cause in this place.

On a final note, Mr Speaker: when I was looking into this and just thinking about it, it occurred to me that between the ages of, say, 12 and 18, only men play the mixed gender sports; the girls drop away. They play in the mixed teams till the age of 12 or thereabouts, and if they're lucky they re-emerge later on at 18.

There is nothing properly organised for women to participate in, for example, a constructed league arrangement in, say, Mr Stefaniak's favourite sport, rugby union. There are little bits here, little bits there; there are inter-club teams; but there is no full-on competition. The reason for that—it's consistent with rugby league, it's consistent with cricket, it's consistent with a whole stack of other things—is they don't have the same mindset support by the people who run the sports. What happens is, Mr Speaker: they go away.

If you have a look around the ground when these games are on, who is it that actually gets the people, the kids, the young boys, to the game when they're 16? Mum does. Who goes and watches them? The sisters and the cousins go and watch them as well. Their girlfriends go and watch them.

What would be wrong, I ask you, Mr Speaker, in having opportunities for women between the ages of 12 and 18, to have their own competition? Dad could take them along. Their brothers could go and watch them. Their boyfriends could go and watch them.

What we will actually do, Mr Speaker, if we achieve this, is double the participation of people between the ages of 12 and 18 in sport ad give women an opportunity to develop their skills from when they're girls, through their teenage years. They will become so good that they can't be overlooked when national selection for their sport is actually on.

Perhaps it's an Australia-wide phenomenon, and that's why sports like women's cricket and a lot of the other ones, excluding hockey, don't get the international recognition that they're due—because we have people with that skill level but we're not developing them.

What I'm seeking we get the ACT to do here today, Mr Speaker, is lead the country in promoting women's activity in sport—properly structured, properly resourced and properly encouraged, with proper media coverage—and see how we go.

I commend the motion to the Assembly, Mr Speaker.

MR STEFANIAK (11.21): Mr Speaker, I rise on behalf of the opposition to congratulate the ACT's AFL team, Canberra Currency, on coming third in the national women's AFL championships in Darwin. I think we, as a government, might have given them some support several years ago. I had the pleasure of going to the presentation night when they were then assisted, in some capacity, by the Eastlake Aussie rules club. I had a good chat to a lot of the players, many of whom I would hope—and I think—are still actually playing, which is great.

The competition in those days only had, I think, ten a side. I would certainly hope that the competition has gone from strength to strength. It's always good to congratulate a team that has gone well in national competitions.

Women's sport generally is an on going problem in Australia. I do think the situation has become a little bit better in recent times, and that is thanks to the phenomenal success of some fantastic women's teams.

On a national level, a team that really comes to mind and a team that in my mind is probably on a par with some of the great men's teams—the Kangaroos, the 1980 and 1984 Wallabies, some of the great Olympics feats we have seen in Australian swimming and, I suppose, the St George rugby league side which won 11 premierships on the trot—of course is the Australian women's hockey team. Lisa Carrruthers and Trina Powell—in fact, both the Powell sisters—are great representatives of Canberra. They played in several Olympic Games in that team and won gold in back-to-back Olympic Games in 1996 and 2000 and also a number of international world championships. It is one of the great teams in Australian sporting history. I think teams like the national women's hockey team have raised the level of women's sport. Getting the media to concentrate on and give proper regard to women's sport always has been a problem.

In recent times in Canberra of course we have had the phenomenal success of the Capitals. I was delighted, as sports minister, to prevail upon the then Chief Minister, Kate Carnell, to fund them, along with several other teams in national competitions. I am pleased to see the government continuing that and indeed enhancing that funding. I think we were going to put it up to $100,000 with the demise of the Cosmos. It's good to see the government has done that. They are truly one of the great sporting teams we've had in Canberra. They too, as a result of that funding, I think, have raised the profile of women's sport. It was very pleasing to see the media coverage that they got recently in winning their particular national championship.

I can recall probably about a 50 per cent improvement in coverage, nationally and locally, during the time I was sports minister. It's good to see that that is increasing. It's still probably not as much as some people would wish, but there are positive trends there.

Mr Speaker, we actually don't have a problem welcoming the sponsorship of any team by anyone. I congratulate the Labor Club and, as Mr Hargreaves said, any club who actually supports sport, including supports women's sport. It's good to see the Labor Club supporting Canberra Currency. We have no dramas with that.

I do have, however, a little bit of a problem, hence my amendment, with a government member congratulating the government and asking the Assembly to basically congratulate the government. I also think it might be not quite true when he talks about the success of the government's women's sport funding initiatives. There have been funding initiatives for women's sport by both the government I was a part of and indeed by this government. I've already indicated it's good to see this. This government certainly has carried on that funding. I am pleased to see the money it has given to the Capitals, but some of the other programs certainly were there.

In fact, a special women in sport program, which is continuing, is something I think I initiated back in about 1996 or 1997. It is essential that governments do support women's sport, but I think it's a little bit cheeky perhaps for a government member to congratulate a government; hence, I think it is appropriate that that is deleted. I think there is probably more the government can do.

Perhaps, Mr Hargreaves, if one of the crossbenchers or even one of the members of my party moved to delete that, it would be a different story. It's perhaps a little bit rich coming from a government member. I think your motion doesn't really suffer without that self-congratulation. If my amendment was accepted it still gets the point across very effectively. It thanks the people who actually provided the sponsorship and congratulates this excellent women's AFL team.

More can be done. I note that the Cannons leaving the scene, sadly—and the sponsorship that they received, which I think was $100,000—does open up some further possibilities without increasing government funding from other sources. There are several teams deserving of some assistance in national league competitions. I wonder if the government is actually assisting, for example, a netball team that plays in a national competition.

I was talking earlier of the Canberra Eclipse. It's good to see that they have received some funding. That is very important indeed. The sad demise of other teams opens up funding for others. It's great to see the Eclipse, who have won a national championship, receive $40,000. I was talking to Heather Reid not all that long ago. They clearly could do with some additional assistance. Indeed, a figure of $20,000 was mentioned there. They travel all across the country representing the ACT in that very excellent national competition that they play in. I thoroughly enjoy going to Eclipse games. I am thoroughly impressed with the incredibly high standard of games of the girls, a number of whom of course are Australian national players. You might like to take that on board, Mr Hargreaves. The sports minister can too.

Whilst it's not so much a women's sport—it did have a female manager—another team which I think is deserving of funding to the tune of $20,000 would be the Belconnen Blue Devils who play in the league competition in New South Wales, very similar to the ACT Rams, except they have a senior team plus an under-19 team. They also do a lot of travelling. They are fine ambassadors for the game of soccer, albeit in a men's competition. They are our senior men's team now in terms of a Canberra side in a major national competition. Again, it is a very similar situation to the Rams which, I think, I prevailed upon the Chief Minister back in about 1997 to fund. So perhaps you'll take that on board, Mr Hargreaves.

The opposition is certainly happy to support this motion. I commend my amendment. I do not think it is necessary for the government to congratulate itself. There is obviously still more that needs to be done. I think that way it is a far better motion; it congratulates the people who really do deserve it, the team itself together with the Labor Club for its sponsorship.

MR SPEAKER: Mr Stefaniak, you've circulated an amendment. Not much is going to happen to it until you move it.

MR STEFANIAK: I formally move the amendment circulated in my name, Mr Speaker. I don't propose to speak to it again. I think I've said enough on that. I move:

> Omit all words after "Club".

MR SPEAKER: Mr Hargreaves, do you wish to speak to the amendment?

MR HARGREAVES (11.28): I welcome the support in general from the opposition. I wish to oppose the amendment. I wish to make my point before Ms Dundas actually rises on the issue because she is, after all, the only person sitting here in the chamber from the crossbench point of view. The huge burden of responsibility about women's sport and government approaches to funding it henceforth will rest on her.

Mr Speaker, I'm disappointed that Mr Stefaniak brought up this issue because he's actually introduced a certain politics into this debate, which I had intended to avoid. I listed the government's achievements in its budget distribution by way of indicating the level of support that any community trust like this can expect from any government. I don't have the numbers on my person for the previous government's distribution of money, and I would welcome a speech actually listing the former government's contribution to women's sport so as to acknowledge that what we're talking about is the government of the day getting behind these teams and actually showing leadership in the matter so that the peak bodies follow them.

I really think that bit—"notes the success of the government's women's sport funding initiatives"—needs to stay, and it needs to stay on another level: to remove it, Mr Speaker, sends the message to the community that it would note the failure of the government's women's sport funding initiatives. Not say anything at all is, in my view, probably even worse.

What we need to do is tell the people out there how the government are actually doing it. It doesn't matter whether it's a Labor government or a Liberal government doing it. I don't agree with Mr Stefaniak that taking it out doesn't detract at all from the motion. I don't believe that it actually will detract, in the sense that the whole thing won't die. But can I say that it should actually stay in. It encourages other governments to match that particular bar and get over it.

I've listed in my speech the amounts—$60,000 in one initiative, $20,000 in another initiative, $100,000 in one instance for an extra women's competition. These are fairly significant high-jump bars. If we leave this in, we are saying to governments that come after this one, "You can have success with the money that you hand over to women's sports, and it would be really nice if you got over that high jump."

I would put a plea out to the wonderful colleagues on the crossbench, particularly those of a sporting mind, those who would know that they couldn't really participate in organised rugby league or organised AFL, particularly when some of the crossbench members have in fact the physical attributes to play very well in the forward pocket for any AFL team at all in the ACT, for support. I would ask for support for this motion to be passed, unemasculated, Mr Speaker. After all, we're after equal treatment here. This is evidence the government are dishing out a bit of equal treatment, and I would seek the support of the chamber.

I would seek, in fact, Mr Stefaniak's withdrawal of that particular amendment because all he does is soil the intention of the motion and actually introduce a focus which is totally unnecessary. So I seek the opposition's support and of course the very valued support from the crossbench.

MR STANHOPE: (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (11.33): I'm very pleased to be able to speak to the motion. I endorse the sentiments expressed by my colleague John Hargreaves in relation to this motion. This is an important motion.

Issues around equality of women, of course, cover every aspect and every feature of community life and life within each of our communities. Significantly, those issues around opportunities for women to participate equally and to participate fully in sporting activity are a continuing issue of major concern and focus. Indeed, Mr Speaker, I think, in the context of the range of issues about discrimination or lack of equality of opportunity that women face, opportunities for women in sport continue to be one of the outstanding issues of continuing discrimination against women.

Progress has been made in achieving equality of opportunity in a whole range of areas. Amongst the last of the areas to receive the attention that it deserves and the level of equality that is required is the equal participation of women in sport, equal acknowledgment and coverage of women's sport, equal financial and other support for women's sport.

Whilst Mr Hargreaves' motion is a motion acknowledging the considerable achievements of the ACT women's AFL team in the recent national championships, the essential or fundamental issue at the heart of the motion is, of course, the need to ensure that we do achieve genuine equality of opportunity for women and girls in sport.

Mr Hargreaves has indicated how well the Canberra team did, coming third in the national championships. That's a very significant achievement. We have a national team participating at the highest level in their chosen sport, and, in the national championships of that sport, they achieved third place behind Victoria, the champions—I think Victoria have never been defeated in national AFL women's championships—and Western Australia. The ACT was indeed credibly competitive and the only team indeed to keep Victoria beneath 100 points. That is a very, very significant achievement.

Mr Hargreaves has given some indication of the financial support that the women's AFL team has received. Certainly we acknowledge that it's not significant, but it is growing. There is now some support where just two years ago there was none; there was no support at all for this women's national team. I do acknowledge, as Mr Hargreaves has, the significant sponsorship provided by the Canberra Labor Club to women's AFL in the ACT. That certainly is, of itself, very significant and I think a real indication of the role, of course, that clubs do play in community life in the ACT. It highlights the importance for us to acknowledge and recognise the important role of clubs as essential parts of the community, of keeping the community together and of enforcing and invigorating notions around social capital. It certainly highlights the drive that we need to continue to pursue in relation to equality of opportunity for women.

Having said those things, I think it is important in the context of a debate such as this to then ponder those other aspects of non-recognition of women's sport that we as a society and that we as a community here in Canberra really do need to make some greater inroads into. It is fair to look at the level of coverage of women's sport in the ACT as part and parcel of the same motion as Mr Hargreaves has raised. How much TV footage

was there, in minutes, of this national championship? How many column inches were there in the *Canberra Times* or other ACT newsprint of this national championship? How many photographs of members of this team in action were there in our newspapers? How much coverage was there of this particular sporting team, its members and of its achievements on local radio?

Having said that, I acknowledge that there was some coverage. I understand, for instance, that Chris Uhlmann on the ABC breakfast show did interview members of the team, and I think that is a really significant advancement on times past. It may be that there was some coverage of this particular competition in the *Canberra Times*.

If you were to look at and undertake the measurements on radio, on television and within our newspapers of the amount of space and time in newsprint, photographs and of course air time on radio and TV that's devoted to women's sport, I think you'll find, in relation to the *Canberra Times*, it's about 20 per cent. I have previously congratulated the *Canberra Times* and will continue to do so. In terms of national surveys that are conducted from time to time on the level of coverage of women's sport in national newspapers, the *Canberra Times*, as far as I'm aware, has always been the national newspaper that has covered women's sport most significantly.

Quite significantly in terms of the *Canberra Times'* attitude to women's sport, one of the particularly pleasing aspects of the *Canberra Times'* coverage of women's sport is the number of action photographs of women in sport that the *Canberra Times* publishes. It was discovered, through much of the research that's been done on this issue of media and women's sports coverage, that newspapers have a tendency or proclivity in covering women's sport or in covering women athletes to publish posed photographs of women athletes; whereas as they're more inclined to publish action photographs of male athletes. They don't ask the male athletes to pose; they take action shots; and they publish the action shots.

These things are, of course, very significant. These are presentations of significant points. Newspapers will go out and ask a woman athlete to pose; they'll go out to the game and take action photographs of the men and publish the action photographs of men and posed photographs of women. I think it's particularly pleasing that the *Canberra Times* is aware of that and has moved to publish action photographs of women athletes.

Of course, that's important in terms of the signal it sends. It creates role models of women in sport, and that's particularly valid when one has regard to the drop-out rate of young girls, and teenage girls in particular, from sport. The statistics on the drop-out rate are really quite staggering. Girls are inclined to play sport until perhaps early puberty and then drop out; whereas boys are far more inclined to play sport through their teenage years. The drop-out rate in relation to male participation in sport occurs much later at boys than it does for girls.

One of the issues in relation to that of course is positive role models and media coverage of sport and of women's sport. The publication of action photographs, the coverage of women playing sport, are very positive role models, and I do commend the *Canberra Times* for the attitude that it's adopted in relation to both its coverage of women's sport and photographs.

Similarly, on national standards certainly, I have to say that since Prime and Capital dropped local news I don't watch them nearly as much as I used to. They don't cover local sport any more anyway; or local anything in fact. So I can't speak for those, but certainly WIN, I know, in its sports news has been increasingly generous in its coverage of women's sport.

But I think, if one were to do an analysis, one would nevertheless find that the *Canberra Times* is probably only devoting 20 to 25 per cent of its print space to women's sport. I wouldn't mind betting that local television stations are still struggling to get their percentage coverage of women's sport up to even that level. Actually it's probably even less; at times it drops to less than 10 per cent, which is a reflection of course on the coverage of all that football, all the men's golf, all the cricket, and all those male dominated sports. They'll cover the men's football, they'll cover the men's cricket, they'll cover the men's golf to a far greater extent of course than women's sport is covered.

At the heart of the issue that Mr Hargreaves raises in his motion is that we have got so far to go in ensuring equality of opportunity for women. They don't get the media coverage; they don't get the sponsorship. It's a vicious circle: no media coverage, therefore no sponsorship; no sponsorship, therefore no capacity to develop the sport and get media coverage. It's a vicious circle that goes round and round, and we need to break that circle of a lot of discrimination against women. I congratulate Mr Hargreaves.

MR SPEAKER: The member's time has expired.

MR STEFANIAK (11.43): Mr Speaker, I seek leave to withdraw my amendment, which will enable Mr Hargreaves to move his amendments.

Amendment, by leave, withdrawn.

MRS BURKE (11.43): I have just a few brief notes. I would like to thank Mr Hargreaves for bringing this on in private members business today. I also thank you for your invitation, Mr Hargreaves, to watch the AFL. It's very tempting, but of course it isn't the game they play in heaven, you see; so I might have to turn you down on that one.

Mr Hargreaves: You haven't been there and you mightn't go there.

MRS BURKE: I think that's very out of order. However, it certainly is an admirable achievement. I would certainly like to add my congratulations on this very credible performance. It is an extremely tough game, if watching the guys is anything to go by then. I know little to nothing about AFL, but I can tell it takes determination. Ms Dundas can probably tell me lots about all of this, which I'm sure she'll do in a moment.

Women's activity in sport is certainly one worthy of greater support. I'm sure that some of us in this place would be aware of recent ABS findings regarding young women's health. I think that we need to do all that we can at every level, and indeed go further. I applaud Mr Hargreaves' proposed amendments. Because this isn't a political football—no pun intended—we need to promote and accelerate the cause of women's sport amongst young people, and it is really important.

If we're going to give some diversionary alternatives to lifestyle for young people, then it's credible that you brought this on today. We would obviously certainly do no worse than to better fund, promote and support women's sport. As the Chief Minister's just said, it is a little lacking in the profile that it has.

I guess you'll all laugh, but one of my favourite sports is synchronised swimming. I know how that struggles. I know you may look aghast, Mr Quinlan, but it sorts the men out from the boys.

Mr Hargreaves: But you're good at solo synchronised swimming.

MRS BURKE: It sorts the men out from the boys, Mr Hargreaves. I'll watch AFL with you if you'll come into the pool with me and I'll teach you some synchro. There you go. I have to say that until today I had not heard of the Canberra Currency, which I think is quite sad. It sort of shocked me, but I'm honest enough to own up and say so. I thank him for educating me today and bringing another team to my awareness. That's fantastic for women's sport.

I also support Mr Hargreaves' proposed amendments, as I've just said, which speak of governments past and present. It does need to be a continued effort by the government of the day. I'm sure that, along with organisations who have given sponsorship, we must not forget the broader community, who often find themselves in the role of supplementing funding with lamington drives, raffles and the like. I think that such teams value the support from anywhere they can get it, but I think that it is incumbent on governments to better support, wherever we can, sporting activities to promote better health and so on. So that's great.

I said it shouldn't be made a political football. Mr Speaker, it really is essential, as I've already alluded to, that we do continue to hail and broadly promote the successes of our sports women—not only our sports women, but men too—particularly in this case, the Canberra Currency. Well done.

MR HARGREAVES (11.47): I seek leave to move the two amendments circulated in my name together.

Leave granted.

MR HARGREAVES: I move:

> (1) Paragraph (2): Omit the word "Government's".
>
> (2) After the words "funding initiatives" add "of past and present governments".

Very, very briefly Mr Speaker, I make two points. The first one is interesting. I was talking to Ms Dundas about it. It's interesting that the name of the team is the Canberra Currency, which are doing pretty well when they haven't got any money.

The second point, Mr Speaker, is that, as I mentioned when I was speaking about the level of funding for sports, the government has put out a fair amount of money and has set a high-jump bar up for future governments to get over. I think it's reasonable to make the point that previous governments have not been totally derelict in putting forward money at all. If any inference is drawn that they haven't put forward any money, it's totally incorrect.

I would hope that what we're seeing is an incremental increase on the part of, say, Labor governments back in 1989-91, through Liberal governments, Alliance governments and now through the previous Liberal government and this government of Mr Stanhope's. Hopefully the next government will actually jack the figures up even higher. So I commend my amendment to the chamber to make sure that there is bipartisan support for these funding initiatives.

MS DUNDAS (11.48): I'll speak to the amendments and the substantive motion just to speed things along. I'm of course happy to congratulate any ACT women's sporting team on their successes in national competition.

The ACT does have a strong tradition of producing great female athletes, and our women's AFL team is no exception. The ACT women's AFL team has played in the national championships for a number of years, and I do understand that they actually won the competition in 2000. I wish the Canberra Currency all the best in the coming years.

I'd also like to take the opportunity to congratulate many other leading women's sporting teams that we have here in Canberra, as we've already talked about. The Canberra Capitals have won the NBL competition this year. The Canberra Eclipse soccer team came third last season, and the season before they won the championship. A number of Eclipse players have been selected to play with the national team, the Matildas.

The AIS Canberra Darters are a new team in the national netball competition, currently in equal sixth place and moving up the ladder. The Canberra Lakers women's hockey team came third in their national hockey competition this year. The ACT under-19 women's cricket team came fifth in the national championships this year, and I would like to congratulate team captain, Kris Britt, who has secured a place in the national women's cricket team, the Southern Stars.

I also note that the ACT Cricket Association is hoping to field a first grade women's team in the national competition in the near future and that there are currently moves under way to form a women's water polo team to play in the national competition as well.

The fact that the ACT women's AFL team has done so well is particularly pleasing, given that the ACT government gives a quarter of a million dollars every year to a men's AFL team based in Victoria. It is a poor reflection of our government that they will support a men's AFL team from interstate at a level surpassing any local sporting teams and that our own women's team gets very little in comparison from this government. I have very little doubt that, if the Canberra Currency were given the same level of support, they would have been able to win the competition hands down.

The ACT government does spend vastly more on supporting men's sporting teams than it does on women's sport. Given the far higher contribution by private sponsors to men's sport, there is a very cogent argument that sporting contributions made by government should be biased toward women, rather than reinforcing the disadvantage that women's sports already endure.

Equally, the government's so-called women's sporting funding initiatives—and Mr Hargreaves and Mr Stefaniak both believe that the past and present governments have been so successful in these—I will actually say, do not appear to have made much of an impact. The proof of any impact will appear in the Gambling and Racing Commission's annual report on contributions.

With regard to the changes that this Assembly made allowing clubs to reduce their donations below the legal minimum by increasing their donations to women's sport, it is going to be interesting to see whether or not clubs are using their donations to women's sport to reduce their contributions to other community organisations or whether or not there has been an increase in the contributions going to women's sport based on the government's success in leading the way.

While we do welcome community and club support and contributions that they do make to women's sport, it is disappointing that clubs have had to step in to fill gaps that were left because the government wasn't providing that support.

I think it is important that we are having this debate and that we can bring to the attention of the community and, as Mr Hargreaves has wanted to indicate, other governments that we do need to lead the way in recognising women's sport and women's sport initiatives. But I do question whether or not we have gone far enough and whether or not we are leading the way.

When I was having this conversation with Mr Hargreaves earlier, he said, "$1 is a success, no money is not a success." That is a very worthy comment to make, but when we are supporting teams who receive huge amounts of sponsorship, huge amounts of support, sell-out crowds at first-class sporting facilities, far above teams that are struggling to support their players to be able to be dedicated to their sport and support players who, as Mr Hargreaves mentioned earlier, didn't even have uniforms, are we actually making a success in the inroads into women's sport? I believe that there is more work to be done in this area and that we will have to wait to see whether or not just amending the Gaming Machine Act is going to make a difference.

Earlier this year, when the Matildas were playing New Zealand in the soccer competition, I was talking to some soccer players. They were saying that, because they're in a women's competition, they don't get to play on the same level of facilities as those in the men's competition, because they're not deemed to be playing at the same grade. This actually has an impact on their fitness and on the number of injuries they get, which then has an impact on their performance, which then reinforces all the stereotypes that we already know exist in the community about women's sport. If the commitment was there to women's sport, then they would be able to play on first-class facilities and not run the risk of unnecessary injury or uncalled-for injury, just because their facilities are substandard.

I do believe that there is actually a lot of work to be done to recognise women's sport in the ACT and to support women in their sporting endeavours.

I go to the substantive part of this motion. The Canberra Currency have shown that, despite low levels of funding, virtually zero media coverage, a lack of recognition and a recognition below what their male counterparts receive, they can still work together to play at a national standard in their chosen sport. I am continually astounded by the achievements that women attain when they do work together. I know that they will continue to be worthy of national competition into the future, and I do hope it is something that this Assembly will continue to support.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.55): Mr Speaker, I hadn't intended to speak in this debate, but I just want to respond to one point made by Ms Dundas because I think it does need clarification. Yes, we do spend a considerable amount of money bringing Kangaroos Australian rules games to the ACT. We spend money on the elite teams. They are not necessarily teams in which many Canberrans participate.

The main point is that those particular sporting activities are the spectacle that people want to see. We're not now talking about the participation. If you'd like to go to one—I don't know whether you know much about sport at all, Ms Dundas; I don't know what your heritage is—but if you go to the Brumbies, if you go to the Raiders, if you go to the Kangaroos, just have a look at the proportion of women there attending and enjoying. And that's the point.

The fact that there's a lot of money spent on major league teams and they happen to have men playing should not be the measuring stick. Just have a look at the attendance they attract and have a look at the proportion of women that go and genuinely enjoy it. They are sporting spectacles that are put on for the full population, that the population demonstrates their desire to attend by actually attending. So let yourself go, go to a couple of them, go and have a look.

MS TUCKER (11.56): The Greens are also pleased to support this motion congratulating the ACT women's AFL team, the Canberra Currency, on their success. There are a number of issues that have been raised during this debate. Just to summarise: there is of course the need to further recognise women's sport and further support it. Questions about the role of the media have also been raised, and that obviously is an issue.

But I'm particularly interested in what Mr Quinlan just said, because I think it comes to the crux of the discussion in a way. If you look at the attendance at matches of male teams, it shows it's a fine thing—and of course it is—but that argument is also used in some African countries I've had discussion with about the fact that there are no women in parliaments. The answer is: well, people don't vote for women; therefore, they don't want women. I don't think anyone in this place would accept that argument.

It is about the culture, and the culture which actually supports or does not support women, whether it's in parliament or whether or it's in sport. I guess the challenge is for us to recognise those very subtle cultural influences in our community and in our society and proactively challenge them when we see them to be failing. I think that's what this

discussion is about, particularly in regard to what Ms Dundas was getting at. We do need to see a real recognition of the issues that are a problem for women's sport. It has far reaching implications, in my view.

As members are aware, we recently completed a report on the health of school-aged children, and the question of physical fitness and participation in sport was obviously something that we looked at in that committee. The gender issues are part of that discussion. What is really important, I think, is that the spectacle that Mr Quinlan referred to does have significance, in terms of our culture, in setting expectations for girls and boys. One of the reasons I believe it is important to have the spectacle, with as much hype around it in women's sport, is that the girls then, as they're growing up and seeing that spectacle—and we know the power of the media and television, et cetera—get the idea that women can be good sportspeople; it's not just about boys, basically. That's as fundamental as it gets. So I do think it is very important.

I notice in this motion and this debate there's been some to-ing and fro-ing with amendments and should we recognise and note the government's support or should we not and so on. I think it's all a bit churlish, to be honest. I don't have a problem noting that there have been some successes that have come from the government's program—and I've got a list of coaching programs that they've supported, which include organisations such as netball, ACT Cycling Federation, basketball, softball, rowing. They receive grants for coaching. Then there's another list here which I'm not sure Mr Hargreaves went through in his presentation. I assume he did. That's a good thing. I don't have a problem noting the success.

I'm not quite sure whether I need to note the past government's successes. I'm not quite sure what they were, to be honest. I wouldn't die in a ditch over it.

MR HARGREAVES (12.01): Members, I'll close the whole debate. Thank you, members. I'll just address the issue that Ms Dundas raised. She was making a point about the funding. I was saying that $1 does make an impact; no dollars don't. She's sort of half right, but there is a reality today that a reduction in funding, if you like, or no funding at all will have a detrimental effect. We're not talking about government funding here, Mr Speaker. I want to make that absolutely clear.

I have to quote some of the things my wife says—I won't quote them all because they're quite rude—when I'm watching AFL on the TV. She regards sport not as sport; she regards it as an entertainment medium, where actors play out their part and entertain us all—that sort of thing. She's entitled to that view, the savage that she is, but can I say, Mr Speaker, that the point that Ms Tucker made was absolutely spot on. We go out there in our numbers in the crowds, and we watch the spectacle that Mr Quinlan spoke about.

I had the lack of pleasure to go out there and watch the Raiders get done the other night—pleasure is really the wrong word. But I had the pleasure of watching the game. Mr Quinlan's quite right. The crowd I would have put at around—I don't know if his numbers agree with my instincts—60:40 actually. The women go out there and watch the spectacle of a rugby league game. People want that spectacle, but if we don't start at the beginning, if we don't start down there at the teenage years and start building up women's participation skill levels, people's interest in it, and people's desire to go and watch it, then they won't come and watch women participate in the spectacle.

This could happen in 2005: we could have the international women's hockey competition here, with a bit of luck. In the levels of international championships for hockey, I think the World Cup is the first, there's another one and then there's this championship. I would argue that if you put that one on you'd get stacks of people going to watch the Australian women's hockey team playing in the ACT.

I would also bet good money that, if you put the Australian men's hockey team on and you put the Australian women's hockey team on, you would drag a bigger crowd to the women's national team game than the men's. Why? Because of the success of that team—not because they're better at the sport than the men, but because they are more successful; and people are attracted to success.

Why do you think that is? I was paying credit to the *Canberra Times* and other media outlets. I do actually recall the Speaker's favourite sport, that is, running down the road. When the Speaker runs down the road once a year, particularly in things like the *Canberra Times* fun runs and things like that, you always have a photo of the first woman over the line as well as the first bloke over the line; there is always equal treatment in that sort of event. We need to have that right across the board.

MR SPEAKER: I never see that.

MR HARGREAVES: Well, you're too far back in the field, Mr Speaker, to see that.

I just would like again to underscore the point Ms Tucker makes. If we want people to go and see elite women's sport, then it has to have the same encouragement to be as spectacular as the elite men's sport. I'm urging the private sector, the community sector, as well as governments in the future to recognise all our community obligations to actually achieve that.

I've seen ACT-level AFL teams as well as quite a lot of soccer. I can tell you the women's soccer teams in the ACT are every bit as good as the second-level men's teams, every bit as good a spectacle. It is the same thing with the AFL.

If you've never had the pleasure of watching a women's cricket game, it's just fantastic. Do we give the same recognition to our Australian women's cricket team? No. Have they got the same success? Not quite, but they are pretty good. But we don't do that.

We have to remember too that there is a movement afoot across the country to put money and resources into junior development and participation in sport. When I spoke to Ross Smith, the development manager for the AFL, about this thrust, he said, "Yes, of course, we've got to get the young fellows out on the park." It occurred to me that they're missing out on 50 per cent of the junior development because there wasn't any attention to the needs of the girls between the ages of 12 and 18. It's not in their focus; it's not in their minds. That's all it is. When I mentioned it to him he went, "Of course. Thank you for that." He took that away and then changed the focus a bit into having both genders in their thinking on junior sport.

Mr Stanhope made the point that it's a circular argument here: if we don't get the crowds, we don't get the media; if we don't get the media, we don't get the sponsorship. So she goes around—the chicken and the egg. I say it's time to unscramble the chicken omelette. The point is, Mr Speaker: something has to stop; the wheel has to stop somewhere. We need to actually stop it, get into the sponsorship part. Get the sponsorship going, you'll get the crowds. Get the crowds going, you'll get the media. And away we go! It's a circle but this time it's a positive circle, not a negative one.

Mr Speaker, we also need to change the mindset of the community. In one of my daughter's families there are a girl and two boys. They talk about the young boys' prowess in soccer and rugby league, but they don't talk often enough, in my view, about my granddaughter's prowess at playing soccer. I think that's where it's got to start. I have to tell you, she takes after her grandfather; she's a proper little soccer player. She's a great player. She also can do no wrong and is absolutely perfect. The boys, on the other hand, are a different story. That's why they play rugby league and not AFL, I have to say.

Can I end up by saying that we need to get back into the minds of the families and get them to concentrate equally on the promotion of sport amongst both their sons and their daughters and push it on from there.

Amendments agreed to.

Motion, as amended, agreed to.

Insurance Compensation Framework Bill 2002

[Cognate bills:
Legal Practitioners Amendment Bill 2002
Adventure Activities (Liability) Bill 2002]

Debate resumed from 25 September 2002, on motion by **Mr Smyth**:

> That this bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with orders of the day 2 and 3? There being no objection, that course will be followed.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (12.08): I might say at the outset that this cluster of bills has probably already served its purpose. I do not think these bills were ever about an intention to enact the provisions within them, but more as a feeble attempt in the vein of, "We are more concerned about insurance than you are—we are acting, and you are not."

We have, therefore, a rejigged version of the Workers Compensation Bill, with some interesting add-ons, and then a couple of other bills which would put the ACT in a unique position.

It is important for us to recognise that, within insurance, what we have had is a failure of capital. We have not necessarily had an explosion of liability. It is also unfortunate that there has been reaction focused on liability, when we have, in fact, seen the capital backing of the insurance industry fail. Perhaps in other states, oppositions have put on stunts like this. I am not sure, I have not heard of them. However, the jurisdictions and the Commonwealth have worked together on a coordinated wide front.

We will not solve this by inventing a scheme which cannot be funded or underwritten—a scheme to which no participants can adhere and one which is, I have to say, fiscally irresponsible. The government's approach has been to work with the states and the Commonwealth, to work within the frameworks of a couple of in-depth reports by Justice Ipp and Professor Neave—the Neave report and the Ipp report—which examined public liability and, in particular, medical professional liability with a view to building frameworks that would be sustained in the long run.

There is a real danger here. The insurance market has suffered failure and the insurance underwriters wish to recoup considerable losses. the number of available underwriters, in some cases, has diminished from 37 to two in the area of liability insurance.

The jurisdictions that wish to put into place responsible legislation to cover their citizens are at a disadvantage because the insurance market has been effectively calling the shots. Remember that Australia is a very small part of the world-wide insurance market and that the ACT is a very small part of the Australian insurance market. for us to have any unique process might mean that there would very quickly be no underwriter.

Everybody in this place would be aware of the difficulties some organisations, businesses and professions have had in finding cover, even though they have exemplary claims records and there is no obvious reason why their insurance cover would not be reviewed, other than the fact that the whole process has become arbitrary. If they don't fit the model, the underwriters in London, Geneva and New York don't cover them. Tariffs are being increased significantly; people are backing out of insurance underwriting and it is therefore a sellers' market. In that sellers' market for the ACT—a small part of Australia and a small part of the world market, Mr Speaker—I would say it would be dumb, in the extreme, to be trying to get out there and go it alone with the processes we want to put in place.

I could go through a number of elements of the various bills and advise the house exactly where they fail, but I do not know that that is going to serve any great purpose. I am happy to circulate it, but I understand the numbers are in this place for this legislation to not go forward. it is my suspicion that, despite protestations, the opposition does not expect, or want, this bill to get up because they accept that it is a nonsense—and that nothing but a puerile attempt has been made on it.

Mr Smyth: Crap! Your defence is that we did not think we wanted to do it anyway?

MR SPEAKER: That is unparliamentary, Mr Smyth—withdraw that.

Mr Smyth: I will withdraw the "crap", Mr Speaker.

MR QUINLAN: Let us spend a little time on the Injuries Compensation Framework Bill. The intent of the bill is to implement a regulatory framework for public liability in the ACT, imposing obligations on injured parties, insurers, business operators and legal practitioners. The problem is that the bill does not bring together the various existing common law and tort laws that regulate public liability.

Again as to intent, the bill will in effect establish a no-fault system—similar to that in workers compensation, of dealing with public liability claims, with the focus shifting to the rehabilitation of injuries rather than monetary restitution. The problem is that changing the focus to rehabilitation will not help solve the insurance dilemma because the cost of establishing a no-fault system would need to be met by the business operators of the ACT.

It establishes a right of action for a whole range of activities which are presently not compensable through common law systems. For example, this would provide compensation for a whole range of new situations, such as injuries sustained in an under-12s rugby match, or a ruckus at a remand centre.

It creates new and onerous obligations for business operators to take insurance in relation to injuries which might occur on a property. The nexus between cause and liability has been broken. For example, if a person were prescribed the wrong medication by a doctor, purchased it from a chemist and then took it while sitting in a cafe, the cafe owner is liable under this bill. A second example is that of a doctor who has to give bad news to a client about a medical condition. He or she might be liable for the anguish occasioned by the news.

The possible impost on business operators is not costed. This is because the bill encompasses so many new types of claims. Whether based on negligence or not, they may quickly outstrip the cost of negligence-based policies.

The proposed scheme ignores both market realities and the insurance crisis itself. The number of capital underwriters for liability insurance of various types is at an all-time low. The number of providers of professional indemnity insurance, as I mentioned, has shrunk from 37 to two.

In the present climate, there is the probability that developing a mandatory new one-off product, for a jurisdiction representing less than 2 per cent of the national market, is fraught with difficulties. In isolation, the scheme would be grossly unattractive and create a markedly difficult pricing environment for insurers, because it leads to differing outcomes from prevailing systems under common law.

For example, if two people purchase bottled drinks and both drinks have a defect, in the unpleasant form of a snail in them, the person who opened the bottle on the premises would be able to claim compensation, on the basis of damage in the form of nervous shock, against the business owner, but the person who walked off the premises before suffering damage would not have an action against the business owner.

I do not know where this one comes in, but the intent of clause 55 excludes those suffering HIV/AIDS from eligibility for compensation. I do not know whether that is in our workers compensation bill or not—I doubt it. This discriminates against people.

The intent of part 17, dealing with procedure for compensation, makes it mandatory for all appeals to go to the Supreme Court. The problem is that a Supreme Court action would have significantly greater expense than if the matter had been able to be heard by the Magistrates Court, which acts as a safety net—where they are able to seek judicial consideration of their complaints.

The Legal Practitioners Amendment Bill prohibits the advertising of services by legal practitioners as no-win, no-fee—the reason for which we do not know. In fact, it has become fashionable to blame lawyers for many of the problems faced by today's society. According to some commentators, if lawyers are not responsible for problems in relation to public liability insurance for small businesses, then they are certainly responsible for the problems associated with medical insurance for doctors.

There is little ACT evidence to support the claim that advertising by lawyers is leading to an explosion of litigation—nonsense—which, in turn, is leading to increased insurance premiums. That is not the cause. By this, I should not be taken to say that there is not a problem elsewhere around Australia. I am saying that there does not appear to be a problem in this jurisdiction. The ACT is different from the rest of Australia. It is different because advertising of this type has been allowed for many years.

The ACT knows this is not a significant impost on the ACT system. The concept of an explosion of litigation is not supported by credible data. Productivity Commission figures reporting the number of court lodgements for each of the past five years indicate that there has been only a moderate increase in litigation during that period. This increase includes a litigation spike caused by changes to the New South Wales workers compensation scheme, and considerable fluctuations in figures from Queensland because of changes to that state's reporting system.

Accounting for these two factors, the increase in lodgements is even less significant. Lawyers' fees are regulated in the ACT. The Supreme Court and the Law Society of the ACT closely supervise the fees charged by lawyers, unlike in New South Wales, where contingency uplift fees may be charged. There is no provision for lawyers in the ACT to increase their fees solely because they take a case on a no-win, no-fee basis.

The problems within the insurance industry are the result of a set of issues more complex than the matter of advertising by lawyers. These range from changes in the insurance industry itself the management of risk in our hospitals to the manner in which we compensate claims.

The ACT has published a comprehensive three-stage plan which strikes at the causes of the current insurance crisis. It is not enough to simply treat the symptoms and then move on. The ACT government will not be stampeded into legal administrative reforms that do not strike at the heart of the causes of increased insurance premiums. It is too easy to blame lawyers in this debate.

Is has been generally agreed—by the ACT Supreme Court no less—that no win, no fee is probably a socially positive thing to have in place, because it provides access to the courts for people who might otherwise be deterred from making a claim. So provided that, on one hand, we have regulated fees, and we can, on the other hand, make sure

everybody has access, we may have on our hands a positive situation as opposed to a negative one.

Equally, Mr Speaker, we do not agree with the import of the Adventure Activities (Liability) Bill. Specific problems in this area relate to insurance products. A specific proposal has been developed which will shortly be presented to the Assembly. What is important is that there has been work done, at a national level, between the states and the Commonwealth on a review of the provisions and application of the Trade Practices Act, which needs to be done sensibly.

I did not want to go down this road but I did say, when this legislation was first brought out, that it was a joke. It remains a joke—and a dog's breakfast. The list of holes in it is tremendous. It is naive in the extreme to think that the ACT can diverge greatly from the provisions put in place at a national level and have the industry even bother looking at us.

As the Chief Minister has said—I will support him to the hilt—the one area we are concerned about is the thresholds and caps which some jurisdictions are instituting. I think they constitute a legal mechanism of disenfranchising people from their entitlements. There is no purpose to a threshold or cap other than to take away from somebody that to which they would otherwise be entitled.

In that regard, we will resist the introduction of thresholds and caps. We may not win—I do not guarantee that we will win that one—but we will nevertheless resist that measure and try to set up a unique process in the ACT. I am talking about public liability and professional liability. I am not talking about the compulsory workers compensation process, Mr Smyth. there are considerable differences.

Mr Smyth: Ah!

MR QUINLAN: Is that a sign that the penny is dropping?

Mr Smyth: When it suits you, you can; and when it does not suit you, you will not.

MR QUINLAN: You can stand in this place and try to bluff it, mate, but this was a low point. This is rubbish.

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

Sitting suspended from 12.25 to 2.30 pm.

Questions without notice

Medical practitioners—car ownership

MR SMYTH: My question is to the Chief Minister, Mr Stanhope. I understand my office has given you some notification of it. Chief Minister, in reference to your comments in the *Canberra Times* this morning, how many doctors are registered in the ACT, and how many Rolls Royces are registered in the ACT?

MR STANHOPE: I understand that there are 1,890 doctors registered in the ACT and there are 29 Rolls Royces registered in the ACT. Of all the groupings that might be described in the ACT, the grouping with the greatest proportion of Rolls Royces is obstetricians working at the John James Hospital.

MR SPEAKER: Do you have a supplementary question?

MR SMYTH: I sure do.

MR SPEAKER: He gave us all the answers.

MR SMYTH: How many Rolls Royce driving doctors are there in the ACT? What evidence did you base your comments on, or is this just another case of your government promoting class warfare?

MR STANHOPE: I base my comments generally on knowledge that I have about the average annual earnings of obstetricians employed at the John James Hospital and on the car ownership thereof.

Mr Smyth: Mr Speaker, I have a point of order. The actual question was: how many doctors drive Rolls Royces in the ACT?

Mr Quinlan: "And I don't want to hear anything else."

Mr Smyth: Oddly enough, you have to be concise, Mr Quinlan.

Mr Corbell: On the point of order, Mr Speaker: at the risk of sounding flippant, the Chief Minister is not responsible for registrations of Rolls Royces in the ACT, and the question is out of order.

Mr Smyth: On the point of order: he is actually responsible for his comments. I want to know how many Rolls Royce driving doctors there are in the ACT.

MR SPEAKER: Mr Smyth, as long as the Chief Minister does not refer to Bentleys, he is probably on target.

MR STANHOPE: I have completed my answer, and I am happy to ask for further questions to be placed on the notice paper.

Visiting medical officers—collective bargaining

MRS CROSS: My question is to Mr Corbell as Minister for Health. Mr Corbell, you failed to answer a series of questions about proposed negotiations with the territory's visiting medical officers that were put to you by the Estimates Committee. These questions concerned the encouragement of collective bargaining by your government and the attitude of the ACCC. Mr Corbell, is your government encouraging collective bargaining by the individual contractors known as VMOs?

MR CORBELL: First, Mr Speaker, I do not recall not answering those questions from the Estimates Committee. I do not recall being asked them, but I would be happy to check the *Hansard* for Mrs Cross and provide her with further information on that.

In relation to the government's approach with visiting medical officers: yes, the government at this stage is investigating the implementation of a collective bargaining framework for visiting medical officers who are engaged in Canberra's public hospitals. We are doing that because we want to ensure that there are more equitable and consistent outcomes in terms of the contracts that VMOs enter into.

At the moment, as a result of the bargaining arrangements implemented by the previous government, the rates of pay vary for VMOs performing the same volume of services, the same services and in the same hospital. The only reason they vary is that one VMO bargained better than another VMO. That is not a good use of the taxpayers' money. We need to make sure that people are paid consistently for the service that they deliver, and that is the approach that we are adopting today.

MRS CROSS: Minister, did you fail to provide answers to the committee to the questions that were asked of you on notice on 4 June because your government had advice from the ACCC that suggested that such an approach would be contrary to the federal act? With the Assembly's Estimates Committee now having reported, when will you provide answers to the questions that were put to you through that process and to which you failed to respond?

MR CORBELL: As far as I am aware, I have answered all outstanding questions from the Estimates Committee, but I will double-check with my office. In relation to the ACCC: it has indicated that this process can take place in the ACT because it takes place in other jurisdictions now, notably New South Wales. New South Wales has had this approach for a number of decades now, through both Labor and Liberal administrations, and it has worked effectively and reasonably. There are issues surrounding the Trade Practices, Act but the advice provided to me has indicated that they are not an impediment to implementing this arrangement.

Power blackouts

MR CORNWELL: My question is to the Treasurer, in his capacity as minister responsible for the territory-owned corporations; in this case, ActewAGL. Treasurer, it relates to the continuing power blackouts in inner southside suburbs. You will recall your responses to me of 25 March last year, 15 April last year and 5 June last year on this issue. I have received more recent advice from Yarralumla shopping centre retailers of at least seven power failures in the past 17 months. Yesterday morning, Deakin and Forrest were blacked out for a number of hours. I mentioned this to your office earlier today.

I am now asking: why have there been so many power blackouts in the inner south in recent years?

MR QUINLAN: I thank the member for his question and also thank him for the notice of the question. I wish to assure the house that blackouts in Forrest, Deakin and Yarralumla have nothing to do with class warfare.

ActewAGL has advised that there have been a number of unplanned, small and large-area outages in the Forrest, Deakin and Yarralumla areas. It has also advised that these have been substantially due to circumstances beyond the direct control of ActewAGL. The cause of these outages has included the bushfires of January 2003 and a possum causing a fault at the top of a power pole.

There was a report identifying a flock of birds on power lines that caused conductors to clash; a rodent causing a fire in a ground mounted substation; cable excavation by a subcontractor; trees being blown into power lines in heavy winds. In all recent cases, it has been assessed that in calm conditions the culprit branches and trees were outside the prescribed clearance area. There has also been equipment failure, including cable and insulator failure.

ActewAGL has undertaken substantial steps to address the ongoing issues in the Forrest, Deakin and Yarralumla areas. These include the entire length of two high-voltage feeders supplying the area being inspected and maintained. Over a period of almost three months ActewAGL linesmen undertook a close-up inspection of every pole and termination point along these feeders. Any potential issues have been identified. All trees were inspected to ensure that they were at least 2 metres clear of the lines, as defined in the Utilities Network (Public Safety) Regulations of 2001. All this work was completed by the beginning of this month.

There has also been an evaluation of cable condition. Monitoring of equipment was undertaken. The equipment did not prove to be successful in identifying any potential failures in cable. There has been the replacement of a T-joint in a switching station and the installation of sectionalisers—we all know what they are—in an urban area in order to improve fault restoration and to minimise affected areas. I suppose sectionalisers isolate areas. These are planned to be installed on 25 and 28 June of this year.

Further to your question: I think there was a particular outage in Forrest yesterday. A New South Wales Crescent feeder went down at 8.51 am and was fully restored at 9.40 am. I am told that the cause of the cable failure was a termination fault. That can stop it! Supply was restored in stages, as follows: 50 per cent back by 9.20 am; a further 20 per cent back by 9.37 am; and fully back by 9.40 am.

If, Mr Cornwell, you would like a full brief on the actions which have been undertaken by ActewAGL to minimise power failures in these areas, I am happy to facilitate a briefing by ActewAGL.

Public Interest Disclosure Act

MS TUCKER: My question is to the Chief Minister and is in regard to the Public Interest Disclosure Act. Chief Minister, you would be well aware of concerns raised about operations of the University of Canberra and the university union over the past few years, which have included allegations of fraud and mismanagement, some of which were confirmed in the Auditor-General's report released yesterday. You will also recall that the university, for some time, argued fairly emphatically that the Public Interest Disclosure Act did not apply to it but, after the issue was raised in the Assembly, it did finally concede to behave from that point as if the PID Act did apply.

Can you assure the Assembly that, since then, all due protection and assistance have been granted to the whistleblowers who raised the issues within the university in accordance with the PID Act? If not, what will you do to ensure that they will be granted?

MR STANHOPE: Yes, I am aware of the issues and of the previous questions and discussion in the Assembly on the matter. I have read the report tabled yesterday in relation to the Auditor-General's investigation of allegations of possible fraud and his recommendation that they be referred to the Australian Federal Police. I understand that the Australian Federal Police have been involved for some months in investigations in relation to issues involving the union. I am aware that there are outstanding matters in relation to the issues that have been raised.

I have to say, Ms Tucker, that I cannot give you an assurance at this moment in relation to the steps that have or have not been taken concerning those that sought to utilise the Public Interest Disclosure Act in relation to the disclosures that have been made. I would certainly hope that every protection has been afforded them and that all steps required by the act have been taken. I cannot give you that assurance, but I will seek that assurance and give you the information as I have it. I simply have not been briefed on the matter. I have not received any information to suggest that they have not been so protected or that the act has not been fully abided by or implemented, but I will get you the information and, I would hope, the assurance that you seek.

MS TUCKER: I am also interested to know whether you are aware of any flaws in the PID Act. If so, can you advise the Assembly on how you will address them?

MR STANHOPE: I am not aware that there are deficiencies in the legislation, Ms Tucker. If there are, I am more than happy to have that investigated. I would be more than happy, now that you have planted this kernel of doubt in my mind, to ask officers to brief me on whether any concerns have been raised about any aspect of the operation of the Public Interest Disclosure Act.

In a broader sense and without being specific, I have had conversations in relation to people who have sought to rely on the Public Interest Disclosure Act and had an impression or feeling that certain of their behaviours or actions would be protected by the Public Interest Disclosure Act, subsequently to discover that the level of protection that they had imagined they were afforded was not realised. I am speaking in the context of people who perhaps have been involved in legal actions subsequent to an attempt to utilise the Public Interest Disclosure Act. I do not see that necessarily as an issue with the legislation; rather, perhaps, issues around how it does operate. It may be that there are some issues there in terms of having a full understanding of the operations of the legislation.

Now that you have raised the matter with me—I do not believe that anybody else has raised it with me; certainly, I am not aware of or cannot recall briefings from any of my departmental officers—I will seek the matter out and will happily respond to you.

Medical indemnity

MR PRATT: Mr Speaker, my question, through you, is to the Attorney-General, Mr Stanhope. I refer to comments by Dr Ian Pryor of the Australian Medical Association in today's *Canberra Times*. The paper reports:

> Australian Medical Association ACT President Dr Ian Pryor hit back, saying the Government's "monumentally incompetent" handling of the issue had created the crisis ...

Dr Pryor continues:

> ... "Specialists are not prepared to lay themselves or their families on the line because the Government has been too incompetent to [legislate] in time."

You have known about the deadline for legislation to cover this situation for 18 months but will introduce legislation to attempt to address the situation only next week. Why have you been so incompetent by introducing legislation to address this state of affairs one week before the deadline?

MR STANHOPE: Mr Pratt, there is no deadline. The AMA, or obstetricians operating out of John James, can seek to assert that there is a deadline. Whose deadline is this? This is the deadline of the AMA, or the deadline of obstetricians working out of John James. We can all impose deadlines, can't we? We can make them up; we can look at a calendar and say, "Here's a good deadline. This is the government's deadline. We insist that the government legislate by this date."

Mr Smyth: You can make up economic cycles!

MR STANHOPE: That is an interesting deadline that we all look forward to—the next election. Some of us look forward to it perhaps with more gusto than others. That is one deadline that I am not sure you are anticipating all that willingly or openly—certainly not with the gusto with which we are, on this side.

MR SPEAKER: Order, members! Confine yourself to the subject matter of the question.

MR STANHOPE: Mr Speaker, there is no deadline. Certainly there is a deadline in the minds of some specialists operating out of John James, insofar as they are suggesting that they may withdraw their services on and from 1 July. This is unlike the legislation we are currently debating in this place. As I indicated yesterday, the legislation we will be introducing next week has been foreshadowed for some time. I made public the details of it in April this year, at the same time as declaring that we would be introducing legislation in June. All but four relate to the one issue of a potential statute of limitations reduction in relation to children.

It is interesting, Mr Pratt, in the context of the question you ask, that you quoted Dr Pryor's question whether the Chief Minister is prepared to put himself in the same situation as the specialists at John James. What about their families having to wait 24 years?

There is, of course, the contrary position, or the other position Mr Pryor and the obstetricians at John James might have asked me to put myself in—and indeed it is the position I have put myself in. I have put myself in the position of parents who had a child who was significantly, comprehensively and catastrophically disabled at birth—a child who suffered massive brain damage at birth, who has no quality of life at all and no capacity to sustain their life, as a result of the negligent act of the obstetrician delivering that child.

I have put myself in the position of those parents. I have put myself in the position of that family. I have imagined the circumstances of that family in 24 years time. Why did not Mr Pryor suggest that we put ourselves in the position of the family—of the baby catastrophically injured, disabled absolutely—with no capacity to live an independent life?

Mr Stefaniak: They could sue immediately—and they would sue immediately.

MR STANHOPE: They do not sue immediately!

Mr Stefaniak: You don't need 24 years for that.

MR STANHOPE: Point me to one case where a family in that situation sued immediately. It does not happen. Why should you impose that on those parents? Why should you say to them, "You must decide within three years the nature of the legal challenge you will make. You have a catastrophically injured child—a child injured as a result of the gross negligence of an obstetrician."

You want me to put myself in the situation of the family of the obstetrician, but you don't, for one second, think about the situation of the family of the child who was catastrophically injured at birth.

There are two sides to this issue—that is the point I have been making. There are two positions and this government is balancing the two positions. We are seeking to ensure that medical practitioners have the capacity to practise and to serve the community in the excellent way in which they do. We don't deny that—despite the exchange of unpleasantries between the AMA and me. We know what that is—it is a bit of argy-bargy. It is unpleasant; it is unfortunate; and we always regret these things in hindsight.

Let's get the argument into some balance. Let's put ourselves, in 24 years time, in the position of the parents and the brothers and sisters of the person who was catastrophically injured at birth—at the moment of delivery—as a result of the gross negligence and incompetence of an obstetrician.

I am happy to answer that question from Dr Pryor because that is precisely the position I put myself in. I said, "What is fair to that child? What is fair to the family?" I am prepared to say that perhaps my heart did not go out quite as much to the family of the obstetrician as it went out to the family of the catastrophically injured baby. I am fair enough to admit that. I will fess up—I will cop that. I did think a little bit more about the needs of that child.

You should visit some of them, Mr Pratt, as you sneer and shake your head. You should see the circumstances of some of those people.

Mr Pratt: I sneer because it is a red herring, Chief Minister.

MR STANHOPE: A red herring? A red herring to elevate the interests of the catastrophically injured child; the child whose life was destroyed; the child with no quality of life; the child to live without—

Mr Pratt: You are diverting from the substance of the argument.

MR SPEAKER: Order! Mr Pratt will cease interjecting, and the Chief Minister will direct his comments through the chair.

MR STANHOPE: That is the basis upon which this government has pursued these reforms. It is a tough reform process, but it is almost at the point of conclusion. At the end of the day, I think that we, here in the ACT, will have produced the best and most balanced outcome to this major tort law reform exercise of any jurisdiction in Australia.

I will stand by the product which we ultimately deliver. It will be the best and fairest of all the regimes introduced around Australia. One of the reasons why it will be the best and fairest is that we did not respond in a knee-jerk way; we were not stampeded; we did not rush in. We climbed into the ring with the insurance companies; we climbed into the ring with all the vested interests of the doctors, lawyers and accountants.

It is interesting to see those who have trooped to my door, and to the door of the Treasurer in relation to this—all the big professions but not many representatives of catastrophically injured children. The people who trooped to my door were insurance companies, lawyers, members of the AMA, members of all the professions, including accountants and auditors.

Mr Smyth: Is that wrong?

MR STANHOPE: No, it is not wrong, but you need to put some balance into this argument. Every other government responded to that pressure. They responded in a knee-jerk way; they did not go the distance; they climbed into the ring with the insurance companies and the medical profession, got bloody noses in the first round, and their side threw in the towel. That is not how this government responded. We are up to the 15th round and we're still standing. We have fought the good fight—and we are the only jurisdiction that has fought the good fight to the end.

MR PRATT: Mr Speaker, I have a supplementary question. Putting the massive diversion to one side, Chief Minister, why have you been so slow in introducing legislation when New South Wales has had strong legislation in place for months?

MR STANHOPE: I answered that question. I answered it quite well, I thought, but I am happy to repeat it. As we all know, it is a fact that there are some wonderful Labor governments around Australia—there are eight of them.

In relation to this issue, I have to say—I said this yesterday and I will stand up and continue to say it—that I don't think some of my interstate colleagues have covered themselves in glory on this issue. I think the rush to appease the insurance companies and the major professions was a little hasty. I think that, at the end of the day, it has not produced the results the people of Australia could have expected in relation to this issue.

As I said yesterday—and this is reflected in the question Mr Pratt asked—jurisdictions are legislating away current rights. I would have thought, and would have hoped, in a way, that the attempts to keep this government accountable in relation to this issue of tort law reform would have been to the effect: with these rights you are diminishing, are you sure that you have not gone too far? Are you sure, in relation to all the steps you have taken, that you have not reduced the rights of the residents of the ACT too much?" But, rather, they are saying, "You haven't done enough to look after the doctors."

I believe the question that should be asked around Australia of me and my colleagues, and of all governments, is, "Don't you think you were just a touch hasty? Don't you think you have trammelled the rights a bit too much? Do you think it is really necessary to reduce the statute of limitations from 24 years to six years? Was it really appropriate that you do that?" But they would rather say, "For God's sake! Why did you take so long? Why didn't you just trash the rights of everybody who is catastrophically injured, damaged, or injured in some way as a result of the incompetence or negligence of a person upon whom they were relying?"

This is the range of questions I expected but have never received: "For goodness sake—people have rights. You have to get the balance right. Don't you think you're going a bit too far?" I don't think I have received a single question along those lines. It is all about, "Quick, quick! Fix it quick! Don't worry about the rights of the residents of the ACT—trash them; trample them. Just keep the doctors and lawyers happy; keep the accountants and auditors happy. Don't worry about the rights you are actually removing."

Medical indemnity—obstetric workload

MRS BURKE: My question is to the Minister for Health, Mr Corbell. I refer to comments by Michael Roff, the executive director of the Australian Private Hospitals Association in today's *Canberra Times*:

> "John James and Calvary hospitals deliver around half of all the babies born in the ACT—some 1,700 of the annual 3,500 births…For Mr Corbell to seriously suggest the ACT public system can cope with a doubling of its obstetric workload would be laughable if it didn't reveal a dire lack of understanding of the delicate nature of balanced health care here in the ACT."

Would the minister please tell me, the mother of a heavily pregnant daughter due to give birth shortly, how the public hospital system will cope when its obstetric workload is doubled on 1 July due to what Dr Ian Pryor of the AMA called the "government's monumentally incompetent handling of this issue"?

MR CORBELL: Of course, it will not be doubled because the births that occur at Calvary are, of course, currently conducted as private births but they happen in Calvary Hospital. They simply become public births in Calvary Hospital instead of private births

in Calvary Hospital. So the capacity is being used now in a private function and it would simply mean that those births would happen in the public function, in the same buildings, using the same facilities, sitting in the same beds.

It is simply wrong to claim that there will be a doubling because those women are giving birth at Calvary Hospital. Instead of it happening in the private facility, it will happen in the public facility—the same buildings, the same services.

The issue is one of cost, Mr Speaker, and yes, there will be increased costs for us to ensure that there are additional staff available, but we can accommodate that. I do not anticipate that that will come about. I may be wrong but I do not anticipate that will come about simply because what we hear publicly from a number of specialists is not what the department of health and the Department of Justice and Community Safety hear privately.

Specialists have been briefed in some detail on the government's proposals, as have their medical insurers, as have organisations such as the AMA. They are aware of the detail of the government's proposals. The government's proposals are not dissimilar to propositions that are being considered in South Australia, Western Australia and other jurisdictions. Those proposals have been met with a large degree of openness and agreement from specialists. They accept that these are positive moves that will address their concerns. Obviously, they want to see the government finalise its position and the Chief Minister has indicated the process for achieving that.

It is simply wrong to suggest that there will be a doubling of the workload. Part of that workload, effectively, already occurs within a public facility.

Mrs Dunne: What about John James?

MR CORBELL: The department of health is involved in ongoing discussion with John James to ensure that, should this situation arise because specialists refuse to provide services to their patients—and that is the reality; they will be refusing to provide services to their patients—the public system will be in a position to address that demand.

MRS BURKE: I thank the minister for that answer. In light of that, will other areas of the health system, such as elective surgery, suffer as the ACT public hospital system has to cope with the incredibly heavy increase in its obstetric workload?

MR SPEAKER: This is an interesting issue. This is entirely hypothetical.

MR CORBELL: I will accept your ruling on that, Mr Speaker.

MR SPEAKER: It really is hypothetical.

Rugby world cup

MR HARGREAVES: My question through you, Mr Speaker, is to the minister for sport and recreation. Will the minister inform the Assembly of the ACT's preparations for the 2003 rugby world cup, which is due to be held in Canberra during October and November?

MR QUINLAN: It is a pleasure to be able to discuss something that is, I think, for everybody, good news.

Mr Smyth: It's a good thing the oval was upgraded.

MR SPEAKER: Order, members! The Deputy Chief Minister has the floor.

MR QUINLAN: The expectation of the Australian Rugby Union is that about 45,000 tourists will visit Australia for the rugby world cup. These figures have been recently revised to take into account such factors as the SARS outbreak and general world unrest.

Through CTECT, as it was, the government has been active in trying to turn thoughts of potential rugby world cup tourists to visiting Canberra, either for rugby world cup matches or for events to be held here around the tournament period. Canberra is fortunate to have been allocated four excellent rugby world cup teams to play for a quarter-final position. They are Wales, Italy, Tonga and Canada.

Interest in these matches has been encouraging, with more than half the tickets for each match already taken up. For those who are unfamiliar with the ticketing process, it is not unlike the one used for the Sydney Olympics. From October last year, half the tickets for each match went on sale in Australia through a ballot system, with virtually all tickets to our matches being snapped up. 45 per cent of those tickets were purchased outside the ACT. Such has been the demand that it has not been possible for an Australian to buy a ticket to our matches for several months.

At this point I do want to herald a warning note: to get tickets to the final, I think you had to have bought tickets to some of the earlier round matches. There may be a second level of sales of tickets, but certainly people have dived in and bought tickets.

The other half of the tickets were made available overseas. The figures for those sales are not yet available. All unsold tickets will be available for sale to the general public from 18 August.

To date our marketing efforts have naturally concentrated on the UK, particularly on the Welsh, and Italy. The Welsh are great rugby followers and tourists. On this front, we have been fortunate to have been able to appoint Joe Roff as Canberra's rugby ambassador. He is now known as his excellency Joe Roff. Last November he spent some time in Wales and around England promoting Canberra as a rugby world cup destination. We all know Joe's pedigree.

To focus our marketing efforts and to maximise the benefit to Canberra of being a rugby world cup venue, a group of key government and non-government agencies was formed last September. The resulting marketing events program, rugby celebration of 2003, has been under way for about eight months and will run until the end of this year.

According to the Australian Rugby Union and other rugby world cup organisers, the rugby celebration program has placed us well ahead of other rugby world cup cities. As such, other venues have done us the compliment of copying some of our ideas.

The remaining unsold tickets are due to go on sale to the public in about two months time, and our rugby celebration marketing efforts are also about to enter a new phase. While a few thousand tickets will still be available for our matches on 18 August, they are expected to sell well.

Rather than focus on ticket sales, especially in Europe, Joe Roff is now encouraging visitors to other rugby world cup venues to take a side-step to Canberra—"side-step" is footy talk—as their schedule permits and to either visit friends or relatives or attend the rugby celebration events that will take place during and after the tournament period.

The rugby world cup is about to become very visible around the city centre. We will shortly install a large countdown clock and the tournament scoreboard. During the tournament period the scoreboard will include highlights of matches and details of local rugby celebration events.

In early October we will be hosting official welcomes for three of our four rugby world cup teams and look forward to rugby fans showing their true colours around town. Several tour groups are staying on for the masters games that immediately follow the rugby world cup matches. We will also have a free, outdoor live site with a big screen to see the semi-finals and the final early in November.

I think it is going to be an exciting time. Our preparations are very well advanced.

ILO convention on child labour

MRS DUNNE: My question is directed to the Chief Minister and Attorney-General. Minister, the International Labour Organisation promulgated the Convention on the Worst Forms of Child Labour in 1999, known as ILO convention 182. So far, 138 countries have ratified the convention. According to the ILO, it is the convention that has been ratified the fastest in the ILO's 82-year history.

Australia is yet to ratify the convention. As a federation of states and territories, the Commonwealth undertook to consult state and territory governments before ratifying. However, the ACT government has not agreed to consequent legislative changes, resulting in delays in the ratification of this important convention. What ACT legislation has to be amended so that that ACT can be compliant with the treaty?

MR STANHOPE: I will have to take the question on notice, Mrs Dunne. I do not know the answer. I am happy to get the detail and provide it to you.

MRS DUNNE: When you take it on notice, Mr Attorney, there is supplementary information I would like. When you know what legislation has to be ratified, can you also provide to this place an explanation of the delay that has resulted in this important convention not being ratified by Australia?

MR STANHOPE: I am happy to do that.

Anti-smoking measures

MS DUNDAS: My question also is to the Minister for Health but is not about the John James Hospital. Minister, in conjunction with World No Tobacco Day, the AMA has released its annual report card on tobacco control. The ACT has now fallen into sixth place, with the AMA rating the ACT as extremely poor on the support of quit campaigns and adult cessation rates. What is the government doing to address this poor performance?

MR CORBELL: The government is bringing a renewed focus to the issue of anti-smoking measures and Ms Dundas is right in highlighting the fact that the ACT's ranking has diminished since the days of your own reforms, Mr Speaker, in relation to implementing the first smoke-free policies in the country, a very proud initiative of the previous Labor administration.

It was under the previous administration that we saw moves to try to water down smoke-free places legislation, with the consequent impacts on not just the amenity of visitors to those sorts of facilities—clubs, pubs and so on—but, more importantly, to the detriment of the occupational health and safety of workers in those premises.

The government is moving to redress this issue. Shortly—in fact, later this month—I will be releasing a discussion paper on reform of the smoke-free places legislation, outlining options on which I will be seeking community comment as to the complete phasing out of exemptions from the smoke-free places legislation. The government is committed to addressing this issue and will be progressing it between now and the next election.

I want to reaffirm the government's commitment to a comprehensive tobacco control strategy. I should remind members that recently I announced a new initiative of funding over a four-year period to focus on teenage smoking and to focus on ensuring that young people, particularly young women, do not take up smoking. We all understand intuitively the benefits of preventing an addiction early on in life, rather than trying to cure it after a sustained period. The new campaign by the government, funded by the government and awarded to the Cancer Council, will be focusing on positive messages to encourage young people to stay away from cigarettes and not take up the smoking habit.

The government has taken a number of initiatives just in the past couple of months, following the budget, to address this issue and I am pleased to advise members that shortly I will be releasing a range of options for community and industry feedback on how we can completely remove the exemptions in the smoke-free legislation.

MS DUNDAS: I have a supplementary question. Minister, you mentioned your recent initiative about focusing on teenage smoking. Can you please explain why no infringement notices have been issued for the sale of cigarettes to minors or breaches of smoke-free public places since you came to office?

MR CORBELL: It is certainly not because I said, "Don't you dare issue infringement notices." That certainly is not the case. I will get further advice on that issue and provide the information to Ms Dundas accordingly.

Kippax library

MR STEFANIAK: My question is to the Minister for Planning and concerns the Kippax library. Minister, you will be aware that for quite some time residents of Kippax have been actively lobbying for a permanent library. At a public meeting on May 15 they overwhelmingly endorsed their preference for the present temporary site. However, according to a report in the *Chronicle* on 10 June, a letter circulated to traders by the management of Kippax Fair said that the existing temporary site "will now be dedicated to parking to service the new second supermarket".

According to the letter, PALM did not consult with residents, the public or the West Belconnen LAPAC before agreeing with traders on the new supermarket site. Can the minister confirm that this is the case? If it is, why has a decision been taken that is so obviously in conflict with local public opinion?

MR CORBELL: It is interesting that Mr Stefaniak raises this question. In the six years he was a member for Ginninderra and a minister in this place, he abysmally failed—

Mrs Dunne: I rise on a point of order—118 (a). This is not to the point; this is talking about the past when we are asking about what is happening now.

MR SPEAKER: I am not going to prohibit ministers from putting things in context when they answer questions.

Mrs Dunne: This is not putting things into context.

MR SPEAKER: Order, Mrs Dunne! As long as the minister confines himself to the subject matter, it is in order.

Mr Wood: It's about Kippax library; that's what it's about. You're just embarrassed, that's all!

MR CORBELL: And they should be embarrassed because in the six years that Mr Stefaniak was a member for Ginninderra in this place he abysmally failed to deliver the $2½ million this government has delivered for permanent library facilities in Kippax.

Mr Smyth: Mr Speaker, I rise on a point of order. Standing order 118 (b) does not allow the minister to debate the subject. That is clearly what he is doing. The question was concise: it referred to Mr Corbell's consultation technique and it did not mention the opposition. If he continues to debate it, he is clearly in breach of the standing orders.

MR SPEAKER: Mr Smyth, I won't refer to the opposition in government; that is not my role. Mr Corbell will confine himself to the subject matter. I have already ruled on a point of order that was raised by Mrs Dunne. I am not going to order ministers to ignore comparisons with other governments. I am not going to order ministers to do that.

MR CORBELL: Thank you, Mr Speaker. It is interesting how touchy they are on this issue. In the six years Mr Stefaniak was a member for Ginninderra in this place and a minister in the government, he failed absolutely to deliver any decent library facility for the Kippax community he now so righteously claims to represent. In contrast—

Mr Smyth: I have a point of order, Mr Speaker. The answer clearly lacks relevance to the question. The question was concise. You have directed the minister to answer against question, which is about his own consultation process. He chooses to ignore you and the standing orders, and I ask you to bring him to order.

MR SPEAKER: He does not ignore me, because I have allowed responses to questions—and always have—that contextualise the subject matter, and I will continue to do that.

MR CORBELL: They are very touchy, aren't they, Mr Speaker? $2½ million for a new library facility in Kippax! That is this government's commitment—something the Liberal Party failed to address in six years. For six years they had the portable shed out there at Kippax, and they decided that was good enough as far as Kippax was concerned. Just get the old portable shed out there. That will do! We do not believe so, and we have moved to address the issue—with $2½ million for a new, permanent library building.

In relation to the site, the government has put to the community seven options, including the government's preferred option at this time. We have been quite upfront about that. It is an option that provides for effective linking of the two elements of Kippax Fair and addresses casual surveillance, pedestrian access and a range of other issues.

It is interesting that there is an assertion that there is a unanimous view in the West Belconnen community about the location of the new library. The reason for that is that only yesterday—

Mr Stanhope: It's Harold Hird starting his re-election campaign!

MR CORBELL: Maybe that's why they are so touchy. As late as yesterday I was advised that Planning and Land Management have received a significant level of representation from a large number of the traders at Kippax Fair saying they prefer the government's option.

I raise that simply to make the point that there is no unanimous view, as is alleged by Mr Stefaniak, as to where the library should go in Kippax. We will consider all the issues raised by all of the individuals involved in the consultation process. We will weigh those up in a balanced way to ensure that we deliver the best possible site for the library. We are delivering a $2½ million permanent library, something those opposite failed to do in six years in government.

MR STEFANIAK: I have a supplementary question. Minister, will you be attending the public meeting today to explain to the residents why their views are unimportant?

MR CORBELL: No, I won't be attending. The comprehensiveness of this government's consultation program precludes me from being at the tens and tens of meetings we conduct on every single planning issue in the territory.

Blue Gum school

MS MacDONALD: My question through you, Mr Speaker, is to the minister for education, Ms Gallagher. Can the minister please explain to the Assembly details of the recently announced increase in funding to the Blue Gum school?

MS GALLAGHER: I thank the member for the question. As was reported in the media last week, I wrote to Blue Gum school indicating that I would be increasing the school's per capita grants by 42 per cent, from $703 per student to $1,000 per student. The disadvantage that Blue Gum find themselves in is something that this government has addressed, something that those on the other side decided, year in, not to address.

By way of background: Blue Gum—and it is reported in the Connors inquiry—was the only non-government school to seek public funding from the Commonwealth and ACT governments since the Commonwealth introduced their SES funding arrangement. As a result, Blue Gum was not in a position to have funding maintained, unlike any other non-government school here in the ACT.

The Connors inquiry brought the situation to our attention. It said Blue Gum was in a disadvantaged position and urged us to redress the disadvantage that they found themselves in. This government has done that. We have put an offer on the table to Blue Gum. So far the response from Blue Gum has been very positive.

When we were deciding on how we could address the disadvantage, we looked at how long government schools are funded for.

Mr Smyth: You've had 18 months.

MS GALLAGHER: Eighteen months? You didn't do it. We had an inquiry.

Mrs Dunne: Blind Freddy could see they were underfunded.

MS GALLAGHER: You did nothing about it; your mob did nothing about it. We had an inquiry. We're backdating it to the beginning of January this year, prior to this report being tabled. I don't think you've got too many unhappy customers over at Blue Gum school.

We found that schools in the non-government sector are, on average, funded four levels above what they would be if the Commonwealth government had not maintained their funding levels. As such, we have increased Blue Gum's funding category by four levels.

MS MacDONALD: My supplementary is: what are the consequences of the changes for other schools in the non-government sector?

MS GALLAGHER: As I just said, all the other existing non-government schools had to have their funding levels maintained, on average, four categories higher than what they would have if the Commonwealth and ACT governments had not maintained their funding levels.

However, we have acknowledged that there is a disadvantage for those schools that did not have an ERI rating. Blue Gum was one of these schools. We have addressed their disadvantage and we are committed to treating, under the same funding process as we are treating Blue Gum, any other non-government school that establishes here in the ACT and does not have an ERI score.

I should say that the government has accepted this way of establishing a funding category in the interim, until the national agreements on school funding by Commonwealth, state and territory governments are finalised.

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

Personal explanation

MR STEFANIAK: I seek to make a personal explanation under standing order 46.

Leave granted.

MR STEFANIAK: Mr Corbell is clearly in need of a history lesson in relation to Kippax Library, Mr Speaker.

MR SPEAKER: Order! Whatever you might think about Mr Corbell is not up for debate or discussion. You have leave to make a personal explanation. If you do not stick to that, I will ask you to sit down.

MR STEFANIAK: There have been a few inaccuracies.

MR SPEAKER: Mr Stefaniak, stick to the personal explanation.

MR STEFANIAK: It is pretty simple, Mr Speaker. In 1994, the Follett government made a decision to close the Kippax Library. I was there attempting to save it. we did that—getting extra hours and providing money in the 2001-02 budget for what is happening now.

MR SPEAKER: Order! Mr Stefaniak, if there is a personal matter you wish to raise under standing order 46, you have my leave. However, if you breach the requirements of the standing order, I will withdraw leave.

MR STEFANIAK: He said I did nothing. By way of personal explanation, Mr Speaker, you were there in the capacity of a member in 1994. I supported the continuance of that temporary library, which had then been going for about 14 years, when the Follett government wanted to close it in May 1994.

In 1995 I persuaded my colleague the then Deputy Chief Minister, Mr De Domenico, to increase the hours of operation, which I believe he did—by about two hours. I was in the cabinet of the Liberal government when we finally got back into the black in the 2001-02 budget, when we started a process for a new library and put $100,000 aside for the initial plan.

I believe your statements in that regard are wrong, Mr Corbell, and I wanted to place that on the record. In fact, you should withdraw the statements. I accept that you probably did not know the history of that, but I think it would be appropriate if you did withdraw them.

Privilege
Statement by Speaker

MR SPEAKER: Members, on 17 June, Mr Wood gave written notice of a possible breach of privilege concerning the premature and unauthorised release of information on ABC radio. The radio broadcast referred to the recommendations of the draft reports of two committees which had not, at that stage, been presented to the Legislative Assembly.

Under the provisions of standing order 71, I must determine whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence, I must inform the Assembly of the decision and the member who raised the matter may move a motion without notice forthwith to refer the matter to a select committee. Assembly standing order 241 provides:

> The evidence taken by any committee and documents presented to and proceedings and reports of the committee shall be strictly confidential and shall not be published or divulged by any member of the committee or by any other person, until the report of the committee has been presented to the Assembly: Provided always that the publication or divulging of any evidence, documents, proceedings or report confidentially to any person or persons by the committee or by any member of the committee for the execution of any clerical work or printing, or to the Speaker, a Member, or, if it be necessary, in the course of their duties, to the Clerk or other officers of the Assembly, shall not be deemed to be a breach of this standing order

Under section 24 of the Australian Capital Territory (Self-Government) Act the Assembly and its members and committees have the same powers, including privileges and immunities, as those for the time being held by the House of Representatives and its members and committees. The publication of draft reports of committees before their presentation to the Legislative Assembly and House of Representatives has been pursued as a matter of contempt.

As Speaker, I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly. I can only judge whether the matter merits precedence. Having considered the transcripts of the radio broadcasts and the complaint, I am prepared to allow precedence to a motion to refer the matter to a select committee.

I should at the same time mention that, in the event that a motion to establish a committee is moved, members may wish to take into account that the committee will be examining the conduct of members on select committees of the Assembly, and they may wish to consider whether or not the members of those select committees can appropriately sit on a committee examining an issue of privilege. This may present an issue for members to wrestle with.

If the Assembly does establish a three-member committee and it is to comply with standing order 221, which is about membership of the committee being from all parties represented in the Assembly, it may be necessary to place a minister on the committee. That is an issue for members to consider.

There are precedents for a minister being a member of a privileges committee in the House of Representatives. A committee that did not have a member of a government party would not be in accordance with standing order 221, and could attract criticism, in that a committee of two members was not a process that was conducted in a thorough and correct manner. I raise those issues for consideration.

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) (3.34): I move:

> That:
>
> (1) pursuant to standing order 71, a Select Committee on Privileges be appointed to examine whether the unauthorised dissemination of information on ABC Radio relating to Report No 5 of the Standing Committee on Public Accounts and the Report into the Appropriation Bill 2003-2004 of the Select Committee on Estimates 2003-2004 was a breach of privilege and whether a contempt of the Legislative Assembly was committed;
>
> (2) the Committee be composed of:
> (a) one Member to be nominated by the Government;
> (b) one Member to be nominated by the Opposition;
> (c) one Member to be nominated by a Member of the ACT Greens, the Australian Democrats or the Independent Member
>
> to be notified in writing to the Speaker prior to the Assembly adjourning on that sitting day;
>
> (3) the Committee report by 20 August 2003.

I will speak briefly to the motion. At 6.30 am on 17 June, the ABC newsreader said this, and I quote from the Rehame transcript:

> NEWSREADER:
> The ACT Government is expected to come under criticism in two major Legislative Assembly reports released today.
>
> James Gruber reports.
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> REPORTER:
> The estimates committee report is likely to query Ministers Bill Wood and Simon Corbell, refusing to answer their questions. A further query will be directed at the Health Department over a leaked email which advised departmental officers on how to avoid answering question of Budget estimates.

At 7.12 am Chris Uhlmann, presenter of the morning program, said to David Kilby:

> David, there are two assembly committees that have been deliberating that will hand down reports, I think, today. Interestingly, the Assembly's Estimates Committee, which scrutinises the government's budgetary work, was certainly burning the midnight oil last night.
>
> Now, we had a message from someone on our answering machine at 1.30 am this morning. They obviously believe that we get in to work a little earlier than we do.

Mr Kilby then went on a little, as presenters do—they play off each another—and said:

> … the burning of the midnight lamp by Jimi Hendrix; that's what's done it and the reason why they've been deliberating so long is there'll be some criticism perhaps of ministers not answering questions before the Estimates Committee; those questions being, of course, about the January fires during the Emergency Services Bureau questioning.

I am not looking for a major witch-hunt. At various times privileges committees are asked to look at who is responsible. This motion doesn't ask that. It simply asks: was there a breach and a contempt? I must not try to pre-empt the findings of the committee but, if after consideration it is deemed that that is the case, I would simply like to see a message that emphasises that members should not step beyond the standing orders. I think they are well based and I cannot imagine any reason for indicating what would be in a report.

I indicated that 20 August—the Wednesday of the next sitting period—would be the reporting date. I think the committee could just about consider this whole matter in one one-hour session.

I emphasise that I am not seeking a major investigation into who and what, but, if appropriate, I would be looking for members of the Assembly to be reminded of their obligations.

MR SMYTH (Leader of the Opposition) (3.39): Mr Speaker, the opposition will be agreeing with the motion. We think the early release of these reports, or the recommendations from these reports, is unacceptable because the nature of the committee structure relies upon the trust that we place on each other as members. So we don't have a dilemma with that at all.

The opposition will be moving an amendment, though, which I believe has been circulated in my name. If a privileges committee is to be set up, it would seem logical that it might also examine a few other matters. I think as members are well aware, the Estimates Committee asked me, as chair of that committee, to move at the earliest possible occasion the amendment that I believe is now in front of members. That amendment concerns the refusal of Mr Wood to answer questions of the select committee, the refusal of Mr Corbell to answer questions and the creation and the distribution of the document known as *Budget Estimates 2003*.

The reason these three matters must be added to the motion is that they deal with very dangerous precedents for governments, particularly in the territory but, of course, across Australia. The problem with what happened in the Estimates Committee is not that Mr Wood failed to answer questions but that he ruled out answering them outright. He

simply said, "I will not answer. I have decided that you can't ask me a question." That is not how it works. That is putting the executive, that is putting the government, above the Assembly. The government is responsible to the Assembly because we are here collectively as the representatives of the people of the ACT.

The case for Mr Wood's refusal is, of course, diminished by the fact that the Chief Minister answered and took on notice questions about the bushfires. Mr Corbell allowed us to question Guy Thurston of ACTION about ACTION's role on the day of and the preceding days of the bushfires. Also, Ms Gallagher, as minister, allowed us to question Family Services about their role. So three of the four ministers that were asked about these issues in an attempt to find the justification for the funding that is now required answered questions and answered in considered tones. They said that they could not answer some of the questions; they said that they would take others on notice; and to some they gave quite straightforward answers, and that is how it is meant to be. Ministers cannot come down and dictate to a committee what a committee can and cannot ask.

I think most people here would acknowledge that Mr Quinlan is pretty good at taking and handling questions. We are all aware of the fact that questions are answered in different ways. As you have said many times, Mr Speaker, you are not here to direct how ministers answer questions and, of course, it is appropriate that the standing orders do not dictate that. But what is inappropriate is Mr Wood coming down carte blanche and just saying, "Nah, off the agenda."

What will happen if this is said and a precedent is set? Precedents are quoted from other jurisdictions as well as this one. Ministers will come down and say, "Based on the Wood precedent of June or May 2003, we don't have to answer that and we going to rule out all the questions on the Canberra Hospital, we are going to rule out all the questions on education. We are just going to rule out all your questions."

The ways in which ministers can answer questions and what they can claim are well known and established. Mr Wood ignored all of that and, without giving reasons, simply said, "Nah, you can't do it. You can't even ask the questions." As chair I politely pointed out that was not his right.

Mr Wood: Are you going to read the terms of reference, too?

MR SMYTH: As chair I politely pointed out that he could not do that and he refused to acknowledge that. When we insisted on asking a few questions, he said, "No, refuse; no, refuse."

Mr Wood interjects, "Are you going to refer to your terms of reference?" Yes I am. There are mammoth expenditures in this year's budget, next year's budget and in the out years as a result of the bushfires and it is reasonable for members and the public to know why those costs have been incurred, it is reasonable to expect questions and it is reasonable for the committee and its members to expect answers—answers that Mr Stanhope, the Chief Minister, had the courtesy to give, answers the Minister for Planning, Mr Corbell, was kind enough to give and answers the Minister for Education, Youth and Family Services, Ms Gallagher, was kind enough to give. But not Mr Wood.

The danger here is that, in what I believe to be his contempt of the process, he sets a very dangerous precedent that says executive is above committees, executive is above assemblies, executive is above all else, and they can pick and choose what matters they are accountable for. That is the problem with what you have done, Mr Wood.

The issue concerning Mr Corbell is very much the same. Mr Corbell simply said, "No, I haven't got the numbers with me." But one of his staff did. She flicked through the papers and was about to hand them over when he said, "No, she can't. The staff aren't giving you the details either." The reason he gave for this was "the government will make decisions on when it announces and releases things and, as I have indicated, I'll be releasing these figures later this week." So, again, Mr Corbell believes that the government is above scrutiny and that the government is above answering questions; and that the government chooses when it will be responsible to committees and, through those committees, to this Assembly. That is also a dangerous precedent.

Can you imagine Senator Vanstone or Senator Hill appearing before Senators Faulkner and Ray and saying, "We're not going to answer your questions"? They would be forced to. Senators Ray and Faulkner are very good at taking questions asked at estimates committees as long and as far and as wide as they like. You have to give the boys credit—they do it well. Bronwyn Bishop did exactly the same when she was an opposition senator—when she was on the other side of the political coin. It is a well-established tradition that estimates committees are allowed to do that.

Again, Mr Corbell should take some lessons from the Treasurer. When the Treasurer does not want to answer a question—sorry, I shouldn't say that—when he is unsure of his answer, he is very good at leading the committee at various paces. It is a nice dance—some days it is a gentle waltz, other days it is a bit of foxtrot, and we have had some tangos. He has made use of the word "soon" to such an extent that I think his contribution ought to be recorded in a thesaurus or dictionary.

The Treasurer understands the conventions, and how those conventions are currently applied. What ministers Wood and Corbell did was rewrite conventions, and they have set very dangerous precedents. If we allow them to get away with this today, they will be able to say, "The precedent was set by the Estimates Committee inquiring into the 2003-04 budget. We were allowed to get away with it then, it's a precedent now and we refuse to answer your question." And that ruins the sort of government that we now have because it puts the executive above everything else. That is not how it works, and that is not how it should be.

We need a ruling on whether or not we, as an Assembly, regard what has happened as acceptable, and if we accept it then it is a precedent. But such a precedent will destroy honesty, openness and accountability, because ministers will then choose what they want to answer, when they will answer, and where and how they will answer. That is not how it is done. That is not the tradition.

This goes back to Magna Carta. It goes back to King John, who didn't want to be accountable and didn't want to answer questions. A couple of kings in the interim have lost their heads over it; a couple of civil wars have been fought over the supremacy of the parliament. If the apparent monarchist attitude that is now occupying the government benches—this autocratic, arrogant attitude that seems to be occupying the government

benches—is allowed to continue, then all of us will have lost something valuable, and that is the right to question a minister about what he is doing.

Mr Speaker, forms can be used to deal with these matters. If something is judicial, we can claim sub judice, and we can argue about that. A question could involve commercial-in-confidence. Again, I go back to the Treasurer. The Treasurer sent a document and said, "This is commercial-in-confidence. We would like you to keep it commercial-in-confidence because it is going to affect a few other things that might happen." The committee considered it, took it on board, and said, "Okay, we'll give him a tick this time." But the Treasurer in this case followed the process in the correct manner. Ministers Wood and Corbell did not.

So we have to make sure that we are very clear on the rules of what constitutes when and where you can ask a question, and what and where and how and why you answer it.

Mr Wood: The standing orders tell us that, too.

MR SMYTH: Well, then, you would be in contravention of the standing orders because you cannot refuse to accept a question.

The second point, Mr Speaker, is that you might say it is sub judice, you might say it is a matter of commercial-in-confidence, or you might say it is cabinet-in-confidence. The forms are well know, but both of these ministers chose simply not to answer.

Mr Corbell made the particularly arrogant comment that "the government will make decisions on when it announces and releases things". Well, Mr Corbell, you don't have that right. When you are asked questions, answers shall be relevant and concise. You just cannot say no. I do not believe that is an acceptable form.

Part (c) of my amendment relates to the creation and distribution of the document known as *Budget Estimates 2003* by certain persons within ACT Health. Mr Speaker, this is a very serious offence, and I think it is a very serious contempt of the Estimates Committee proceedings. When it was released to the media—and I managed to get a copy on the Monday—the minister told us that one person was involved, and that person had been disciplined. By Thursday that had grown to a number of people, and they had been disciplined. When we asked the minister who were they, what was the story, what had happened, there was blanket refusal—"I refuse to answer your questions."

The committee was actually forced to demand the documents of the minister. This is one of the few powers that committees have. I do not know how often it has been used in this place—I have not been here for as long as some other members but I do not recall it being used before. We demanded that all relevant documents be tabled.

The curious thing is we got about six or seven pages. One was the original document sent from officer Y to officer X. Officer Y's document says, "This document was produced after the executive meeting this morning"—it was produced after a meeting; it is an outcome of a meeting of the health executive—"Hope it's useful." It is flicked to officer X. Officer X, whose title block says "Director", flashed it around the department. Almost 30 officers of the health executive got it with the recommendation "This was a great thing, this is a really good effort, pay attention, use it". If you then look at the receipt

notice on the sheet that was provided I think you will find that there are 29 people on the list and I think 26 of them opened it. One of them went in very early on Monday morning and just deleted it from his system—a very smart man.

The minister was asked to provide all of the documents, including emails, including the disciplinary action, including the distribution of the email and the response of those people who received it. Even though it was demanded of him through the standing orders, the minister did not give us what we asked for. So we cannot know how widespread this was.

It is interesting to note that the explanation on the day that the minister appeared before estimates was that everybody was aghast and everybody was apologetic when they were caught. The document was distributed on about the 12th and they appeared before the committee on 22 June. Apparently there are no email transactions between anybody who received the document. Nobody who read it flashed back and said, "This is terrible." Apparently nobody wrote back and said, "This is great. Why don't you add X, Y and Z?"

Apparently nothing happened. Twenty-nine or so individuals in the health department received a document, most were opened that day, and nobody did anything about it. That is unbelievable, and that is why this third item must go to the committee as well. The story has shifted. It started on the Monday as one person; by Thursday it was two people or maybe more; a week later there are at least 30 people involved. We were not told what the response was and how they intended to deal with it until it became a public issue.

I have not got the correspondence with me, but the minister's letter says, "We're now going to have, in effect, a witch-hunt. We're going to find out how it leaked." He is not talking about fixing the culture in his department that even saw such a thing written down. I think we all acknowledge that departments often have meetings at which people get together to think about what they going to do about estimates, how they are going to approach certain issues. But nobody has written this down in a blatant attempt to say, in effect, "It's okay to lie to the committee. If you don't want the committee to know, take it on notice, don't tell them."

I think the gravity is that this behaviour has been taken to a level beyond anything that has ever happened before. The minister's failure to disclose to the committee what it asked for indicates to me that there is more to be learnt, and I think it is very important, because of the dangerous precedent involved, that we are made aware of what has happened.

I know it would be easy to just dismiss this and say, "Okay, it's the argy-bargy of estimates." *(Extension of time granted.)* But the problem for me and for the opposition is the precedent that this will create. If a minister does not want to be scrutinised, if a minister does not want to answer questions, he comes down and says, "Today we're not talking about X, Y and Z; today I'm not giving you answers." And that is the problem.

It would be easy to dismiss it as argy-bargy. In fact, I suspect members have thought, "Okay, it's a bit of a political stunt." But it is not a political stunt. What is at risk is the fundamental tenet that we, as a committee appointed by this place to scrutinise the budget that will govern the ACT for the following years and for the out years, have the right to ask ministers questions. That is not a political stunt: that is the fundamental rule

of law. It is a rule of law that has been fought for for over 800 years. Men and women have died for this right to ask questions. Kings have lost their heads, and some would say that was probably appropriate. But once such a precedent is set, it cannot be taken back. And believe me, the precedent will be used.

There is a form to be followed, and Mr Quinlan is very good at following it. Minister Gallagher and the Chief Minister answered as they felt was appropriate and didn't knock back our questions. Indeed, Mr Corbell did. Mr Wood ignored that form. Mr Wood seeks to change how we do what we do in this place, and that is dangerous, Mr Speaker.

As I have said, the opposition will agree to the referral to a select committee. I notice that a couple of the Labor members have said, "Oh, we didn't do it. What would we gain from it?" I think the answer to what they would gain if the leak had in fact come from the Labor side of the place can be found in an article in the *Canberra Times* this morning, which said that matters of contempt fly from both sides.

What truly worries me is the muddying of the waters that has occurred. In some ways you would say that it was really good tactical politics on the part of whoever did this, because it has muddied the waters. But the fundamental issue that we have got to come back to, the ultimate issue that must be considered by the committee if it is established, is whether or not we as an Assembly, either in this place or through our committees, are willing to accept the Wood precedent—it will become known as the Wood precedent—that a minister can come down and say these words, that a minister can just ignore questions, and in fact that a minister can take over a committee, which is what Mr Wood attempted to do in saying, "No, I'll allow that, I won't allow that."

Mr Wood used these words:

> … this committee needs to remember that matters of personal responsibility and what happened and when are matters for elsewhere.

Says who? He continued:

> For that reason, I, with officers from ACT Policing and Emergency Services Bureau, won't be answering any questions relating to the details of the bushfires of January ...

The bushfires of January have led to huge expenditures by this government, and it is appropriate that an estimates committee canvass how those expenditures occurred and whether or not those expenditures could have been avoided.

Estimates committees across this country, and indeed in this jurisdiction, have always had the right to ask questions whenever they have felt it necessary to do so. Ministers have always had the right to deny answering the question, to take questions on notice, or to answer them it in whatever way they want to, but they have never asserted the right that ministers can determine what will happen where and when. Nor have they ever asserted, as Mr Corbell did, that choosing the timing of the release of information is the prerogative only of the government.

If we allow these precedents to be established, then we will have fundamentally changed the way democracy operates in this territory. We will also have fundamentally changed the way democracy operates in this country, because the precedent will be used in other jurisdictions. Future editions of *House of Representatives Practice* will talk about this precedent and other jurisdictions will use it. Mr Speaker, that precedent has to be knocked off, it must not be established, because if it is not, what we do here will be diminished.

The opposition will be supporting Mr Wood's motion. I hope that members will put the politics aside and look at the issue of precedence. If we accept that the behaviour of ministers Wood and Corbell in the Estimates Committee is acceptable, that will become established practice. If we set the precedent, the way in which we conduct our business will be diminished for all time. I move:

> Insert the following new paragraph:
>
> "(1A) the Select Committee also examine:
> (a) the refusal of Mr Wood to answer questions of the Select Committee on Estimates;
> (b) the refusal of Mr Corbell to answer questions of the Select Committee on Estimates;
> (c) the creation and distribution of the document known as 'Budget Estimates 2003' by certain persons within ACT Health
>
> and determine whether each constitutes a contempt of the Legislative Assembly.".

MS TUCKER (3.59): I wish to speak to the motion and the amendment. I am prepared to support the motion to set up a privileges committee to look at the question of committee work being released publicly before the conclusion of the process. I have listened to what Mr Smyth said in respect of his amendment, and I have to say that it is a very serious thing to set up a privileges committee and to accuse people of contempt of the parliament. I will need time to consider this question.

Mr Smyth talked about precedent. It would be a very bad precedent if in some way we were forced to vote on this matter today. I was not part of the Estimates Committee. I want the opportunity not only to look at the transcript of estimates but also to look at and seek advice on *House of Representatives Practice* so that I can get a sense of whether I think Mr Smyth's amendment warrants being looked at by the Privileges Committee.

There is potential for this matter to be debated tomorrow but I would prefer that it be brought on next week. Like everyone here, I will probably be working into the wee hours of the morning, and it is going to take a bit of time to go through what exactly has been said and what the issues are. So, as I said, I am happy to support the motion but I would seek to adjourn consideration of the amendment until preferably next week.

MR SPEAKER: Ms Tucker, because you have spoken on the matter, it is not open to you to adjourn it.

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

Insurance Compensation Framework Bill 2002

[Cognate bills:
Legal Practitioners Amendment Bill 2002
Adventure Activities (Liability) Bill 2002]

Debate resumed.

MR SPEAKER: Can I remind members that this is a cognate debate and debate on the Insurance Compensation Framework Bill will be concurrent with orders of the day Nos 2 and 3.

MR STEFANIAK (4.02): I am amazed that Mr Quinlan is concerned about the very strong rehabilitation aspects of Mr Smyth's bills, because that is something that is very much stressed in the government response to Dr Anthony Dare's report on assistance for victims of crime in the ACT. That report stressed the absolute importance of rehabilitation and the fact that that is far more important than people just getting lump sum compensation. That is very much a thrust of Mr Smyth's bills, and it is borne out by this report. If it is good enough to compensate and rehabilitate victims who suffer injury and damage in this type of situation, why on earth is this such a bad thing when we come to discussing something as important as public liability insurance and all the ramifications of that?

The Treasurer raised a number of other points. He talked about the Legal Practitioners Act, which Mr Smyth's bill seeks to amend. I had a close look at that one, too. For about eight to 10 years now, solicitors have been able to advertise their services. Being a very conservative profession, they have usually been somewhat reluctant to do so, although more recently, and probably in about the last five years, there have been a number of advertisements in the press and, indeed, even on the radio.

Mr Smyth's bill does not stop solicitors engaging in no win, no fees. It merely bans the advertising thereof. Certainly, advertising and the proliferation of these types of services have contributed to the problem. But he does not attempt to ban it. There is nothing in his bill which would stop a solicitor telling a client, "Look, I am prepared in this instance to do a no win, no fee, and if we win, of course, I will charge you fees." The bill does not stop that—it merely controls the practice. Mr Quinlan should perhaps read that again because it is not correct to say that that is going to be banned.

Mr Speaker, the insurance crisis, which is not a simple matter, has been addressed by governments throughout the nation. I was looking forward to government bill No 2 being introduced a lot more quickly. Whilst there may well be several good points in it, I do not think it goes as far as perhaps it should. Quite clearly, from what I have been told, there seem to be some real problems in relation to the statute of limitations.

Admittedly, the Chief Minister says that this bill is not quite finalised yet, so it is a little bit hard to be definitive about something you have not seen. But I am concerned about comments in relation to other jurisdictions—knee-jerk reactions and the like. I think he does a disservice to his fellow Labor premiers and jurisdictions that suffer very similar problems to ours, and perhaps in some instances even more so. These bigger jurisdictions have tackled this as a real issue.

It is all very well to say that the number of insurance companies doing this type of insurance has gone down from 35 to two. Over the last 20 years—and this has accelerated in the last five or six years—I have noticed a horrible tendency for Australia to follow the United States in litigating for anything. Twenty or 30 years ago people would quite often simply cop something on the chin and say, "That was simply bad luck. It is not really anyone's fault, it is fate, it is a fact of life and we will just get on with the job."

That sort of attitude has not applied for decades in America. I can remember people laughing, my legal colleagues laughing, at how crazy the American tort situation was, and just how easy it was to sue for anything. But really, in the last half decade I think we have gone down that path. Whilst a lot of good comes out of the United States and it is a great democracy, I would have thought the government would be the last in the world to want to follow willy-nilly trends in the United States. Australia is, I would have hoped, a very different country.

It is pleasing to see that some sensible decisions are starting to come out of the courts in terms of liability and overturning crazy decisions where drunks who fall off bridges into creeks and injure themselves, through no fault of anyone but themselves, actually get $600,000 or $700,000. It is good to see that those sorts of things are being overturned. Decisions have been overturned in cases such as the one in which someone, through no fault of the council—the council could not possibly control such an event—dived into a sandbar at a beach and had the bad luck, I suppose, to injure himself.

I was pleased to see some of the excellent decisions by Justice Terry Connolly, formerly the Master of the Supreme Court and an Attorney-General of this place, which exercised some general commonsense. There is still a very bad tendency of people being able to get money for all sorts of reasons, and this has contributed significantly to the crisis. Often when you look at what is happening you wonder whether there is any justification and whether there is a better way. I think what Mr Smyth is doing is indicating very much a better way.

It is not just the medical crisis—and I will come to that—but it is other things, too. I was pleased to see Mr Smyth address adventure activities. Horse riding in the ACT is a very popular sport, and we have about 3,000 horse owners. There were some great acts of bravery and some great tragedies in some horrible danger zones during the recent fires. I think an owner of a horse stud had his horse riding school plus his home in Chapman burnt down. It is part of our life because we are, as much as anything else, a rural community.

Horse riding is, of course, an adventure activity and a number of riding schools have simply gone to the wall. I am aware of one owner who simply has basically said, "Look, I'm going to take a risk. I can't afford to be insured, I will take a risk." I know of a number of others who have simply said, "No, we just can't operate." Businesses have actually gone to the wall over this. So it is more than just a medical crisis.

We have seen sporting teams' insurance double and quadruple. We have seen the crazy situation of organisations such as stamp collectors and knitting groups, whose members would never remotely have a real chance of sustaining an injury, feeling that they have to

be covered and seeing their premiums increase tenfold. Something needs to be done, and something needs to be done fairly quickly.

I can appreciate the need for not having a knee-jerk reaction. But it has been two years. It has been, I think, well over 12 months since we passed the first tranche. Some of what the Chief Minister is suggesting is very good, but the legislation will not be introduced until tomorrow week, it won't be debated until August, and that may well be far too late for some groups. And then, I wonder from what he is saying whether it will be enough.

Commonsense has to prevail and I am pleased to see some of it starting to come through the courts. I am also very pleased to see some commonsense starting to come through in the legislation of other states. We do not have to blindly follow other states' legislation for the sake of it but when it is good, sensible legislation, what is wrong with doing that?

It worries me greatly, Mr Speaker, that statutes of limitation, which traditionally were six years and then effectively extended to seven, have more recently, in certain instances, blown out to 20 or 25 years. I think I mentioned some months ago that I had the honour to be the auctioneer at an excellent bushfire levy raffle and that Dr Phelps from the AMA, the local president, Dr Pryor, and others were present. They told me that the biggest single worry they had—and it wasn't just in respect of obstetricians and specialists—was medical professional indemnity insurance.

For some reason this seems to have hit doctors more than other groups. The premiums for lawyers have probably gone up but I have not had too many complaints. However, compared with, say, 15 or 20 years ago, the premiums are now very much greater than they were. But, certainly, it is a very significant problem for doctors and it is one of the major reasons that doctors are leaving the profession in droves.

I take some umbrage at the Chief Minister typecasting doctors or even specialists as being incredibly wealthy people. This is something that not only affects specialists—although in the John James situation a group of specialists, who will be particularly hard hit, are taking, in my view, quite understandable action—but also general practitioners. It is not just that we have problems with Medicare and bulk-billing. Yes, that is part of the reason, but the main problem according to the doctors I talk to—and I talk to quite a few—seems to be insurance, and in many instances that seems to be the straw that has broken the camel's back.

I went into bat for Dr Berenson back in May, I think, of last year. I was pleased to see, after a bit of pressure on the minister at the time—I think it was the planning minister—the doctor was able to continue his practice. But at the end of the day the doctor had just simply had enough with all the pressures, including the medical insurance pressure. It was just a little bit too much and he has gone off and is working somewhere else.

My own doctor, who recommended my current doctor at Higgins—and I hope to goodness that that surgery stays there—had enough and he now works at Calvary Hospital. He was a bloke who never made much out of medicine. He was a good local GP who certainly virtually bulk-billed everyone he could see. I had a better income so he didn't worry with me, but he certainly was most fair. But, again, it just simply was not worth his while.

My wife's doctor, who came to see me about six weeks ago, is going back to New Zealand, where he came from originally. His main reason for moving is that he simply does not like the idea of having things hanging over his head for 20 or more years. He had real concerns about the insurance. It was simply not worth his while and he was off back to New Zealand, and that causes us some personal problems, of course, because of my wife's medical condition. We are not Robinson Crusoe—there are lots of families in that boat.

Another doctor is stopping surgery at Charnwood. In fact, I am very worried about north-west Belconnen. We have lost Dr Berenson from MacGregor and we have also lost the doctor at Charnwood. There are a multitude of reasons for this but one of them is insurance. I would be wrong if I said that was the sole reason, but certainly that was again a reason in the general mix.

It is a real problem and it is not going to go away. We cannot force people into these professions. You cannot force someone to be a doctor and if people do not go into a profession like that we will be very much in dire straits. We ignore this situation at our peril. We have to look outside the square. We have to look at sensible solutions that are going to assist the situation, that are going to keep people in this profession.

Not all doctors, just like not all lawyers, are millionaires. I know of a number of doctors whose basic standard take-home pay before tax is about 50 grand a year. Also, I know a lot of lawyers whose take-home base is probably around $40,000 a year. I wonder at times whether you would be better off—

Mr Quinlan: Good lawyers, Bill?

MR STEFANIAK: Not bad ones, actually, Ted. I wonder at times whether you would be better off as an ASO6 in the public service. You would probably get a lot more satisfaction and a lot less hassle with things hanging over your head. As I said earlier, it is not quite as bad for lawyers. They do not have quite the same problem with their legal professional indemnity insurance—it is not quite that bad yet but with doctors it is.

I am concerned that we are seeing doctors leaving the profession in droves. In some instances they are going into the public health system, where at least they can keep up their skills. But others are saying, "Look, this is all too hard. I want to do something else, let me out. I do not want these things hanging over my head when, through really no fault of my own, I can be subject to being sued for an accident that occurred—I wasn't negligent, it was just an accident—20 or 25 years down the track." That just isn't fair and it is quite understandable that they are leaving the profession and they simply just don't want to play anymore.

We need to get away from the culture of litigation. We need to ensure that if someone is injured they can be confident that they will be treated and properly rehabilitated. That is what we do with workers comp; that is what Mr Smyth's bills seek to achieve. What we are doing to compensate victims of crime has received a big tick. Dr Anthony Dare stresses that in his report; indeed, it in the government response. It is not just a matter of getting the money—rehabilitation is actually far more important.

Mr Stanhope today gave an example of rights being taken away from a child who had been horribly affected—something we would all dread as parents; something anyone would dread. Their rights would not be taken away either under Mr Smyth's legislation. They would actually be enhanced. They would not be taken away by what Premier Carr is doing in New South Wales because in instances like that you would be able to take action fairly quickly. Cases would be assessed and they would not have their rights taken away. So I think he is the one who is having a knee-jerk reaction.

MR SPEAKER: The member's time has expired.

MR STEFANIAK: Thank you, Mr Speaker. I will conclude by saying I think Mr Smyth's bills are worthy of support and are a crucially important contribution to this very serious problem.

MS DUNDAS (4.18): The ACT Democrats welcome debate on the insurance reforms which were proposed by the then Deputy Opposition Leader, Mr Smyth. This reform package was announced on 15 July, almost 12 months ago. We understood that there were going to be five bills but when the package was finally introduced it contained only three, and they are the bills that we are debating cognately today. I will comment on the bills in reverse order.

The Adventure Activities (Liability) Bill is designed to allow customers to sign a waiver indemnifying the operator should there be an injury. This is designed to help operators of adventure sports, such as abseiling, hang gliding, hot air balloons and fishing, obtain insurance by this waiver. This bill does not rule out the possibility of litigation entirely. There is still the ability to take legal action in the event of a serious injury. A serious injury, though, is defined by the insurer. Whilst in other jurisdictions there has been the precedent of allowing clients to sign away their legal rights, this is not a proposal that the ACT Democrats can endorse.

The second bill is the Legal Practitioners Amendment Bill 2002, which I note had the rather catchy working title of the rejection of the litigious society bill 2002. Although there is little data available showing that there is a causal link between the no win, no fee system and an increase in premiums, the bill proposes to ban no win, no fee advertising.

Prior to the removal of the ban on advertising by lawyers, there was little no win, no fee litigation, as consumers were unaware of which lawyers would be prepared to work on this basis. As a consequence, many injured people who may have had a clear-cut entitlement for compensation could not afford to pay a lawyer or pay a court bond, which can be required in advance to cover any legal costs awarded against the plaintiff.

Alternatively, even if they could afford to run an initial case, they may not have been able to afford to defend an appeal. Many insurance companies and other well-resourced litigants have forced injured persons to drop their case or settle for very low payouts if an appeal was pursued. No win, no fee litigation opened up compensation for people with little available cash. Lawyers will only take on a case on this basis if they think they are almost certain to win, or the offer would not be financially viable. The advent of no win, no fee lawyers may have increased the number of litigated claims and therefore perhaps also insurance premiums but there is no data indicating an explosion.

Having investigated figures for Victoria, I have found that the rise in public liability cases in the last 10 years is actually quite small. New South Wales has banned advertising of no win, no fee deals on electronic media or in hospitals and nursing homes. So lawyers in New South Wales have to find other ways to advertise that they offer a no win, no fee service.

As I stated when debating the government's last package of tort law reform, the *Sydney Morning Herald* contained a report that a Queensland law firm, Baker Johnson, operating on a no win, no fee basis, claimed $5,000 to compensate for a plaintiff's back injury. The law firm kept the $5,000 and issued a bill for a further $7,000. In fact, the legal fees were 245 per cent of the total claim. The client with the injured back would surely have been better off not seeking the legal recourse.

So I do have concern with this part of the reform package. Lawyers may advertise tastelessly and encourage a litigious society but they also give people the knowledge that they do have legal rights and that, if they have a legal case, they can have their day in court.

The final piece of legislation and the main part of the insurance reforms put forward by the Smyth-led opposition is the establishment of a no-fault scheme, similar to that of workers compensation or perhaps compulsory third party insurance, in the area of public liability and medical indemnity insurance. This type of reform could have delivered a fundamentally different approach, and I believe it is an idea worthy of support. The focus on early intervention, rehabilitation and quality of life are priorities similar to that of workers compensation. This is the same focus of most people who have been injured. They wish to have their medical bills paid and their quality of life returned, and it is difficult to do that under the current system.

I understand that the Stanhope government have been in negotiation with the ministerial councils in respect of Australia-wide reforms. I believe that I have worked hard and productively with the Attorney-General's office to ensure that rights are protected and that injured people are able to get help. Today I am happy to support the Insurance Compensation Framework Bill 2002. However, I will oppose the other bills put forward by Mr Smyth.

I understand it would be difficult to implement from opposition this fundamental change in how we approach insurance, especially since all other jurisdictions have headed down the road of tort law reform. But there are some alternatives worthy of debate and support, and hopefully discussion will lead to bringing about the end of this insurance crisis so that people can continue to get on with their lives in a way that they recognise is safe but, if need be, allows them recourse.

MS TUCKER (4.23): The Adventure Activities (Liability) Bill is not now particularly relevant following a number of legal cases over the past year or two, while the Legal Practitioners Amendment Bill is simply a decorative reinforcement of the idea that lawyers are out for themselves and so a part of the problem we face in dealing with public liability issues.

The issue of more interest is the Insurance Compensation Framework Bill. As we have heard, this bill applies the no fault and rehabilitation principles of the ACT's very good workers compensation scheme to public liability and medical indemnity. I do not think, however, that the quantum shift involved in this bill is an exact equivalent to the introduction of the ACT's workers compensation scheme in 2001.

The structure that supports workers compensation, and for that matter third party insurance, was already in place prior to the changes two years ago. The details of those changes were thrashed out over a couple of years by government and stakeholder groups. While the result was not entirely consensual in all its details, the time taken to develop the scheme meant that the broad principles were accepted by the community, employee, business, legal and insurance sectors. It was also driven by and, of course, resourced by, government. While the focus on rehabilitation rather than compensation sets the ACT scheme apart, it is still nonetheless a small component of the national system.

The introduction now of a more extensive no-fault insurance scheme for injury compensation and rehabilitation by the ACT alone without extensive development work involving those same stakeholder groups, given the current position of the insurance industry in Australia and world wide, is a much more dubious proposition.

It is perhaps salutary to look at New Zealand's situation. New Zealand has a universal no-fault insurance scheme, covering vehicle, work and all other accidents. It has, at various stages, been run by government insurance agencies and private insurance companies. What we have seen is a diminishing standard of living and support for those people permanently injured or impaired. The overall cost is high and there is not enough incentive for government to index payments.

The ongoing cost to government has been massive. When the scheme was run privately, the insurance companies lost money, had every interest in limiting payments, and in the end abandoned the scheme. It has been put to me that if such a scheme were introduced in Australia, the only way to guarantee a reasonable level of support, where necessary, would be to write it into the constitution.

Another factor that militates against the introduction of this scheme is the underwriting capacity of the insurance industry in Australia. In fact, one could argue that following the acts of terrorism of the past few years, and arguably problems in investment, there is not much capacity around the world. Given that the HIH collapse took 35 to 65 per cent of the capacity out of the Australian market, getting any of the insurance companies to pick up the business would be very difficult, if not impossible.

The other side of this debate, of course, is the role of the Commonwealth government in providing social security. Part of the emphasis on larger payouts in public liability cases is that the level of support offered to people who are permanently injured or impaired is insufficient. Recent decisions by the Australian Tax Office disadvantaging people taking structured settlements have compounded that problem. Clearly, there are national issues involved in determining the best way forward, and a significant amount of work needs to be done with community and insurance representatives, starting with a fairly rigorous actuarial study, before we could proceed with this bill.

The success to date of our new workers compensation is, however, an encouraging indication. In another year or so the figures from the ACT scheme may provide a stronger basis from which to argue for this scheme. Similarly—and this may be a little fanciful, given the state of the world—we might be in a better position to draw in insurance businesses when they have recovered from the panic and cost of the past couple of years.

Finally, there is a fundamental problem in the drafting of this bill—that is, there is no link between the body taking a risk and the body carrying the risk. We are talking about an industry-based insurance scheme which could only be funded by evaluating the risk, balancing premiums against that risk, and so building into the relationship a real incentive for minimising risk, and so minimising injury, and that is a very fundamental flaw because this bill does not do that.

I think the case could be made to refer this bill to a committee, although a massive amount of work would need to be done. Better, I think, would be for us to revisit the notion and do the additional work necessary some time in the next couple of years.

MR SMYTH (Leader of the Opposition) (4.28), in reply: I might start with some of the comments that Ms Tucker made. She said there is no system in place to implement this scheme. Well, the system is there through the workers compensation scheme. There are systems in the insurance companies that could cope with this now. Yes, they would have to be expanded; yes, there would be a little up-front cost; but I reject the notion that this would be a more expensive scheme long term. I believe it will not be, because what we will have is early intervention, and that early intervention has been proven time and time again to be far more effective for the victim and far more cost effective long term for those that support the victim, the injured person.

The point was made that perhaps we could look at it in a couple more years. Well, I reject that because in a couple more years more people will have been trapped in a system that says it is better to wait six or seven years, fight it through the courts, get the compensation, and get well. It doesn't work that way, and I think we are negligent if we say, "Let's leave it for a couple more years."

There is work to do because the regulations will have to be drafted, and I don't have that capacity to do that as an opposition member. I don't think we should be afraid to say that big packages of reform can come from an opposition. It might be a case of "how dare the opposition have the temerity to put forward a major package of reform". But what are we all here for, what are we here to do? I am not here in opposition simply to oppose the government. I and my party are here to represent the people of Canberra and to get a better deal for them. Change the start date, make the start date 1 July 2004—that would allow for 13 months for additional work, if required, to be done.

I accept what Ms Dundas said about the adventure sports bill and the legal practitioners bill. The adventure sports one was done at a time when sporting industries, particularly the equestrian industry in Canberra, were under great pressure. I understand it has been put in place in Victoria and works quite well.

Moving on to the Legal Practitioners Amendment Bill: I think sending the signal that litigious is not a good way to start is a good thing, and that is the purpose of the bill. I was never sure whether people would support the offer of "just try it—no win, no pay". Where is the advertising from a law firm that says, "We'll support you in your rehabilitation and, if it doesn't work, then we'll support you in your court case"? We don't see that sort of offer, do we? What we are seeing is the offer that "we'll support you in a court case to get a large lump sum so we can take a percentage".

So I think it is unfair to say that there is no purpose to the Legal Practitioners Amendment Bill. I think there is a very important purpose to it, and it is about sending messages about what we want to see happen. What I want to see is a firm that will advertise, "We'll support you with rehabilitation and if the rehabilitation is not successful then we'll support you in your search for compensation."

The Chief Minister asked, "Why would you limit people's rights?" Well, my bill actually provides for immediate payment in respect of those who are catastrophically injured. Why would you make them wait 24, 25 years? Why would you place a burden on a family to look after a child that has been catastrophically damaged in childbirth, for instance? Why would you make them wait 25 years? Why wouldn't you settle it earlier? Why wouldn't you put in appropriate adaptations to a house? Why wouldn't you put systems in place so that the family—the other children and the parents, whatever the combination might be—doesn't have to carry the burden of an injured child for 25 years? That defies logic.

We had a tirade from the Chief Minister in question time. I put myself in the place of the family: get them assistance early; get them compensation early; get them rehabilitation to achieve the maximum for that child early; modify the house early; take the burden off the family early; assist the other siblings in the family early; don't make everybody pay; make sure everybody gets what they need to have a better life, the best life that they can. My bill allows for that. It allows for early payment for those who cannot find rehabilitation; early and immediate payment for those judged to have catastrophic injury. I cannot see the logic of why you would not do it.

Mr Speaker, the Chief Minister also said, "Why would you trash the rights of those catastrophically injured?" I pose the question: why would you make them wait up to 25 years to see what the outcome is? If they are catastrophically injured, they need all the assistance they can get from the moment the injury is incurred, not in 25 years time. Is it a measure of the Labor government's charitable view of the world to wait 25 years—25 years of litigation, 25 years of courts, 25 years of reports, 25 years of doctors visits, 25 years of personal agony, 25 years of sacrifice, 25 years of denying your husband or your wife or your partner or your siblings or your offspring a better life? It is beyond the ken of ordinary people that you would say that that is a better system, because it is not. Early intervention works.

There is grim irony for the Chief Minister—and I hope you are listening, Chief Minister, because I dearly love quoting your words back to you. Yesterday the Chief Minister tabled the government's response to the report by Dr Anthony Dare on assistance for victims of crime. And what does the government suggest we do for victims of crime? It suggests exactly what I am suggesting in my bill. At page 11, paragraph 5.12—and

members, some of these lines were used by the Chief Minister in his tabling speech yesterday—the government's response states:

> The victim must first have made an attempt at rehabilitation by accessing services from the victims services scheme (VSS) unless he or she is physically incapable of benefiting from the scheme (for example, where rehabilitation is clearly impossible).

Golly, gee, what does my scheme say? It says, "The victim must first have attempted rehabilitation before going on to seek compensation." Sounds pretty similar to the government's victims of crime legislation that they are supporting. The response goes on:

> The Victims of Crime Coordinator has also suggested that people who sustain an "extremely serious injury" as a result of any crime … be eligible for special assistance.

Let's get them assistance. The response then goes on in paragraph 5.14:

> The government does not propose to change this provision.

Goodness me, the government won't provide more assistance for those who are victims in this case. It goes on:

> Research shows that there is little evidence that financial lump sums actually assist in victim recovery.

What is the Chief Minister proposing through tort law tinkering? He is proposing that you still go through common law in the courts to get a lump sum at the end. Wait the seven years and you will be better off. Didn't he read his response before he tabled it? The response goes on:

> The provision was intended to provide assistance to those victims in the community most in need. Consistent with the legislations focus on promoting rehabilitation—

goodness me, the ACT has legislation that promotes rehabilitation; and that is what I am proposing—

> where possible, the special systems provision is targeted at those victims who are left with permanent injuries that greatly reduce the quality of their lives and whose prospects for significant rehabilitation are very poor. For victims with better rehabilitative prospects, the legislation provides a very high level of support in the form of payments for medical and other expenses associated with the injury, free counselling and access to a range of other therapeutic and rehabilitative services from the VSS to assist in their recovery.

What is my legislation proposing; what is the legislation from the opposition proposing? It is proposing that we get early acceptance of claims so that victims can access medical attention when they need it and when they will get the most effect from it, early in the course of the event.

Mr Quinlan: They can have that as well. You are just precluding their later rights. You are lessening their rights. They have all the rights you are talking about. You are just cutting them back.

MR SMYTH: Here you go. You love it when the Treasurer chips in, Mr Speaker. He has just said, in case *Hansard* hasn't got it, that I am cutting them back later in the process.

MR SPEAKER: Don't respond to interjections.

MR SMYTH: He not worried about the early bits of the bill; he is worried about the later effects. Well, the Treasurer is showing his ignorance. He is showing clearly that he has not read the bill, because it doesn't preclude access to common law—those rights are protected. It is the best of both worlds, Treasurer—early rehabilitation and, if that is not successful, access to common law.

Mr Quinlan: No, no, the best of one world. Wrong.

MR SMYTH: That is what is proposed in the insurance framework bill.

MR SPEAKER: Order, members! Mr Smyth, direct your comments through the chair.

MR SMYTH: Mr Speaker, I do apologise. He does interrupt at the wrong times, doesn't he?

Working backwards, let us get back to what the Treasurer said. I think what we have got today is a very sad signal from the Treasurer. It says they put litigation before rehabilitation, and that is a really sad signal. They are putting the courts before the victims, and that is not how it should work. What they are saying through the three tranches of their approach that have now taken 15 months—the snail pace stampede of legislation—is that they will put law before people. My bills are saying that rehabilitation is what we should be working towards, and I do not think we can afford to wait two or three years.

Mr Quinlan also said that my bills would put the ACT in a unique position. Well, oddly enough, the workers compensation reforms of two years ago put us in a unique position—we are the only jurisdiction with them. And oddly enough, today the Chief Minister said, "We won't be stampeded, we're going to be different from the rest of the country, we're going to be better." Mr Speaker, does that put us in a unique position? I think so. So when it suits them they say, "We can be unique." When it does not suit them they say, "We're not going to be unique because we don't have the broad mind to understand what this might do," and that is what the problem is with the government.

They then go on to say that it is fiscally irresponsible. All right, Treasurer, where is the work that shows this? If it is fiscally irresponsible, where is the work? Table it now. Mr Speaker, I take the Treasurer up on his earlier offer, and it is a shame the Treasurer chooses to ignore this. The Treasurer offered earlier to circulate his advice. I would ask the Treasurer, before the debate closes or at some other time today, to table the advice that he so kindly offered to provide.

He then claimed that there would be problems with insurance—the old furphy "Oh, the insurance market doesn't like it, flight of capital, the companies are going to flee." Mr Speaker, you will remember that that was one of the fears put by mini-groups when together we passed the workers compensation bill—"We won't be able to bear this. It will drive us away. We will have to leave. Woe is us." They didn't.

Perhaps what the Treasurer does not know is that some of them even like the workers compensation reform. Minister Gallagher was very kind to send some of her officers to my office yesterday to talk about the workers compensation reform package that I think will be tabled tomorrow. We were told that some of the big companies are very happy with the new system. Officers from the Chief Minister's Department actually said, "Ours is the easiest jurisdiction to deal with because of early intervention and it was the clarity of the legislation that made it a joy to be here." So, consequently, Treasurer, I would say you perhaps need to get the same briefing Ms Gallagher is offering members.

The other thing that we were told in the briefing yesterday was that other jurisdictions are now looking at the model we have taken. The ACT has lead on this. One year in it appears to be working, and I note that one year is a short time in these fields. But it does seem to be working and other jurisdictions are starting to copy our early notification, acceptance and intervention model. Why? Because it is cheaper long term. It will be cheaper. There is a little bit of extra cost up front, but what it means is you do not get the big payouts at the end, and that is what is leading to the volatility.

What it means is you do not get the long timeframes, and that is the other factor that leads to volatility. If you take those two out of the equation, what it means is people can get reasonable health care and early intervention as soon as the injury occurs. Early intervention works. Someone stand up and tell me that early intervention does not work.

We were then told that the ACT is too small—"We can't do this, we're too small." The Labor government will not do it because they do not have the courage or wit. We were too small on the workers comp and it has worked. Does this mean that the Treasurer or Ms Gallagher, as the minister responsible, will be turning back the clock two years and saying, "Because we are too small, we shouldn't have done that workers compensation thing back then anyway. How dare we have the temerity to do that, because we're too small"? This is absolutely amazing.

We were not too small when we launched No Waste by 2010. It is an ambitious target and it will be interesting to see if we make it. Jurisdictions from around the world—everywhere from Mexico City, the Solomons and Singapore to South Africa—have visited the ACT over the last four or five years to look at this initiative. The Wales no waste recycling community network is now looking to us as the model. Too small! I reject that argument.

Why aren't you big enough to get out there and do it? Why aren't you game enough to make an effort and why aren't you brave enough to try to make a difference when we can? Too small is unacceptable because if we accept too small we will never do anything different. We will follow other jurisdictions because they are big. "Let's follow the New South Wales workers compensation scheme, because they're big." And they have got a big debt—I think it is about $8 billion unfunded. "That's a good idea, let's follow that." Too small, I think, is the easy way out. *(Extension of time granted.)*

The ACT has shown what can be done with its greenhouse strategy. When no other jurisdiction in Australia would take on greenhouse as an issue, when no other Australian jurisdiction would look at the Kyoto Protocol, the too small ACT did, and we have led the charge on greenhouse. I reject too small.

Mr Quinlan: Get onto the subject, for God's sake. It's a long day.

MR SMYTH: Well, it is a long day. I am rejecting just your case. I have still got another three pages of what you said, Mr Quinlan.

There was criticism that no fault lets people off the hook. No fault does not mean no negligence. Negligence is still included in this bill and if people are found to be negligent they will be prosecuted under this act.

Mr Quinlan: No wonder you are meandering.

MR SMYTH: I am just following your lead, Mr Quinlan. I am just responding to everything you said. If it was a meander by me, it was a meander by you.

Mr Quinlan: I'll give you a copy of the flaws in it, mate.

MR SMYTH: Are you happy to circulate the advice?

Mr Quinlan: In the mail.

MR SMYTH: That is very kind. Mr Speaker, I will take up Mr Quinlan's offer of circulating the flaws. This is really clutching at straws.

Mr Speaker, we then have Mr Quinlan's defence that they have got a comprehensive three-phase program but they won't be stampeded. It has taken them 1½ to two years to get to the point where they can introduce the second way that their reform—

Mr Quinlan: There is another meeting of ministers in August, mate. It still goes on.

MR SMYTH: Next week, Mr Speaker. It is certainly not a stampede; it is certainly not a hive of activity either.

We were then told it is a joke, it is a dog's breakfast, it is full of holes. Well, okay, where is your legislation? It is still coming. And when will it be passed? Sometime in the future. I think the efforts that the government has put into this are just appalling.

And then it was claimed that our legislation was absolutely illogical. "We will resist on our own"—these were the stirring words, Mr Speaker—"any attempt to put thresholds and caps on people's expectations of payment." So suddenly the ACT can do it on its own, and this points out the illogical nature of the government's defence.

The government is absolutely embarrassed that they have been caught out by the opposition, who in a short time was able to come up with a comprehensive program that will assist people who are injured. If they are to have a chance to return to full life, you

have to address their needs early, and that is what this bill is about. It is what the workers compensation legislation was about.

Mr Speaker, this is a golden opportunity to change the way we think about injury. It will complete the trilogy of compulsory third party and workers compensation, which are now no-fault schemes. No fault does not mean that people will not be punished for negligence. I am quite sure that they will be caught and punished. But what it does not mean is that we can sit down and wait. Mr Speaker, we have proven that with CTP and workers compensation.

I think I have made quite clear the government's inconsistency in its response to the victims of crime legislation, which the Chief Minister so proudly tabled here yesterday, where it says, "Go the rehabilitative process, don't look to financial lump sums, intervene early, get a better result."

Mr Speaker, I think it is disappointing that the government in particular does not have the courage to think outside the circle. They certainly do not have the wit but one would have hoped they might have had the courage to do so.

It is a shame that we have not seen from this government a single set of reforms on any issue that shows that they are not a moribund group of thinkers who are trapped within their orthodoxy. The true conservatives have emerged. Mr Speaker, you are probably happy not to be sitting with the rest of the conservatives on the government benches. Because the true conservatives are in charge, nothing is going to change.

Mr Speaker, the new approach to the insurance crisis has to be listened to and has to be adhered to. Unless this happens those who are injured will not get what they deserve; there will not be the reforms that will lead to the end of human suffering. Unless we set up a program on our own that steps outside the orthodoxy we will follow slowly in the wake of the others. This is a government that follows slowly in the wake of many things.

Mr Speaker, I think the case for change is convincing. I think the proof of the pudding is already in the workers compensation legislation that I am told has already led to a reduction in litigation and an increase in early intervention and rehabilitation. And isn't that what we should be after; isn't that what we as a jurisdiction desire; isn't that what we owe those people who are injured?

Mr Speaker, I commend the bills to the Assembly. I would hope that there is a road to Damascus between now and the next two minutes and 13 seconds. I suspect there will not be. But I won't give up because I will come back again in the new year with these bills. I will take Mr Quinlan's advice: I will take his list of recommendations back to the Parliamentary Counsel and say, "Okay, here are some identified flaws. Make the bill better." So I thank Mr Quinlan for giving me that opportunity.

I thank Mr Quinlan for identifying what he thinks are flaws and I will get some advice. But fundamentally the bill is sound. Fundamentally the system it proposes is sound. We know it works because it works in the workers compensation system. We know it will lead to a reduction in litigation, we know that it will lead to an increase in rehabilitation, and that, Mr Speaker, leads to an increase in outcomes—better outcomes, greater

outcomes, for people who will get much closer, if not entirely, to where they were before the injury occurred, and that is what we as an Assembly should be about.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 7		Noes 9	
Mrs Burke	Mr Smyth	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Stefaniak	Mr Corbell	Mr Stanhope
Ms Dundas		Ms Gallagher	Ms Tucker
Mrs Dunne		Mr Hargreaves	Mr Wood
Mr Pratt		Ms MacDonald	

Question so resolved in the negative.

Legal Practitioners Amendment Bill 2002

Debate resumed from 25 September 2002, on motion by **Mr Smyth**:

> That this bill be agreed to in principle.

Question put.

The Assembly voted—

Ayes 6		Noes 10	
Mrs Burke	Mr Stefaniak	Mr Berry	Ms MacDonald
Mr Cornwell		Mr Corbell	Mr Quinlan
Mrs Dunne		Ms Dundas	Mr Stanhope
Mr Pratt		Ms Gallagher	Ms Tucker
Mr Smyth		Mr Hargreaves	Mr Wood

Question so resolved in the negative.

At 5.00 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

Adventure Activities (Liability) Bill 2002

Debate resumed from 25 September 2002, on motion by **Mr Smyth**:

> That this bill be agreed to in principle.

Question put.

The Assembly voted—

Ayes 6		Noes 10	
Mrs Burke	Mr Stefaniak	Mr Berry	Ms MacDonald
Mr Cornwell		Mr Corbell	Mr Quinlan
Mrs Dunne		Ms Dundas	Mr Stanhope
Mr Pratt		Ms Gallagher	Ms Tucker
Mr Smyth		Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Greenhouse gas emissions

MS DUNDAS (5.07): I move:

> That this Assembly calls on the ACT Government to legislate to require all businesses with a turnover above the payroll tax threshold and all Territory owned entities including Government departments to publicly report their greenhouse gas emissions from electricity consumed in the ACT.

Mr Speaker, as members might recall, last year I moved a motion in this Assembly calling for greenhouse gas emission information to be provided on all electricity bills. This motion was supported unanimously, and I believe that emission information will now appear on our power bills from 1 July this year. So it will be a simple matter to make this information public for larger electricity consumers, which is the intent of the motion that I move today.

Mr Speaker, even though I'm speaking rather loudly, I can barely hear myself.

MR SPEAKER: Order, members! Ms Dundas has the floor.

MS DUNDAS: Thank you. I'm not aware of a precedent for mandatory public reporting of greenhouse gas emissions from electricity generation, presumably because such information has only become available in recent times. However, there is a great deal of academic discussion on the merits of mandatory reporting, and there are many precedents for disclosure of other kinds of pollution released into the waterways or the air.

I also note that legislation to mandate reporting of emissions by companies and government was part of the ACT ALP election platform, and I would just like to quote from the ACT branch platform of the ALP:

> to establish community rights in the legislation requiring ACT Government agencies, commercial firms and other bodies to disclose information on pollution emissions and energy consumption.

The motion that I move today is a step to make that platform a reality. I'm proposing that all companies above the current payroll tax threshold of $1.25 million and all ACT government entities be included in a mandatory reporting scheme. To make this information meaningful, it would be necessary to present emission as tonnes of

greenhouse gases per employee and set that against the average per employer for all businesses and government agencies.

Companies that have signed up to the national greenhouse challenge will have the opportunity to prove that their environmental initiatives are reaping rewards. At the other end, companies that have not yet taken any action to reduce emissions will be encouraged to look at how they can cut electricity use and make cost savings and lower their environmental impacts as a result.

Similar mandatory reporting schemes applying to toxic emissions successfully operate both here in Australia and overseas. The Australian national polluting inventory allows the public to search an online database to seek detailed emissions data for all big businesses producing significant levels of toxic pollution. This program has encouraged best practice environmental management in many industries and allows the community to show whether or not industries are keeping pace with community demand for best environmental practice.

The positive public relations opportunities have been grasped by environmentally responsible companies that have been able to show how effective their environmental programs are. The possibility of public scrutiny and criticism has also encouraged the bigger polluters to review their operations, to find ways of reducing emissions.

During the economic white paper process, the government articulated a vision of the ACT becoming an environmental leader. Best practice environmental reporting would help promote that vision. We will be lagging behind other states when emissions on electricity bills are finally introduced in two weeks time, but we can regain the lead by adopting mandatory reporting.

As I have mentioned earlier, if this motion passes today, the ACT will be the first jurisdiction in the world to have public reporting of greenhouse gas emissions. This will be something to be truly proud of, and I do hope that the Assembly sees the merit in this motion and supports it.

I do understand that there are some amendments being discussed, and I will speak to them once they have been presented to the Assembly.

MS TUCKER (5.12): The Greens will support this motion. It follows logically from our earlier support of Ms Dundas' motion calling for greenhouse emission information to appear on electricity bills. Perhaps the most critical part of bringing about widespread behavioural change within society in response to an environmental or other threat is the awareness raising aspect—having people know, understand and accept the reasons why some change in behaviour is needed.

People will naturally resist attempts to change their way of life if they do not see a good reason why they should and may therefore see any legislated or financial measures to deal with the issue as an imposition. This can apply to a broad range of everyday matters: how we get around—walk, bus, cycle or drive; the size of car we drive; keeping a swimming pool or water intensive gardens; and how we shop.

We've all seen letters in the *Canberra Times* or heard callers on talkback radio showing a reaction against changes towards sustainability—where individuals will claim a right to use resources without limitation, whether the specific issue is water, petrol pricing, plastic bags or paid parking. But if the awareness raising is done well and thoughtfully, so that people see the need, then they will very often willingly embrace the change, and over time the whole culture changes.

The need to take care of the environment is far more broadly understood and accepted by the population as a whole than it was only a decade or two ago, when those concerned with the environment were very much at the margin. This awareness is also being increased by people's experience of changed circumstances and the public discussions surrounding them. For example, dealing with traffic congestion creates frustration but it also might prompt the thoughtful driver to contemplate new and better ways to provide for people, including themselves, to get around.

Similarly, people's experience of climate change trends, such as more erratic weather patterns, sustained drought and the increased likelihood of bushfires, will also shape their understanding of the need for change.

Too often our awareness raising and behaviour change efforts concentrate on the general public and neglect to address the institutional dimension, governments and business or corporate citizens. Often government will take the lead, applying new provisions first to itself before applying similar provisions to the private sector, such as with EEO and privacy legislation.

The earlier move to include greenhouse gas information in everyone's electricity bills is one step in raising people's awareness of the effects their living habits can have on the environment, themselves and the broader society and future generations.

This motion today represents a step to address awareness among the corporate citizenry, and I understand it would be a world first in the world-wide effort to rein in greenhouse gas emissions. There is evidence to suggest that public reporting for corporates does contribute to changing the corporate culture, as they respond to the public relations opportunities of being seen as good corporate citizens and, conversely, are keen not to be seen publicly as not meeting their responsibilities to the environment and the rest of society.

I will be interested to hear how the government responds to the suggestion contained in this motion because I am concerned that the government might be lagging in its commitments under the ACT greenhouse strategy, despite the government's assurance in the budget that "implementation of the ACT greenhouse strategy is a major commitment of the government" and that updating the strategy "through a process of reviewing emissions abatement of current measures and assessing the effectiveness of potential new measures will be a priority in 2003-04".

The current greenhouse strategy remains the one that Mr Smyth introduced on behalf of the previous government in 1999, but this government doesn't even seem to be meeting the commitments made in that for regular reviews. So where do we see this government's stamp on the ACT greenhouse policy, given that it's halfway through its

term and presumably would like to aim for more ambitious targets than the previous government committed to?

Initiatives such as solar water heater rebates are great, but we need the sound data and the revised strategy to know that we are actually making progress, and we also need to see evaluation of the measures that are in place at the moment. The original and current greenhouse strategy promised reviews of the strategy in 2001-02 and 2003-04 and the results were to be publicly available. But from an answer to a question I asked in estimates I understand that even the first review is not yet completed; let alone a second one, which seems to have gone by the board because of the delays in doing the first.

I was also told that this government's revised greenhouse strategy is likely—I stress "likely"—to be finalised in early 2004. We are still none the wiser on the inventory data and the important question of whether or not we are on target to meet our commitment to stabilise the ACT's greenhouse gas contribution at 1990 levels by 2008. I would be very interested to know how this suggestion does sit with the government's plans for the ACT greenhouse strategy, because before it could become a firm and workable measure there would be various matters of detail, policy and consultation to be worked through by the government. The government's input in these areas will be critical if the measure is to be successful.

I'm also unsure whether presenting emissions information on a per employee basis will actually be the most meaningful measure, because it is not clear how this would deal with high-energy, low-labour businesses and the like, but I do accept that corporate entities in the ACT are predominantly office-based-type operations where the number of employees would be a meaningful indicator of scale.

It's also to be expected that the consultations with business will reveal some resistance on the part of the business sector having to meet another reporting requirement. We might expect arguments about the resources required and cost to efficiency. But just as these arguments are weighed against the public good for other initiatives, so they will be with this one; and I would hope that a simple and streamlined reporting mechanism could be developed that was not overly onerous to either business or government.

I therefore encourage the government to seriously consider incorporating this measure into its revised greenhouse strategy and committing to its implementation. I understand the government's actually interested in putting an amendment to that effect. I'd be quite happy to support that if that's the case.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (5.19): Actually I acknowledge this as a very significant and important issue and an important motion to be debating today. Issues around greenhouse, the ACT government's and community's commitment to a greenhouse strategy and the reduction of greenhouse gases are very, very significant.

Ms Tucker did touch on issues around steps and measures that the government has taken in relation to the greenhouse strategy which, as Ms Tucker says, was agreed to by the Assembly in the year 2000, as I understand it. This was an issue that did receive some attention during the estimates process, and I recall during that discussion there was some

significant discussion around some rollover of funds in relation to some particular programs.

Be that as it may, as at the end of May this year the government has spent $1.024 million on the implementation of that greenhouse strategy. That is a significant commitment to the strategy but, as I say, there were also a number of items within the greenhouse budget which were committed but which weren't spent during the year. Some of those, for example, include:

- $220,000—this is in addition to the $1.024 million that was spent—was set aside for participation in a national travel smart program;
- $100,000 is still to be spent on the consultancy to facilitate energy performance contracting within the industry;
- $80,000 is still outstanding for promotional activities pending the commencement of the public consultation phase of the review of the strategy, which Ms Tucker has also referred to;
- $20,000 was set aside to implement an original measure in the strategy to make insulation of water efficient showerheads mandatory in new buildings;
- $10,000 was set aside for a demonstration installation of photovoltaic panels at Macarthur House.

The target for expenditure in 2003-04 is regarded as realistic and does reflect a return to normal activity levels in relation to the program for implementation of the greenhouse strategy. The target for 2003-04 is $1.453 million. $1.5 million is a significant commitment by the government.

Ms Tucker also touched on the review, and delays in the review, of the strategy that is currently being implemented; that is, the 2000 strategy which, as Ms Tucker says, was introduced by the previous government. I've earlier indicated that independent energy consultants, energy strategists, were contracted to undertake the first independent review of the greenhouse strategy in May 2002.

A draft report was completed in July 2002. The consultant produced the first full report in August 2002. Additional revisions and amendments were undertaken in October 2002 and January 2003. Further revisions were undertaken in May 2003 to address continuing issues with some of the baseline data used for electricity and transport emission projects. Those issues have now been resolved, and I'm awaiting a final report.

Environment ACT is currently in the process of ensuring that the consultant that was engaged has made all the agreed revisions. Following receipt by me of that final report, it will be released for public consultation. I'm hopeful that there will be a new, revised greenhouse strategy for the ACT within the next six months.

I do acknowledge the point made that this process has been long and tortuous. I think it's been frustratingly long. I have to say, advisedly, that I think it's taken far too long. I am impressing on Environment ACT the need for us to move with far greater speed and decisiveness in relation to a review of the greenhouse strategy and our implementation of the strategy.

Ms Tucker, I think quite rightly, makes the point that we haven't put a serious enough focus on making sort of pro rata gains in relation to our commitment to reducing greenhouse gas emissions in the ACT. I think we need to be tougher and more assiduous in meeting the targets and the aims of the plan. Though much is being done—and, as I say, over a million dollars was spent in this current financial year—just under $1½ million has been devoted to implementation of greenhouse gas strategy initiatives in the coming financial year.

Ms Dundas, in her motion, does point to a couple of initiatives that would of course seek to provide some additional focus to energy use, the motion being that the government "legislate to require all businesses with a turnover above the payroll tax threshold and all Territory owned entities including Government departments to publicly report their greenhouse gas emissions from electricity consumed in the ACT." I have no difficulty with the sentiment of the motion, though I do have some concerns around the notion that we should legislate to require, particularly, private sector businesses to report on their greenhouse gas emissions from electricity consumed in the ACT.

I think there is a significant school of thought—one which I accept—that legislating particularly for the private sector to report on emissions is not necessarily either effective or particularly informative because there are so many variables in relation to all entities, not just private sector entities but indeed government or territory owned entities.

Interestingly—and there is a model, a model perhaps which the ACT could implement, and that of course is the model established by the federal government—the greenhouse challenge, which the federal government has initiated, is a joint voluntary initiative between the Commonwealth government and industry to abate greenhouse gas emissions. The federal government launched the greenhouse challenge in 1995. I'm advised that it has proven particularly successful in achieving greenhouse gas abatement and in building the capacity of industry to identify, monitor, manage and report greenhouse gas emissions.

Indeed, a number of ACT businesses are already partners in the greenhouse challenge, and the ACT government is also committed to continuing support for the participation by business in that challenge. The ACT government eco-business and energy performance contracts for commercial buildings also support participation by business in energy saving measures.

The reporting of greenhouse gas emissions from territory owned entities is provided for, in fact, in the ACT greenhouse strategy, the strategy which was introduced by the previous government. Overall targets have been established, and individual agencies have developed preliminary action plans for increasing energy efficiency in government owned or tenanted buildings. Monitoring of energy use is in place, an inventory of current energy use has also been established, but public reporting hasn't been undertaken. Ms Tucker alluded to the fact that it hasn't been undertaken.

One of the explanations that have been given to me for that is that methods for measuring emission levels are continuing to evolve and we haven't reported at this stage. I think that's got to cease. I believe that that's got to end. We need to get serious about this and we need to ensure that we are fully implementing and fully reporting on measures that particularly government departments are taking.

As I indicated before, the greenhouse strategy is currently being reviewed. It does, and will, include the most recent data on greenhouse gas emissions. The result of the review will be released in the next couple of months. I'm urging the department to give this issue significant priority.

The targets for the reduction of greenhouse gas emissions from ACT government buildings at the moment are: a 15 per cent reduction below 1999-2000 levels by 2004, and a further reduction of 10 per cent by 2008. These are tough targets, and I'm advised that significant advances have been achieved. We do know, for instance, the Canberra Hospital has invested $2 million in energy efficiency measures; the Department of Urban Services has invested over $100,000 in upgrading their lighting system for Macarthur House; the continuing program for upgrading street lamps on main roads generates an electricity saving of 35 per cent on each lamp. All these measures do of course reduce greenhouse gas emissions and generate energy cost savings.

Targets for individual agencies haven't yet been established. They need to be set on a case-by-case basis, depending on the characteristics of buildings and infrastructure, and to reflect investments already made to increase energy efficiency. There must be a firm commitment that targets will be established for individual government agencies.

I accept the criticism of Ms Tucker, and certainly Ms Dundas and others—and I think it's a criticism that can't be reflected—that work that should have been done by now, if we're serious about a 2008 target, hasn't been done. Much work has been done; much good work has been done; but we do need some accountability and some measures to measure our progress in relation to that.

MR DEPUTY SPEAKER: The member's time has expired. Would you like an extension?

MR STANHOPE: No, I'm fine. Thank you very much, Mr Deputy Speaker.

MRS DUNNE (5.29): Before I commence I move the amendment circulated in my name:

> Omit all words after "Government", substitute
>
> "to immediately require all territory owned entities and ACT Government departments to commence reporting on their greenhouse gas emissions from electricity consumed in the ACT.
>
> That this Assembly further asks the Standing Committee on Planning and Environment to investigate and report on a suitable means of reporting greenhouse gas emissions from electricity for large businesses in the ACT.".

The Minister for the Environment has told us that this is an important issue. It's such an important issue that it was my privilege to work for the ACT minister for the environment who signed the ACT up to the greenhouse strategy long before anyone else in this country had a greenhouse strategy and to sign up and commit the ACT to meeting Kyoto-type targets at the time of the signing of the Kyoto protocols. This is a proud first

step on the part of the ACT Liberals, and it was the vision of Gary Humphries our former colleague who brought it to this place.

Much has been said about the faltering on the road since then. I'm actually grateful to the minister for his admissions that we might have fumbled the ball on this one—probably not dropped the ball; that would be too harsh, Mr Deputy Speaker, but we have fumbled the ball on this. We should have been doing better, and I congratulate Ms Dundas for bringing in this motion today as a means of ensuring that we do do better and that we do have a better, more effective set of greenhouse strategies.

I hear, and I've noted in the past, the Chief Minister's assertion that we're having a full and comprehensive review of the greenhouse strategy—and that's to be applauded—but I also highlight the remark that he made that somewhere along the line we have to draw a line in the sand, Mr Deputy Speaker, and actually stop reviewing and start doing. I think that this is the time to do it.

I note, as Ms Dundas has, that the ACT Labor Party had committed itself to ensuring that commercial and other bodies disclose information on pollution emissions and energy consumption; but, like many things in the ACT Labor Party platform, it looks good; we can talk the talk, but so far we haven't walked the walk. We are now 18 months and two budgets into the term of this ALP government and we don't see any evidence of the right-to-know legislation that would require this to happen.

I did notice a certain reluctance on the part of the current minister when it came to the issue of legislating for private organisations to report. He is right; reporting can be misleading. Sometimes we're not comparing apples with apples, not even apples with pears; often we're comparing apples with oranges. We have to be careful that, when we do set up a regime, it is a regime that does provide for adequate and meaningful reporting, which brings me to the amendment that I have brought.

While I agree, and the Liberal Party agrees, in principle with Ms Dundas' motion, I do see that there are a few problems—a couple of problems. The first one is that Ms Dundas' motion tips us back onto the bureaucracy which, as we have all seen—and most people have attested to this today—have been tardy, have fumbled the ball on this. We are giving them another task to come up with another piece of legislation to do something.

Mr Deputy Speaker, come 1 July, everyone who receives an electricity bill will get the information about their greenhouse consumption. It is not beyond the wit of government agencies to report on that. We've had a commitment since the signing up to the greenhouse strategy in, I think, 1997 that we should report on this. The minister has said, "Well, we've now got to draw the line and do it; okay, let's do it." This is why my amendment does what it does: it actually requires the government to lead by example.

If we're going to have an effective greenhouse strategy, we—the government, the people who actually make the laws—should lead by example. This is what my motion does: it means that government agencies—and not just departments but government owned entities who will have the capacity by 1 July to know what their greenhouse emissions are—should report from now.

Rather than give another job to a probably underresourced greenhouse strategy unit, the Planning and Environment Committee should take on, investigate and report on suitable means of reporting greenhouse gas emissions for businesses in the ACT. It's fitting that we should do so because we're currently already running an inquiry into energy efficiency and emissions, and it fits nicely into that. We don't have a reporting date on that. If members would like a quicker reporting date on this I would be happy to entertain it.

While I support Ms Dundas' motion in principle—and I think that it's a principle that we should be pursuing—I think that at this stage it actually doesn't give us results; it actually puts this off to a government organisation who hasn't been really very flash in terms of turning things around quickly. I think it's time that we actually got some results.

I commend Ms Dundas for bringing on this motion, but I hope that I have convinced members that the amendment that I propose will make it a better and more immediate initiative.

MRS CROSS (5.35): Mr Deputy Speaker, I rise today to support the motion by Ms Dundas and commend her for this motion calling on the ACT government to "legislate to require that businesses with a turnover above the payroll tax threshold of $1.25 million and all Territory owned entities including Government departments to publicly report their greenhouse gas emissions from electricity consumed in the ACT".

The ACT is one of the leaders in the public reporting of household greenhouse gas emissions. To ensure our excellent reputation as a world leader in the reporting of household greenhouse gas emissions is maintained, it is now time to take the next step and encourage all major business and government consumers of electricity in the ACT to be leaders in this field and show on the public record how they are contributing.

The public reporting of ACT businesses and government department greenhouse gas emissions will highlight those moving in the right direction and give those that are not as yet perhaps the impetus to do so. It may help in the move to conserving energy and start securing a safer, cleaner future environment.

Canberra is the garden city of Australia. Let us use the public reporting on ACT businesses and government departments greenhouse gas emissions from electricity as another opportunity to promote the Australian Capital Territory as a clean, green city—a place where everyone wants to live because of its clean air and its commitment to promoting and conserving the environment for the safety and future of all its people, its businesses and government departments.

The government, during the economic white paper process, articulated a vision of the ACT becoming an environmental leader. Here is another opportunity to support that vision. Conservation of energy is not just the responsibility of individuals. Business and government departments, as the biggest consumers of electricity in the Australian Capital Territory, are also responsible and have a duty. Their behaviour impacts on the lives of us all. Their behaviour in influencing the broader community is powerful. Their commitment to saving energy through cutting back on electricity consumption will save money and lower the impact of emissions on the environment. It will contribute to the environment and promote a cleaner, safer place to live and play.

Business and government departments are the biggest employers of Australians. They can lead by example by encouraging their staff to implement energy saving strategies in the workplace and duplicate these strategies in their own homes. Business and government departments can influence the lives of us by leading the way with responsible behaviour and participating in the reporting of their greenhouse gas emissions from electricity consumed in the ACT. Compulsory public disclosure of greenhouse gas emissions from business and government in the ACT will ensure monitoring of acceptable levels of emissions.

Once again, I'd like to commend Ms Dundas for this motion and support the motion.

MRS BURKE (5.38): I would also like to commend Ms Dundas for moving this motion. I have to say it's not an area I am fully au fait with, but obviously it is one that will affect us all if we don't start taking responsibility. It is an important issue, as has been said. I do, however, have some concerns with regard to Ms Dundas' motion.

Again, I absolutely agree that we need to do better in this area. Whilst, on the face of it, this motion appears to be sensible—"to require all businesses with a turnover above the payroll tax threshold along with all Territory-owned entities including Government departments to publicly report their greenhouse gas emissions"—it simply isn't practical in some areas.

My example, Mr Deputy Speaker, would be a personal one. There would be many people in this situation. I'd just ask Ms Dundas to consider this; maybe there could be an appropriate amendment; I don't know. I used to run a family business with my husband, a commercial contract cleaning company based in a small office in Fyshwick. We contracted over 40 people who were engaged in contract cleaning duties but not within that office. That office was 130 square metres. The equipment that was used in that office and the emissions that would be generated were not as much as perhaps those from a large property in O'Malley or from some of the embassies.

I'm not saying that we shouldn't report; I'm just pointing it out as maybe a flaw in this motion. We were eligible, for most of our 14 years in business, to pay payroll tax, so we were going to be caught in a situation where we had little to no emissions. Again, I'm alluding to red tape for businesses. This will be something that later on I hope we can work through—that there would be a way in which businesses can take their responsibility as all householders should be doing anyway. But it certainly did pose a question to me when I looked at it.

I hope it is one that Ms Dundas will be able to maybe address in her closing remarks. Whilst I commend her motion, I think there is a difficulty in some of the delineation between people paying payroll tax and the emissions that they're actually making. I'm happy to talk about that with her at a later date.

MS DUNDAS (5.41): I will speak to the amendment and also make my closing remarks, as I think we have all said what we want to say on this in this particular debate. In regards to the amendment: I believe that the amendment will actually pick up the concerns that Mrs Burke has just raised in terms of how this will apply to businesses who are above the payroll tax threshold.

If Mrs Dunne's amendment is successful, then the Standing Committee on Planning and Environment of this Assembly can investigate how we can best work with big businesses in the ACT to make public this information and provide key strategies for actually reducing their emissions and leading the way in reducing our greenhouse gas emissions as a practical outcome of the greenhouse strategy. Hopefully, with this amendment, there will be greater consideration of the impact on businesses and how this should be implemented. I'm sure the committee would look forward to a submission from Mrs Burke on the practicalities of how this will work.

Just to respond to some other points that have been made during this debate: this motion, with the amendment, is not in any way inconsistent with the ACT greenhouse strategy; it is actually a practical example of something that we can be doing about greenhouse—to know what it is that we're actually emitting to find strategies as to how we can reduce that. We can't just say that we're progressing with greenhouse strategy and we're reducing greenhouse gas emissions if we don't actually know how many greenhouse gases we are putting out there.

I'm glad that this Assembly will agree to actually take the step to get government agencies and departments to report on their greenhouse gas emissions, so that we can see how well we're doing or how badly we're doing and where we do need to take immediate steps as part of the greenhouse strategy.

Ms Tucker made some important points with regard to that strategy and how it has been implemented across the ACT and been reviewed, to which the Minister for the Environment responded. But Ms Tucker did ask me to make one last point, which was that the original work done on the ACT greenhouse strategy was not done by the then Liberal government by themselves and by Mr Humphries. The Greens, as members of this Assembly, were actively involved in that.

I would like to flag that that is something that the older parties are wont to do, that is, claim credit for all the work that ever happened whilst they were in government and not recognise that other parties and crossbench members are putting in a lot of work to encourage the governments and to support the governments in the actions that they are taking. So I'll just flag that for our older parties to remember.

I thank members of this Assembly for their support. This will mean that we are the first jurisdiction in the world to have public reporting on greenhouse gas emissions. We are making history today and we are leading the way on environmental disclosure. I thank the Assembly for their support in that way.

Amendment agreed to.

Motion, as amended, agreed to.

Sitting suspended from 5.45 to 7.32 pm.

Non-government schools—interest subsidy scheme

MR PRATT (7.32): I move the notice standing in my name on the notice paper, which reads:

> That the Assembly:
>
> (1) calls on the Government to reverse the decision to remove the Interest Subsidy Scheme Commitment to non-government schools as it will have a severe impact on those schools and the 39.2% of students who subscribe to them; and
>
> (2) notes with concern, the added pressure that will be placed on government schools and the ACT education system as a whole due to the 'knock on effect' that the removal of the scheme will have.

I rise to express concern about the government's decision on this particular scheme. The interest subsidy scheme has existed for a number of years. It facilitates the development of the much needed infrastructure for non-government schools that enables them to remain competitive within the ACT system.

The interest subsidy scheme, or ISS, has been the only form of direct capital support provided by the ACT government to the non-government school system in the ACT. While the minister seems to think that the ACT government is only a government for government schools, the hard statistics cannot be denied. Mr Speaker, 40 per cent of school children in the ACT attend a non-government school. That's almost the same percentage of people who voted this government into power.

These kids come from all sorts of socioeconomic backgrounds and their parents have many differing reasons for sending their children for schooling through the non-government sector. These students deserve to be looked after by this government as well. There have been very few new initiatives by this Labor government to help this growing sector cope with its increasing enrolments. Instead, the government has chosen to abolish support mechanisms put in place for this very reason by previous governments.

Mr Speaker, the ACT Liberals believe that it is important that the Canberrans we represent are provided with choice and diversity in their kids' education. This includes the fostering of a rich government system, as well as the support of a dynamic non-government system. This is a principle which is supported by the ministerial council's agreed framework of principles for funding schools, which states:

> Public funding for schooling supports the right of families to choose non-government schooling and supports non-government schools on the basis of need, within the context of promoting a socially and culturally cohesive society and the effective use of public funds.

Mr Speaker, the removal of the interest subsidy scheme leaves an air of uncertainty in non-government schools. Many of these schools are already finding it hard to keep up with the demand that is being placed on them to keep their fees down as much as possible while retaining a high standard of education.

Currently, according to the government's own figures provided to me in estimates, that 40 per cent of students receives only 28 per cent of total government funding. That 40 per cent receives only 11 per cent, I state again, 11 per cent of the total funding allocated by the ACT government to schools in the ACT. The abolition of the ISS is set to have a direct and detrimental impact, not only on the schools which it directly funds, but indirectly on the ACT school system as a whole.

Maybe this is what the government wants. Maybe the government thinks that the best way to cope with its own embarrassing problem of enrolments transferring from the government to the non-government sector is by trying to make non-government schools unviable. I would find that line of thinking unrealistic and I would much prefer to think that this minister and the government in general does not take that line, but we have the problem of the Connors report, don't we? That famous review with the predetermined outcome commissioned by ground zero Corbell.

The fact is, Ms Connors implied in her report that this was one of the very reasons for her recommendation to remove the ISS, and I quote:

> The interest subsidy scheme is attractive because it means that a school can put its own private income to other purposes. This assists the school to compete more actively to maintain or increase its market share of enrolments in the context of a relatively static school population.

Mr Speaker, this is not a particularly clever comment from Ms Connors. Ms Connors suggests that non-government schools use the funds from the ISS to direct their private income to other purposes. It is not entirely clear what Ms Connors means by this comment. In theory, of course, this is what a school might do, but that is highly unlikely.

In practice, Ms Connors does not appear to have appreciated what many of these schools are doing continually, that is, they are attempting to fund new building projects and projects to refurbish and upgrade existing buildings. It is to these types of projects that the private income received by these schools is being directed. That is, these schools are constantly juggling their resources to maintain their building programs and to ensure that the quality of their existing facilities is maintained.

Ms Connors only has to visit the Burgmann Anglican College in Gungahlin to see how the ISS funds were deployed and how they are being used. Indeed, the Chief Minister has just opened a new building at Burgmann that has been funded in part, I say again, in part, by the ISS allocation. The relatively small amount of funds available from the ISS for Burgmann is being used by Burgmann to develop a new school on a greenfields site. The ISS funds enabled Burgmann to prepare a slightly stronger proposal to raise capital for building projects. The ISS funds are not being used to permit other funds to be used for other nefarious purposes. Rather, the ISS funds enabled Burgmann to provide buildings that are of an appropriate standard.

Mr Speaker, I can bring to mind other non-government schools that have been established for 20 years or so and that are now involved as much in refurbishment as in funding new buildings. Again, the ISS funds are a very small component of the overall building costs that typically are involved in these projects. As with new building projects, they strengthen proposals to raise the necessary capital.

There is also an assertion that a significant proportion of ISS funds have gone to what are described as high-fee non-government schools. Mr Speaker, ISS funds are allocated on the basis of applications made by individual schools. If high-fee non-government schools have utilised a large proportion of ISS funds, then that is because explicit decisions by the department have been made to this effect.

Mr Speaker, I am not aware of the complete history of the use of ISS funds, but it may very well be that, when ISS funds were first made available, these and schools in the Catholic education system were the only applicants for these funds. We should remember that many of the medium and low-fee schools have been established only in the last 20 years or so, the time in which the ISS was mainly drawn upon. Mr Speaker, I would point out that the Connors report statistical picture asserting that funds mainly go to high-fee schools is severely distorted. It falsely illustrates the projection of allocations over the out years. Why did this happen?

Mr Speaker, there is another aspect of the ISS that I would like to emphasise, and that is the direct impact on the building industry. The ISS supports a range of school building projects. While one school may be between projects, another will be starting a project. This flow of work is important for builders and members of other industries, such as architects and the suppliers of goods and services. The cessation of the ISS is likely to result in a reduction of some order in the flow of work into the local building industry. In fact, it could be argued that the relatively small volume of new ISS funds that becomes available each year translates into a significant positive impact on the local building industry.

Mr Speaker, it concerns me that the government has chosen to ignore the benefit that this scheme provides to non-government schooling in the ACT and has instead decided to take the Connors ideological and emotive response and therefore abolish it altogether. If the government is concerned about government schools competing for enrolments, then it should be looking at strategies to further improve prospects for government schools. We have not seen a single substantive initiative from this government that would examine why the drift away from government schools is occurring, particularly at year 7.

Although we welcome some of the new initiatives for government schools, we have only seen belated tinkerings around the edges. A precious 15 months to review and undertake some key reforms in government schools has been wasted, paralysis and inaction while Connors barked up the wrong tree.

Mr Speaker, the government should be encouraging the success of all schools in the ACT, regardless of the sector to which they belong. The ACT government continues to fail to acknowledge the huge savings it makes because parents of 40 per cent of children choose to send them to non-government schools.

Mr Cornwell: How many was that?

MR PRATT: 40 per cent.

Mr Speaker, according to federal government estimates, government will save a total of $28.5 million next year alone thanks to the ACT parents who have decided to pay to privately educate their kids. That is $28.5 million which makes it possible for us to enjoy the education system we have in the ACT today. An annual amount of a few hundred thousand dollars provided through the interest subsidy scheme seems to be a small cost to ensure the stability of the government sector, as well as the non-government sector.

Ms Gallagher stated in a media statement that she issued in May that, "It was not sound public funding policy to use scarce funds to subsidise non-government schools…when the main recipients are schools which are generally regarded as well-resourced." Now, Mr Speaker, this statement implies that the government's new policy is to punish those schools which have invested the funding they have received wisely in their school's infrastructure, so as to benefit their students now and in the future. The scarce funds that Ms Gallagher refers to amount to just about as much as her government is prepared to spend on reports in any given year—not sound public funding policy, Mr Speaker.

By removing the ISS, the government is seeking to bring back a class system so that only those who can afford a ridiculously high fee structure will be able to access private schooling. All other Canberrans will have no choice but to send their kids to government schools because, under a Labor government, private schooling will eventually become completely unaffordable for the average Canberra citizen. Mr Speaker, the removal of the interest subsidy scheme is not a sound public funding decision and I urge the Assembly to call for a reversal of this decision.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (7.45): The ACT government will not be supporting this motion by Mr Pratt, which I am sure will come as a great surprise to everyone. However, I do have to acknowledge the persistence of Mr Pratt on this issue. From my recollection we have trawled over it through estimates, we have had questions without notice, and we have questions on notice about it, all seeking the same thing, and now we have a motion before the Assembly.

I want to address a couple of things that Mr Pratt said in his speech about how the ACT government, outside of the interest subsidy scheme, offers no capital support to the non-government sector. It is rather interesting—we have provided in land grants in excess of $20 million free of charge, based on the value of the land at the time of the grant, which is a considerable contribution, I would imagine, to those schools' establishment costs. As I said, that was the value of the land at the time of the land grants so, for some of those schools sitting in very central positions, I imagine the value of the land that they are on now has increased markedly.

Mr Pratt also quotes from the MCEETYA document *Resourcing the national goals for schooling*, which of course the Commonwealth did not sign because it was worried that might mean it would have to give a little bit more money to government schooling—

Mr Pratt: With 24 hours notice they could not sign it but they will. They will sign it.

MS GALLAGHER: You quote rather selectively from it, Mr Pratt, but this is the states' agreement, not the Commonwealth's. They do not like it. Your mob do not like it.

Mr Pratt: What you are not saying is they only had 24 hours notice to sign it.

MR SPEAKER: Order Mr Pratt! You have the right of reply.

Mr Pratt: And they will sign it.

MS GALLAGHER: You quote selectively from it, Mr Pratt. I sat here and I did listen to you in silence, so please extend me the same courtesy. The document states:

> The distribution of total public funding across sectors should recognise the different costs to schools and sectors of ensuring universal access to quality school education and equitable opportunity for all students…The total level of funding for government schooling is adequate to ensure access to high quality government schooling for all, and all governments' funding policies recognise this as a national priority…Public funding for schooling supports the rights of families to choose non-government schooling and supports non-government schools on the basis of need, within the context of promoting a socially and culturally cohesive society and the effective use of public funds.

Be careful when you go around quoting this, Mr Pratt, because, although your mob do not like it, we do and we think it will deliver a national framework that will provide equitable outcomes, because at the moment that is not what is happening at the Commonwealth level.

We turn to the interest subsidy scheme. For many years, as Mr Pratt says, the ACT has supported the non-government schools' capital investment through the interest subsidy scheme with an upper funding limit of about $2.8 million. In addition to this, the Commonwealth provides capital grants of around $2 million per annum and the use to which these funds are put is decided by the block grant authority comprising non-government school representatives.

The report of the inquiry into ACT education funding, or the Connors report, acknowledged that, while encouraging the creation and expansion of non-government schooling may have been sensible once, the circumstances are now different. The Connors report also records that, if you exclude the Catholic systemic schools, the main beneficiaries of the interest subsidy scheme over the next 15 years are three schools which it would be difficult to say are not well resourced.

I do not know what you do not understand about that, Mr Pratt. The table is there, the figures are there. They are data from the interest subsidy scheme and it is clear that, in the out years, the next 15 years, significant proportions of the interest subsidy scheme are going to Canberra Girls Grammar, Canberra Boys Grammar and Burgmann Anglican College, which you've also quoted there.

Ms Connors' report also shows that independent schools are in a position to devote more than twice the per capita level to capital expenditure than government schools. The report points out that the interest subsidy scheme enables well-endowed schools to use their own income for other purposes and thus assist them to compete to maintain or increase their share of the student population in a time of overall declining student numbers.

While we applaud the efforts of the non-government schools to provide the best facilities their community can afford, public funds must be used to address need. The Connors report recommended that the interest subsidy scheme be closed from 2003-2004 and, as funding from the scheme becomes progressively available, that it be reinvested into the non-government school sector. To continue the scheme would be to countenance the use of public funds to create additional capacity in a time of overall declining enrolments and it is difficult to justify from a public policy standpoint.

I consulted with all stakeholders after the release of the report and before the formulation of the government's response to the report. I was made aware that certain elements of the non-government sector—and I can't stand here and say all of them are opposed to the scheme's closure, but certainly some of them are—did not like the Connors recommendation to close the scheme. However, as I said yesterday, the government has taken a decision to accept that recommendation and it was the right one.

Mr Pratt's reference to pressure on government schools through the knock-on effect doesn't make sense. Are you suggesting that by redirecting the scheme's funding from the well-resourced schools to all non-government schools, some well-resourced schools may be forced to close? I find that rather unlikely.

The non-government sector will also continue to have access to the Commonwealth government's block grants program for capital projects. No doubt in deciding the recipients of these grants, the block grant authority ensures that funding goes to those most in need of such support.

The Connors report makes it clear that the scheme is inequitable, since it is valued by those schools able to service large capital debts. This runs counter to the equity principles built into the Commonwealth's capital program, under which the capital block grants are made, to give priority to schools to provide an acceptable standard of facilities.

From a government's perspective, there are competing priorities to be served by a finite budget for education. Connors demonstrated that non-government schools spend considerably more per student on capital works than is the case for government schools. This government decided that it was not a sensible use of public funding to continue the scheme.

Mr Pratt refuses to acknowledge that the government's actions are motivated by the principle that equity in the distribution of funds to the sector is paramount. We may well question Mr Pratt's motivation in pushing the perpetuation of a scheme which benefited a few well-off schools at the expense of other less well-resourced non-government schools. By redistributing the funding to all non-government schools on the basis of need, this government is putting the funds back where they are most needed.

Schools can then decide what they use the additional funding for. I hope that they will use it for the direct benefit of student learning. If they decide additional infrastructure is the highest priority, then they can apply the funding to that end, but the decision will be theirs.

MR STEFANIAK (7.53): Mr Speaker, I rise, as much as anything, as an ex-minister for education who thought that this is a pretty good scheme that serves a very good purpose and has for many years. Maybe I am not surprised, anything is possible with this government, but I am disappointed that this Labor government is getting rid of a scheme that is so very similar to the sports loan subsidy scheme.

As I said in earlier debate, I am not sure which came first, this particular interest subsidy scheme or that one, which I think Mr Bob McMullan had a lot to do with starting, which certainly was going when we had our first Assembly and was a particularly good scheme so very similar to this. You, no doubt, would have noted that, Mr Speaker, being an ex-sports minister.

Just as, under the sports interest subsidy scheme, so many major sporting attractions in Canberra were built—and the hockey centre and the fields there are a particular case in point—I recall, certainly during my time as minister, a large number of very useful additions to schools and, indeed, even some new schools. This occurred not just at the three schools that Ms Gallagher refers to, but at a whole lot of other non-government schools: little primary schools, both systemic Catholic and otherwise, Catholic high schools and other high schools and, indeed, some of the bigger colleges such as Radford, Daramalan and Grammar, and even St Edmunds may have done something.

I always enjoyed looking through the list of the various schools that had actually been granted some money under this scheme, and they were very varied. I can recall a number of schools who would put in applications into the future. Some had been granted money in a particular year, others were in a queue. However, all of it served a very good purpose for a very small expenditure of money on behalf of the ACT government. It was excellent bang for your buck and I think it really helped our education system and the diversity of our education system.

I do not know what effect the false economy of getting rid of this scheme will have, but I suspect it will certainly have a very adverse effect on all of the non-government schools that wish to undertake building work. Basically, and especially with low interest rates, this scheme is an absolutely beauty, as is the SLIS scheme.

If you want a $300,000 loan for some new buildings around your school and you take a $300,000 loan out, you're paying interest on that. Up to 10 per cent of that interest is paid, I understand, by the scheme. Now, with interest rates as they are, that means that effectively your full interest is paid and that makes extra building work a very economic proposition for so many of our schools.

Not many of our non-government schools are super well-off and included in these schools which the Labor Party keeps trotting out as being well-off schools are Girls Grammar, Boys Grammar and I think you said Burgmann College. My understanding of Burgmann College is that it is meant to be a fairly low-fee Anglican school which has started up recently in Gungahlin. It certainly received money from the interest subsidy scheme. Actually, when I was a minister, I saw some allocation of funding there, some money from the Commonwealth.

However, the whole idea of that school was that it should be a fairly low-fee paying school so that it was open to pretty well anyone. I never fail to be amazed by the people I bump into who actually send their kids to the two grammar schools, Boys and Girls Grammar, who are just absolutely ordinary people who often maybe do two jobs, simply because that is the type of education they want their child to have.

Also, I've bumped into lots of people who have very good, well-paid jobs who send their children to the government sector, and they obviously do not have to worry about paying fees there. Even when I went through the government sector here, we had people who were absolutely destitute with the backside out of their pants, at Narrabundah, and we had those in the dress circle up there in Red Hill, who were very well off, thank you very much. You cannot typecast people in our system. There are people who are absolute battlers who send their kids to Canberra Grammar and there are some incredibly wealthy people who send their kids, say, to Hawker College, Lake Ginninderra College, Tuggeranong College or whatever.

It is a diverse system and one of the beauties of our system is that it does cater for all tastes. There is a school here which can satisfy any taste in terms of how people want to educate their children and what philosophy they want to see adopted there. That is one of the beauties of our system.

Now 39.2 per cent in the non-government sector is something you just cannot ignore. Really, we are in many ways getting an education on the cheap, as Mr Pratt says, because, by the very nature of government funding, the vast majority of ACT funding—about 90 per cent or more—is naturally spent on the system for which we are primarily responsible, the government sector, and a very small amount is spent on the non-government sector.

However, just imagine how much it would cost us if all those kids suddenly came into the government sector. I'm not necessarily saying that would happen over this, but who knows? I suppose it is not impossible.

Really, it is again a false economy. I have no idea what effect this will have but I do think it is a very, very false economy. Even this government is not saying they are going to stop funding non-government schools totally. I do not think they can, but they are certainly cutting off this very, very good scheme. For the amount of money they are going to save and the adverse effect this action is going to have on a great number of schools, I really think it is a very false economy indeed. I think you will rue the day that you did it.

The cost effectiveness of this type of scheme, for any government of any political persuasion, in terms of the educational value obtained in the community is huge. The various facilities that all schools in our non-government sector have been able to utilise through this scheme—virtually all schools; there are probably some that have not—and indeed that schools would be able to utilise should this scheme continue, is and would be of immense educational value to students in our community.

The numbers of students in our community who are going to non-government schools has been creeping up a bit over the years, so 39.2 per cent is five or six percentage points higher than what it would have been about 10 years ago. I do not think that percentages

are going to change too much. It does not look like they are going to drop: it looks like they may well stay around that figure. All the more reason, then, for this government not to go down the path of getting rid of this scheme, which is so important to our non-government sector.

I heard a previous Labor education minister claim—and he probably was what he claimed; Bill Wood, yes, that's you, son—"I am the minister for education and that is all sectors, government and non-government." He said it and I think he probably meant it. I do not think he suggested doing anything as silly as this when he was minister. Well, he might have had a few silly ideas really, but I certainly do not think he ever suggested anything like this.

I always thought what he said was eminently sensible and I have probably said that myself—"I am the minister for education for all sectors, government and non-government," and you really have to be. Primarily, of course, your responsibility is to run the government sector because your control over the non-government sector is not the same. It is a very different sector: there are other players there, the Commonwealth is a much more significant player there than it is in assistance to the government sector.

Of course, the schools are very much masters of their own destiny within the constraints and demands on curriculum and standardisation and so on, and the loose controls that a government may have over them. However, it is important to be sensible, to be fair and to give due regard to both sectors, because you have a responsibility as the government of the territory to do what you can in the best interests of all students in the territory. Your responsibility is to the government sector, but it is also to the non-government sector.

Taking away a scheme as sensible as this, which will not save you very much money but which will have an adverse effect, I would think, on sensible improvements to some of these schools, is not only very bad politics, but it does nothing to help education in the territory. Far from it: it is a real detriment to the education of our students and possibly our standards. It certainly does nothing to help but it probably does quite a bit to hinder.

You have obviously made up your minds to do it. I think you will rue the day you did. You have made a wrong decision here, and I think it is important for the Assembly to try to inject some common sense into this matter, even at this late hour.

MR CORBELL (Minister for Health and Minister for Planning) (8.03): I rise to support my colleague Ms Gallagher, the education minister, on this issue. Mr Speaker, from listening to the contributions to the debate from the other side of the chamber, anyone would think the government was actually reducing the total amount of funding available to non-government schools, but the reality is, we are not. You are wrong. The government is not reducing funding to non-government schools, not one cent, but what we are doing is saying that the application of money in this way is grossly inequitable and does not address need in the system.

Let us just recap on exactly why it is grossly inequitable. Over the next 15 years—so this is money yet to be spent, but which is committed by the territory through the existing interest subsidy scheme—between 2002-03 and 2018-19, the following schools will receive the following amounts of subsidy from the taxpayers of the territory: Canberra

Girls Grammar will receive a total interest subsidy of $5,330,374. Canberra Boys Grammar will receive a total public subsidy just for development—capital works—of $3,434,104. The total ACT Catholic system, in comparison, will receive $2,720,753. Burgmann Anglican College will receive $1,809,821 and Radford College will receive $1,789,859.

When you take out the Catholic system, which consists of many tens of schools—27 schools, my colleague Ms Gallagher points out—which will be receiving $2 million, the four most elite schools in the territory will be receiving a total of over $10 million in capital works subsidies. That is not equitable and that is what the government is about—equity. It is about directing funding towards need. It is not about taking money out of the non-government school system. It is making sure that public money is spent where it is most needed.

Mr Speaker, it is worth pointing out at the same time how this money has been spent and how it is proposed it be spent up to 2018-19. Mr Pratt says it is about hindering the establishment of new schools. Again, he just has to look at the facts. The facts are that, of the $17,167,000, only $844,000, or less than a million dollars, will actually be spent on establishing new non-government schools. The reality is that the majority of the money is going towards extending or refurbishing existing non-government schools—$13 million on extensions and $2 million on refurbishment.

Mr Speaker, this is not, as Mr Pratt would claim, a scheme which will assist the establishment of new schools. The figures show quite the contrary. When you hear the Liberals spruik on this issue, anyone would think it was the end of non-government schooling as you know it in the ACT. Anyone would think that this measure and this alone will rip the heart out of the non-government school sector. The reality is that nothing could be further from the truth.

Again, Mr Pratt only had to do the relatively easy job of flicking through the Connors report to see the figures. Let us look at ACT taxpayer funding to non-government schools. Let's look at one of the schools that Mr Pratt talked about, the Burgmann Anglican school. The ACT government pays, for every student at the Burgmann Anglican school, just over $1,000 and, for every secondary student, just under $1,500. The government already makes a significant contribution to the children who attend that specific school.

Let's not forget, Mr Speaker, the contributions that parents make, as they choose to, when they go to a non-government school and accept that there are fees associated with that school.

Most importantly, Mr Speaker, let's not forget the contribution made by the Commonwealth government. As anyone who participates in this debate needs to know, under the system of federation, since the 1960s, the majority of funding for non-government schools right around the country has come from the Commonwealth government. Let's look at some of the increases in expenditure that the Commonwealth government is proposing for non-government schools in the ACT. Let's look again at Burgmann College. Burgmann Anglican College will receive a 28 per cent increase in the per capita level of funding for every student in that college as a result of changes in the Commonwealth funding formula.

Of course, perversely, every single primary-aged student at Canberra Boys Grammar will receive a 73 per cent increase in funding. Is that based on equity or need? Is it really necessary to increase by more than 50 per cent the level of support provided to the wealthiest boys-only school in the territory? No, it is not. However, Mr Speaker, that is the level of support that they are receiving courtesy of the Commonwealth government's programs, and there is nothing we can do about that. Not now anyway.

What we can do is make sure that ACT government funds are used in an equitable way and that is what the government is proposing through the closure of the interest subsidy scheme. The closure of the interest subsidy scheme will not realise any significant new money overnight. In fact, it will not be until the existing commitments are close to being met in 15 years time that there will be significant redirection of funding into the non-government schools sector.

I have to stress again, the government is not taking a single cent out of the non-government sector. It has committed funding, as a result of agreements entered into for the next 15 years, to the non-government schools sector for capital works. It is here now. It is committed now. However, what we will do is make sure that, into the future, as money becomes available, as obligations are met, that money will be distributed on the basis of need.

This will ensure that schools such as those, say, in the Catholic education system, which has—I think Ms Gallagher quoted the figure to me earlier—the majority of students who are enrolled in the non-government school sector in the ACT, will actually get a fairer deal because the allocation will be based on need. It will be based on who needs the facilities and who needs the support, rather than being based on who knows how to use the system best, which is quite frankly what has happened in the conduct of the interest subsidy scheme to date.

Mr Pratt's motion is simply flawed. He fails to take account of the significant levels of Commonwealth funding that non-government schools receive, and the significant increases they will receive over the next three years. He also fails to take account of the significant level of ACT government funding already directed to non-government schools. He also fails to take account of the significant level of support that these non-government schools are already receiving, and to which we have made a funding commitment for the next 15 to 18 years. He has also failed to take account of that most fundamental principle—it is not about choice, it is about equity. It is not about choice, it is about spending public funds in an equitable and fair way.

MRS BURKE (8.13): Listening to the debate from this side of the room, I am just wondering whether this government will be proud when it is held responsible for putting in jeopardy the richest and most diverse schooling in the country. Is that something that you are going to wave a flag about?

The ACT has the highest attendance in the country at non-government schools. Should parents of the ACT be penalised for this? I think that is what you are doing. If you really stepped back and thought about it, it is smoke and mirrors and you are just playing with numbers, both of you.

There is a misconceived and misguided belief that parents who choose to send their children to non-government schools are well off. Let's ask ourselves what that term "well off" really means. I heard Ms Gallagher use it. It really intrigues me. Many parents scrimp, scrape and save to afford to send their children to a school of their choice. Are they classed as well off? This is the key.

We talk about choice: Mr Corbell just wiped that off straight away—"It is not about choice, it is about equity." Where is the equity when there is no choice? Removal of the ISS will, I believe, exert greater pressure on parents and will limit their choice. Will that be equitable? I doubt it.

This just seems like another ploy by this government to remove the choice factor, Mr Speaker, for parents wanting to send their children to a non-government school by making the cost prohibitive. It will come to a time when the fees will be so exclusive that only the really well off, Ms Gallagher—if you talk about well off, you need to ensure you're backing up that—

Ms Gallagher: I said well-off schools, not well-off people.

MRS BURKE: No, you talked about well-off people. I am sorry, you have. Not tonight. You have talked about well-off people. It amuses me. Why don't you listen to the community? If you do not listen to the community, you are going to do this at your peril.

I fully support my colleague, Mr Pratt, in his move to call on the government to reverse this decision which will impact on very many parents in our community. You have said yourself, Ms Gallagher, you have heard from some of them.

Mr Speaker, I can use my own education as an example. I am one of four children. My parents chose to do without many material things in life, happily, to send my sisters and my brother to private schools at various times through our education. Were they well off, the term to which I hear the people opposite often allude? No, my father had three jobs. He insisted my mum never work. Okay, call it Draconian, but that is what happened then. My mother knitted and sewed many of our clothes. We went without and my father had his first car at 37. Okay, get the violin out.

However, my parents, like so many others here in the ACT, are about to be slugged by the Robin Hood approach of this government. I think, Mr Speaker, that there is a real mindset about people being financially well off for some reason. Let's slug them. If they have saved and worked hard, let's slug them. Let's just hit them in the bank balance and make them pay for everybody else. If you are successful, you pay for it. That is terrible. We all have opportunities in life; we can all make choices in life. Wishing to penalise those that do well is odd.

If students are not entering our government schools we need to find out why, surely, not slug the other side because it is not doing so well. We have a fantastic school system here. Why aren't we being more innovative? This government is simply too lazy and lacklustre to do a proper and balanced review of the government school system. What about trialling concepts aimed at value adding? Mr Pratt has alluded to some of those things. This is probably a debate for another day. We in the ACT do have one of the best school systems in Australia.

Ms MacDonald: That is right, value adding at Boys Grammar. What did they spend their money on? Individual air-conditioning systems.

MRS BURKE: I listened to you in silence, Ms MacDonald. You will get your chance.

I think the former Liberal government can be thanked for the quality of that school system. I think we did some really good things in education in the ACT. Mr Stefaniak would be able to back that up. However, we should not become complacent and there must always be changes. This is not a change for the better; this is a detrimental change. We must implement improvements and we must be vigilant to stem the rot that has slowly set in in other jurisdictions around Australia.

We are proud of our education system here. Why do you think parents send their children here to our education system? Because they are proud. If we are not prepared to move with the times, we will find those things creeping into the ACT that have ruined other jurisdictions. We need to heed the warnings.

Mr Speaker, we should not set back our education system in this way. I commend Mr Pratt's motion to the Assembly.

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) (8.18): I was waiting for Mrs Burke to tear to shreds the figures that Mr Corbell provided. She said it was smoke and mirrors or something, so I was really waiting for you to be demolished, Mr Corbell. However, you are still sitting there.

Mr Corbell, of course, the figures stand up. Can I say to you: who began the process that resulted in this? And to Ms Gallagher: I congratulate you, because this step is about 20 years too late. I know about that. In fact—

Mrs Burke: Does that mean you did not do anything when you were there, Mr Wood?

MR WOOD: Yes, indeed. In fact, it is interesting to note that one current minister for education and I think three ex-ministers for education are present in this parliament at the moment, and one ex-member of that very fine body, the ACT Schools Authority, so there is a bit of background to education in this place.

Here is a further bit of background. I worked for Senator Susan Ryan when she was education minister and part of my work was, would you believe, to comment on ACT education matters and pass block grant applications and results, and interest subsidy scheme outcomes, backwards and forwards. I think we could have acted there, so this action is long overdue.

I remember the one that came through for the fine function centre on the shore of the lake owned now by one of those schools that you mentioned. It is a function centre and it got an interest subsidy. It was a bit hard to justify. It does have some rowing equipment underneath it, but its purpose was to be a function centre. I admire and respect the wonderful art centre at the Boys Grammar School. It is a wonderful place and I congratulate them, but I am not sure whether the rest of Canberra, every other student in

Canberra and every other family in Canberra, should subsidise that, and that is what has happened.

You can see that the figures that Mr Corbell quoted, unchallenged, have delivered that sort of outcome. Now, if the interest subsidy scheme had been directing that subsidy to the poorer level, the less well-resourced level of the non-government sector, the decision might have been just a little bit harder to make. However, the funds are not going there. You could argue that they are not going to where they are more needed, so it is certainly the case that this is a fine decision.

Yes, I can say to Mr Stefaniak that I said, when I was education minister, that I was minister for all students. I also said very, very firmly, clearly and often that my first responsibility, my priority, was to the government school sector. Beyond any doubt, it is the responsibility of a government, any government, to establish and maintain an excellent education system. That is the government's responsibility.

After that, we acknowledge that, if parents do not want to access that system, they have the right not to. They do not have to access it. They may operate and fund other schools, and they may use other schools; that is their right in this society. They may then make that choice, but we have to fund a good education system and it is not helped when we have to struggle for funds.

Mr Stefaniak, from his experience, made a point that I totally agree with: that there are middle-class families in Canberra—certainly not poorer families, certainly not people on the lower 60 per cent of income I would think—who do sometimes scrimp and save to send their children to the expensive non-government schools, not necessarily the less expensive ones. Yes, there are some of those, and there are some parents who are quite well off who send their children to government schools.

However, overwhelmingly the balance is that, at those more expensive non-government schools, the children are from pretty well-off families. It is undeniably the case. The fees alone determine that and the fees are pretty modest compared with what is delivered, when you can have a you-beaut arts facility. The fees are modest in comparison with the resources that you get, and they are modest because of the very, very substantial help that those schools have been given over some time.

It is not really an argument to say that poor people send their children to these schools. I am not sure that was the argument that was proposed—I think it was middle-class people—but certainly there are no poor children in these schools. We have to cater for them, as we should and we should do so very well.

Incidentally, just to make a point about these schools, not particularly related to this, I saw mention in the paper of a recent furore at one of the non-government schools in which a school was said to be "the elite" St Edmunds College. I am not sure that St Edmunds College is an elite school. If you looked at the income level of its parents and the level of its fees, I doubt that you would find that it qualifies for the word "elite", but that is really beside the point.

Mr Speaker, this change does not really have a great impact, certainly in the short term, but it does say a lot. It reinforces the principle that the government has given priority to establishing a good school system. That is what it says and I do not think anybody can argue about that.

MR CORNWELL (8.25): I was very interested that Ms Gallagher, the minister for education, began by lamenting that we have spent so much time on this issue. Questions have been asked in the estimates process and now we have this motion. The reason we are doing it, Ms Gallagher, is that it is important. It is important to 39.2 per cent of students—the percentage is slightly higher for high schools—who attend non-government schools. That is why it is important and that is why we continue to raise this matter.

The minister went on to talk about a totally spurious $20 million land grant—spurious because that land grant may have taken place over many years.

Mr Corbell: It still has value.

MR CORNWELL: It still has value, yes, but it is spurious to try to claim it tonight in this debate. Of course it has value, but a great many other things that have been handed over in this city over many years have value. Do not forget that many of the earlier grants were given to schools to encourage them to establish themselves here in a growing city. In 1960, when Canberra really began to go ahead, they were encouraged to do so. To turn round now and put a costing on it is, I think, very misleading.

We have the good old Orwellian approach of *1984* and newspeak whereby the word "choice" has suddenly been replaced by "equity". That means, in effect, that if this Labor government had its way there would be no choice, ultimately, in terms of education in this city. Why, however, do people choose to send their children to the non-government schools? That is the question that you, the Labor government, should be addressing.

Mr Wood mentioned St Edmunds and recent action taken there. From what I read, some 90 per cent of the parents of St Edmunds students welcomed the action. That is something that perhaps we should consider.

Ms Gallagher: All right, we'll close a couple of government schools, then.

MR CORNWELL: The minister for education laughs.

Ms MacDonald: We were all laughing, actually.

MR CORNWELL: Thank you. That is why 39.2 per cent of the students are going to non-government schools. It is because you have not looked in enough detail at improving the government sector so that it can compete with the non-government sector.

Ms Gallagher: By closing the schools.

MR CORNWELL: Do you see what I mean? No, instead, you want to work through the Connors report and weaken the viability of the non-government sector by removing the interest subsidy scheme.

Ms Gallagher went on to say, "Of course, it's not being used for the purposes for which it is intended. It's being used for other purposes." What other purposes? Mr Corbell confirmed that this dastardly misuse of funds was the use of these funds for refurbishing and extending. Doesn't this happen in any decent education system? Isn't there a need to refurbish? Isn't there a need to extend? Aren't there demands?

The ISS funds for Burgmann College are for essential infrastructure, items such as halls and gyms. Isn't there a constant demand in any government or non-government school for such upgrading? Apparently it is not required in the non-government sector; you do not believe in that. Perhaps this is a means of seeing the sector rot. You say that the money is not going to be taken from the non-government sector; it is going to be reinvested. Somebody might like to tell me how, they might like to tell me when and they might like to tell me with whom.

Ms Gallagher: As it becomes available.

MR CORNWELL: As it becomes available. I see. How, when and to whom is this reinvested money going to be applied? The government has not yet spelt this out, which means that they may well be favouring certain schools as opposed to others. No wonder the non-government school sector is concerned, very apprehensive, about this move.

Mr Corbell went on to say that it would be given where it was most needed. Let me just remind you in terms of this other purpose that you talk of that in the 2002-03 budget education initiatives included money for a reduction in year 3 class sizes, high school development and a laptop for teachers program. In the most recent budget there is reference to counselling services in ACT government schools and a curriculum renewal project. Don't you think that the non-government sector is looking at the same initiatives? Where did they find the money you are talking about in the movement away from what you believe the interest subsidy scheme to be for? Of course it is being used for extra initiatives.

Ms Gallagher: It's not.

MR CORNWELL: Of course it is. What are they doing? Are they going to the Gold Coast? Really, it portrays a worrying trend—the total ignorance of this Labor government about the non-government sector in education. I think that this is a matter of considerable concern. In fact, it is a greater concern that the parents of non-government students should have, if they are listening to this debate, than the removal of the ISS.

It is perfectly true that many parents in the non-government sector struggle very hard—two jobs, et cetera—to pay for these school fees. The talk about rich schools is really a contradiction in terms. You may think that that is the case, but they are only propped up by the efforts of the parents of these children. I would strongly urge you to go and look at some of them.

Ms Gallagher: I've seen them.

MR CORNWELL: You have seen them, have you? Have you seen the effort that is put in by the volunteers that go along and work at regular intervals to build up the facilities and to maintain the facilities? I think that the problem we have here, as I have said before in these debates, is the politics of envy. But the politics of envy is not a matter for government school parents; it is in the hidebound ideological attitude of this Labor government and some of their running mates, like Ms Connors, my old sparring partner, who are simply living back in the 1950s in terms of having a them-and-us attitude.

Mrs Dunne: Perhaps they are running dogs.

MR CORNWELL: Yes, bring on the dogs. Mr Speaker, this is about the politics of envy, but it is firmly seated in this Labor government, its ideological hang-ups and, as I say, some of its running mates. I believe that you will have cause to regret this decision. I will watch very carefully to see how you are going to reinvest, when you are going to reinvest and with whom you are going to reinvest this ISS money. We shall see what happens, but I have grave doubts that it will ever end up in the non-government sector.

MRS DUNNE (8.35): While I was sitting upstairs, I was going through my mail and today, just today, I have received three letters from three sets of parents in my electorate asking that this not happen. This is not the Labor Party's caricature of toffee-nosed kids in straw boaters and striped blazers, with mum driving a Rolls Royce—

Mr Pratt: A doctor mum.

MRS DUNNE: Sorry, they have to be a doctor's child if mum is driving a Rolls Royce. These are everyday working parents, both of whom work to send their kids, not necessarily to the flash grammar schools, but to the systemic Catholic schools or the small Christian schools across this place, because that is a choice they can make. In doing so, the nearly 40 per cent of parents across this territory who make that choice and who make the sacrifices to send them there save this polity a lot of money. What happens in response to that? This venal government, which has complete antipathy for anything that seems to go on in a non-government school—

Ms Gallagher: That's why we've increased their funding.

MRS DUNNE: Only because you had to succumb to the pressure. The thing is that every fibre of your being shows antipathy to the non-government school sector. Every child who goes to a non-government school and their parents have been run down in this place tonight by the ideologues of the Labor Party. The former minister for education is sitting over there. He was lucky; he got out. I once asked him, "Minister, are you the minister for education or government school education?" He said, "I'm responsible for government schools, Mrs Dunne."

Mr Corbell: "I'm responsible for public education."

MRS DUNNE: You were responsible for public education. At least the new minister has not been totally brainwashed yet, because I have asked her that question and she still thinks that she is the minister for the education of everybody in the ACT school system. So we have a little bit of hope that she will not be entirely brainwashed by the Labor ideologues in cabinet and somewhere along the line we might see some justice.

As Mr Cornwell has just said, the government is saying that it is not actually taking any money from the non-government schools, but at this stage we do not know where the money will be going. I'll bet my bottom dollar, I'll bet my school fees, that no ACT non-government school will ever see the colour of the money.

MS TUCKER (8.39): I think that we should remember that the interest subsidy scheme is an inheritance of the 1960s when Canberra was expanding rapidly through the relocation of the Commonwealth public service. The point has to be made that the existence of a scheme is not necessarily proof of its value.

Before the government's response to the Connors report was handed down, I spoke with a number of independent school representatives and the Association of Independent Schools on this matter and no-one denied that Ms Connors' analysis is essentially correct, namely, that these days the interest subsidy scheme benefits the larger and more affluent non-government schools than the sector overall.

The point was made that, somehow or other, the scheme could be turned on its head so as to benefit the smaller and poorer schools instead. It is difficult, however, to see how such a scheme would work. Given that the Connors report was quite clear in both its criticism of the scheme and its recommendation to terminate it, the opportunity was certainly there for the non-government school sector to propose an alternative strategy.

It is also worth reminding ourselves, as other members have, that the Commonwealth does allocate significant capital grants to non-government schools and that the ACT government also gives funding to these schools. Also, of course, the school buildings are themselves assets of the schools to be used as equity, which opens up opportunities that government schools do not have. Non-government schools are not entirely thrown onto their own resources when it comes to capital improvement. I understand that the funds which will become available following the ceasing of this scheme will be directed back to the non-government sector, presumably and hopefully on an equity basis.

On some of the broader issues that have come up in this debate, I have noticed that it has been stressed by the Liberals that 39 per cent of the students going to high school, I think, are going to non-government high schools. Why is that so? Obviously, that is a question of interest to anyone who is interested in education in this city or anywhere else. We have been asking that question for some years and there have been responses to it. There have been the high schools for the new millennium programs and various other programs actually dealing with high schools.

The basic premise of the Liberals' position, as it always has been, is to do with choice. I have not heard the argument put in the way that Mr Cornwell put it tonight, that is, that the word "choice" has been replaced by "equity". No-one would normally say that from your side, Mr Cornwell. They would say that you care about equity as well, but you are really keen on choice. I have not heard it said that choice was being replaced by equity as a position.

The claim usually made by their side of the house on this issue is that they do support equity as well as choice. That is when you have to get to the question of choice for whom. Clearly, it is a matter of choice for those who can afford it. If they are putting the

argument that this is about choice and the figure now is 39 per cent, what would their side of the house like to see? Would they think it was fine if it was 80 per cent?

The question I have to ask then is: who are the other 20 per cent? What you would end up getting is a residual system of schooling, which happened to some degree in the UK when the whole system was thrown open to competition. Of course, the UK is now trying to address the serious and significant social problems that have come out of that and is actually trying to bring some equity back into schooling in that country because of the general cost to the community. Those general costs come from the fact that it is very important for a society to have equal opportunities for high-quality education. That is the basic bottom line and that is why supporters of public education are very concerned that in Australia much greater funding, particularly from the Commonwealth, is now going to independent schools.

According to some figures I have seen recently, for the Catholic schools there is between 112 and 115 per cent more for each student than for those in a public school and the grammar school expenditure would be about 152 per cent higher for each student. You can see that there is an issue there about how well students are funded in both systems. On top of that, the independent schools are determined to hold on to their capacity to control enrolments and expulsions. We had the example recently of the St Edmunds school being happily prepared to expel or suspend two whole years of the school. That was some kind of statement of authority and threat to the students and parents that they needed to—

Mr Pratt: You would see it that way, wouldn't you, Ms Tucker?

MS TUCKER: You do not need to interject. If you were in a classroom, Mr Pratt, at the school I am talking about, St Edmunds, that would be talking back and you might get suspended for that, so why don't you just behave yourself for a change? That would be good. Emulate one of the wonderful students you think that we would like to see in all the schools. St Edmunds have happily taken this position of expressing and stressing their authority by throwing out a large number of students and saying, "If you don't behave, you don't come back." Where would those students go? Of course, they would go to the public system.

Mr Cornwell said that the public system should emulate St Edmunds, so we could have a situation where the public schools could do the same thing and say that they are going to expel any student that does not shape up. Where would those students go if they were expelled? They would not be receiving education at all because no school would take them. The independent schools would not take them because they would not want those sorts of persons in their schools. Society as a whole would then be dealing with a large number of students who were probably coming from socially disadvantaged backgrounds anyway and who had not had such education. What would that do for the community in the long run? It is pretty obvious that people who do not have an education, who are not in school from a young age, have a very low chance of making a success of their life in this society.

These are really basic things that we are talking about here. The independent schools do insist on having the right to expel students. I had an interesting conversation about that with one set of parents who came to visit me. I was trying to understand what the

independent schools think is the rationale for their claim to be able to expel students at will. Basically, they do not feel that they should have the same responsibility to take into their schools, for example, students who live in their area because they are asking for more and more money from governments, federal and state. That could be possible if they took on the same responsibilities as the public system.

One of the parents said, "Why should I pay good money to have my child sitting next to a student who's disruptive?" I think that that is the problem. The student who is disruptive is disruptive for a reason. Children are not normally disruptive just for fun. If you look at an analysis of what is going on in young people's lives, which we often talk about in this place with compassion, and I think it is probably genuine compassion on the whole, and if you look at the life circumstances of so many of our young people, you will realise why they are probably not going to be perfect kids in a classroom.

The independent schools are in a position to expel those children, which is happening now, and they will go into the public system. The public system has a responsibility to do everything it can to make those young people participating, constructive citizens in our community. That takes resources and that takes a fine, good system. We need to be funding the system appropriately so that it can do that work.

The other question here, of course, is that when you have public schooling becoming residual schooling you are basically going back to the 1950s or earlier, as Mr Cornwell alluded to, because you are really reinventing the class system and, basically, the class system is supported by much of what is going on in the independent schools, particularly the elite independent schools, anyway. If Mr Cornwell sincerely believes that that is in the interests of society as well, I would have to disagree with him.

Arguments have been put that people who are paying fees to independent schools also volunteer to do a lot of work. In the public system, parents of students now have to pay subject levies and fees and they do volunteer to help by taking part in working bees. The parents of children in the public system also put a lot of energy into their schools and I do not think it is correct to suggest that that is not the case. In fact, it is of concern that users pays is such a large aspect of the public system. *(Extension of time granted.)*

I conclude by saying that I noticed that Mrs Dunne said that she hopes that we will see some justice from this government on this question. I think that justice is what it is about and justice in a society requires that there be a public education system of a high standard that is attractive to people from all walks of life so that people from all walks of life can be educated together to a high standard and then go into the community and participate knowing what it is like to sit next to someone who is an Aboriginal, for example.

How many Aboriginals are there in the independent schools? Not very many at all; the independent school sector has told me that itself. Also, how many people with disabilities are there? We know that it is quite inequitable how funding is spent on children with disabilities in independent schools. There is a lot more spent on each child in an independent school because of the way they choose to use the resources. If you are interested in justice, Mrs Dunne, you really do have to take account of these figures and the facts that have been raised in this debate. Instead of just calling people naive, as

Mr Pratt calls Ms Connors—how useful and helpful is it to get personal views into this discussion, Mr Pratt?—it is probably better just to look at the figures and argue on them.

MS MacDONALD (8.50): That was an amazing speech by Ms Tucker. I think that it totally demolished the opposition's argument—

Mr Pratt: No, it didn't; it just punched a certain ideology.

MS MacDONALD: Yes, it pretty much did, Mr Pratt. I thank Ms Tucker for those comments. They were very interesting and showed the breadth of experience gained from her years as chair of the education committee.

Mr Speaker, the ACT enjoys a vibrant dual system of education. This government acknowledges that ACT citizens are entitled to, and do, exercise the right to choose non-government school education for their children. The interest subsidy scheme was established in 1978—25 years ago, for those like me who are not quick on maths. I was nine years old at that stage, Mr Speaker. I am sure that you were a little bit older than that, but not much.

MR SPEAKER: Not really. I have just been listening to speeches for too long. That is how you get to look like I do.

MS MacDONALD: Is that is where all the hair went, Mr Speaker?

Twenty-five years ago, the ACT was experiencing rapid growth, in particular within the school age cohort. At that time, the area of greatest need of the non-government school sector was to expand its infrastructure. That is no longer the case. Around 80 per cent of existing loans supported by the interest subsidy scheme are for extensions. The major recipients over the next 15 years will be non-government schools that, by any measure, are regarded as well resourced.

The inquiry into ACT education funding was the first for many years. There has not been one which dealt with both sectors since self-government. As part of this independent inquiry, the interest subsidy scheme was assessed and the report recommended that the funds for the interest subsidy scheme be redirected.

Contrary to Mr Pratt's suggestions yesterday in this Assembly, the government did not withhold information about the consideration of the scheme's future throughout the consultations, nor in the budget context. The government is not withdrawing funding from the non-government sector, as has been alleged here tonight. The government will progressively redirect it. The funding will remain within the non-government sector.

Mr Cornwell snorts in derision at that comment but, just because he thinks that it should go to the most affluent schools, that does not mean that that is the way that we think that it should be spent. It should be redirected to those schools in need, Mr Cornwell.

The comment was made earlier by Mr Stefaniak that we will suddenly be stopping the scheme or doing something along those lines. That is absolute rubbish. It is going to peter out over the next 15 years. How can that be a sudden stopping of the scheme? Not at all; we are fulfilling our commitments as far as all existing obligations are concerned.

We are committed to ensuring that public funding for education is made available on the basis of need. That is sensible. It is also sound public policy. Keeping the funding within the non-government sector means that all schools can benefit from the funding, not just a few. The issue here is about targeting current funds more effectively and equitably, not removing capacity from the non-government system.

Mr Pratt made the comment that we are jeopardising the existence of non-government schools. That is just rubbish. Non-government schools are not going to close overnight as a result of the shutting down of the interest subsidy scheme over 15 years. That will not suddenly jeopardise the non-government sector. A very small amount of the money for non-government schools comes from the ISS.

Mr Speaker, keeping the funding within the non-government sector means that all schools can benefit from the funding, not just a few. Mr Corbell gave us a lot of the figures earlier about where the ISS funding is going. Members of the opposition can stand in their places for as long as they like and talk until they are blue in face about parents working three jobs, parents doing this, parents doing that and parents not being from the particularly wealthy side of the fence.

We are not arguing that, Mr Speaker; we are arguing that the most affluent schools should not be getting funding from public dollars. We must take into account that this is not the only place that they get their funding from. The issue here is about targeting recurrent funds more effectively and equitably, not removing capacity from the non-government system.

The government is committed to consultation with the non-government sector in determining priorities for retargeting the interest subsidy funding as it becomes available, which it is not at the moment. There is no funding available at the moment. There has not been for, I think, close to two years.

The consultation starts with work to implement the student centred resource allocative arrangements for students with disabilities, the area where it needs to go. The interest subsidy scheme has a funding upper limit of $2.8 million. All existing approvals are being honoured, as I said just a while ago, and funds will be required until 2019 to honour this commitment.

The interest subsidy scheme is closed only to new entrants. I might add that the Blue Gum School cannot get access to the ISS because there is no money in it at the moment as it has all gone to places like boys grammar. For what reason? "Let's give boys grammar individual air-conditioning because that's really what the ISS is about." Funds from the scheme will become available only when existing projects are completed. It will not be until the 2005-06 financial year that funds of any significant level will become available for redirection. Interest on loans for capital purposes is a normal business expense. All non-government schools will benefit from receiving increased funding as the scheme's funds become available for redistribution.

It is clear from the evidence provided in the Connors report about the scheme's recipients that the scheme has outlived its usefulness. Most recipients are well-resourced schools using the funds to finance extensions. As the Connors report points out, the

scheme is inherently inequitable. It favours those schools most able to service large capital debts. That is demonstrated by the list of approved applications under the scheme in the Connors report.

Since all schools will benefit from the redirected funding, which they will receive according to their need, each school can decide how best to use the additional funds. If extending the school's facilities is the priority for a particular school, no doubt the additional funding will be used for that purpose. It is up to the school to make that decision at the time, if that is the way in which it wishes to use its funds.

Governments must make funding decisions in the best interest of the community and those decisions must be based on the principle of relative need—relative need, not, "Let's provide individual air-conditioning to the boys at grammar. We would like to have that money so that we can spend it on those things." It is not about establishing needed learning facilities; the scheme is being used to provide for the add-ons.

This principle underpins the effective use of public funds. Not surprisingly, it also underpins the framework of principles for funding schools which was endorsed by all states and territories last year. *(Extension of time granted.)* Our decision to close the scheme and redirect its funds to the benefit of all non-government schools is equitable and sound policy. The schools can then decide the purpose to which the funds will be put.

Mr Stefaniak spoke earlier about all schools in the non-government sector having been advantaged by the interest subsidy scheme. I think that it is wrong to say that, Mr Speaker. They have not, because the money has not been available, as I said. The fact is that any schools that may wish to establish themselves in the future will not necessarily benefit from the interest subsidy scheme because there would not be enough money available for them to establish themselves; they would need to go and get a loan. It is mainly the larger schools that can afford to service large capital funds.

The idea, as Mr Pratt has put it, that the abolition of this scheme would jeopardise the existence of non-government schools is just laughable. Mrs Burke put up some sort of argument about smoke and mirrors in regard to Mr Corbell's—

Mrs Burke: You said that you will redirect the money. That's what I'm saying; I'm agreeing with you.

MS MacDONALD: No, Mrs Burke, you were saying that the situation was all smoke and mirrors as far as the figures were concerned. We are still waiting for your argument as to how it is one of smoke and mirrors as the figures are there for all to see and have not been disputed. You did not dispute the fact that $5 million is going to boys grammar and less than $2½ million is going to 27 Catholic systemic schools. Less than $2½ million is going to the Catholic education system, which has 27 schools.

As to Mr Cornwell's comment about the politics of envy: I do not believe it to be the politics of envy to look at properly spending public funds, which is what we are doing. We are looking at spending public funds properly and equitably.

MS DUNDAS (9.03): This has been a very long and interesting debate and I would like to take this opportunity to add my comments on this very controversial motion that Mr Pratt has put forward today.

The Australian Democrats believe that every child is entitled to a decent education. However, we all know that the government's resources are finite. The government is obliged to provide free, high-quality and accessible public education to the entire community, including in the newly developed areas of Canberra. The number of non-government schools continues to rise, which puts pressure on the viability of some government schools. Arguably, the interest subsidy scheme has been a substantial factor leading to the establishment of so many new non-government schools.

Total infrastructure maintenance and refurbishment costs, when government and non-government schools are considered as a whole, are rising as the number of schools climbs because there are fewer economies of scale. This rise in costs is exacerbated by the fact that many school buildings are ageing and will soon be in need of substantial refurbishment. It was in this context, I believe, that Lyndsay Connors made her recommendation that the ACT government close the interest subsidy scheme, and the government has accepted this recommendation.

There has been some debate about whether she fairly represented the distribution of benefits under this scheme among wealthier and less wealthy non-government schools. However, she made a solid case that non-government schools are spending more per capita on capital works than government schools, which goes against the claim that these schools, as a group, need government assistance to provide adequate infrastructure.

Some newer non-government schools do not yet have the basic facilities, but the interest subsidy scheme was proving to be a very inefficient mechanism for addressing these inequities. Whilst the ACT Democrats do support the right of parents to choose the setting in which their children will be educated, we cannot agree that the interest subsidy scheme represents the best use of the limited education funding that we have.

Children with disabilities are enrolled in both government and non-government schools and are in acute need of additional resources. More resources are also urgently needed to assist children with behavioural problems. Considering the unpopularity of higher taxes, it is almost certainly necessary for existing education funding to be reallocated to the areas of greatest needs.

The federal government already provides generous establishment grants to new schools, which are given enough funding to provide basic facilities. The ACT government provides land grants as in-kind assistance. I believe that this represents a fair contribution to the capital costs of non-government schools.

Part of the trade-off in choosing non-government schooling is that parents are required to contribute to the cost of maintenance and new facilities for these schools. Federal tax deductions make contributions to school buildings more affordable for parents. I believe that parents are fully aware of that when they choose to send their children to non-government schools.

In summary, though we accept that the ending of the interest subsidy scheme may have the impact of lifting costs for many non-government schools and the parents of children enrolled in those schools, we believe that there will be a greater net benefit to the quality of education in the ACT if the money saved is allocated to helping children with disabilities and behavioural problems. These children are enrolled in both government and non-government sectors.

I think Ms Connors summed up the situation very well in her report when she said on page 131:

> As a funding mechanism, the Interest Subsidy Scheme is inherently inequitable. It is most valuable to, and most prized by, those school authorities and communities that can afford to service large capital debts. This inherent inequity is demonstrated by the bias in the distribution of funding through the scheme to the highest-fee and best resourced independent schools.

We, too, have limited resources to spend on education and all the other priorities that we put forward to government. If we can spend that money more equitably and help more students and more young people in our community, I support that. Hence, the ACT Democrats will not be supporting this motion.

MR PRATT (9.08), in reply: I rise to close the debate and make a number of points. Firstly, Ms MacDonald asserted that all the funds taken from the ISS will remain in the non-government sector. Can she guarantee that all that funding will go directly to the coalface and not to the bureaucracy which is supporting non-government school programs? No, she cannot. I do not think that anybody could do that.

Ms MacDonald said yesterday that she strove to expunge from the Estimates Committee's report all references by the opposition to the ISS issue. I am looking at *Hansard* now and she was proud to have moved to sweep beneath the carpet the government's vulnerability on and responsibility for funding of non-government schools. She accused the opposition of engaging in an ideological debate about funding. What a load of rot! Was nobody entitled to hold the government accountable for very questionable decisions on funding for non-government schools? I think not.

Ms Tucker questioned the percentage figures for children in non-government schools. It is a fact that 39.2 per cent of the children go to non-government schools overall and, specifically, 44 per cent go to high school. In response to the other issue that Ms Tucker raised, we do not care whether the proportion of children going to non-government schools is 90 per cent or 10 per cent; it does not matter. What we say and what our policy is about is that the government sector must be viable to ensure that all children whose families choose for them to go to the government sector are well serviced, as well as having choice and diversity to allow those families which choose to move their children across to a non-government sector to do so.

The minister raised an issue about the MCEETYA principles and the MCEETYA report. My understanding at the time of the estimates process, and my understanding still holds, is that the federal minister for education was, in fact, quite happy with the compact, but needed more time to finely scrutinise some aspects of that report. So to say that the federal minister is not happy with the MCEETYA principles on the funding of schools is quite incorrect.

Let's talk about Burgmann College. I know for a fact that Burgmann College, if it is unable to access or apply for ISS funding in the next 10 to 15 years, will have to start raising its fees. It will raise its fees by 10 to 15 per cent. It has said that. That will be the cost. If it is not going to be given assistance to start planning ahead and creating an infrastructure, the college will have to raise its fees. You do not have to be Einstein to work out that, if that pattern is repeated across the ACT, then all of the middle and lower fee non-government schools will have to raise their fees, which would have a negative impact on government schooling. Those families that cannot afford—

Ms Gallagher: There's only $37,000 available next year, so every school is going to have to hike their fees. I find it very hard to believe.

MR PRATT: Can you turn the clock off, Mr Speaker?

MR SPEAKER: Order!

MR PRATT: The families that cannot afford to keep up with those fee increases will therefore move their children to government schools and I really do not think that an overstretched government school sector would be able to cope with that build-up.

The minister indicated in question time yesterday, in response to my question, that it would not have been appropriate to detail and to signal the decision to cut ISS in the budget debate because it belonged to a previous budgetary process. Minister, that is wrong. As the government had decided to withdraw a significant funding program which will be reflected in the outyears, there was a requirement to reflect that in the 2003-04 budgetary debating process—that is, in this place, in the appropriate way—consistent with accountability and transparency. You did not have to be so shy about that.

Why were you so shy about flagging the issue? Indeed, why were you shy about consulting with the very important community education stakeholders? Why did you not have the decency to at least advise them? I'll tell you why. It was because you and your government are ashamed of this ridiculous piece of policy.

The minister also raised an issue about my interests. Yesterday, I heard Mr Corbell quite cutely say across the chamber, "Steve, reveal your interests in this issue." I do not know or care where that sort of low-level inference is going to; I really do not. My interest is in ensuring that my constituents and I are able to move our children into or out of both sectors of education according to our children's needs, needs which should be well serviced in both sectors, and in accordance with our changing means, the resources available to us all. If I want my daughter to go to Copland College to do a VET course because Copland College is the college best suited to provide that service, then that is where she will go.

Ms Tucker had a cheap shot at St Edmunds College. I must object to that, Mr Speaker. I really object to that. We might debate whether St Edmunds took this approach or that approach, but they took a bold approach to sort out a problem and I think it's as weak as water that Ms Tucker should have a shot at St Edmunds about that. Thank God we do not have education policy in Ms Tucker's hands. It would be a free, frolicking, fruit loop policy that we would have in place.

Ms Gallagher: What an insult! She's not even in the room.

MR PRATT: She never is; but that is her problem, Ms Gallagher, not yours and not mine. We would have been happy to have the ISS reviewed. We would have supported a government review of, for example, the criteria for fund allocation to ensure that the most needy core infrastructure requirements were being met or there was a more equitable allocation of the ISS in its current format and principle across the non-government sector, to ensure that all schools got a fair share. If the government continues to bang on about equity, that would be the most effective and honest way to exercise equity, not by abolishing the ISS.

Mr Corbell says that there will be no reduction in overall allocations to the non-government sector. To whom have you been talking, Mr Corbell—the tooth fairy? When governments take money from a particular source, they are famous for not giving it back. Mr Corbell repeated the distorted picture portrayed by Connors and pulled out the significant sums reflecting the history of the past allocations.

I agree with him that there has been an imbalance in the past with some of the funding. Of course there has been. But what Mr Corbell failed to point out—and the minister as well, by the way—is that the schools coming on line now which would be applying for funding under the ISS in the life of the next 15 years, the $13 million having been already allocated, are going to miss out. That is where the picture is distorted.

The government is taking away a system that will not allow new applications for schools which would have taken up the sort of financial scope that we have already seen allocated to certain schools. Do not be misled by which schools are getting the money. Look at the system and which schools are now going to miss out.

Why is this government obsessed with qualifying its funding policy according to Commonwealth grants and funding levels? Regardless of Commonwealth resources, the government has a duty to ensure the upkeep of ACT funding to non-government schools and, indeed, to seek to build on that. Do not be distracted by what the Commonwealth provides; worry about what we can provide. Eleven per cent is not good enough.

In conclusion, Mr Corbell and the minister have cleverly repeated the Connors mantra, which distorts the track record of the ISS and fails to spell out projected allocations for new applications. Smoke and mirrors! Mr Speaker, this is a black day for ACT education.

Question put:

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

The Assembly voted—

Ayes 6	Noes 11	
Mrs Burke	Mr Berry	Ms MacDonald
Mr Cornwell	Mr Corbell	Mr Quinlan
Mrs Dunne	Mrs Cross	Mr Stanhope
Mr Pratt	Ms Dundas	Ms Tucker
Mr Smyth	Ms Gallagher	Mr Wood
Mr Stefaniak	Mr Hargreaves	

Question so resolved in the negative.

Fireworks in the ACT

Mrs Cross, in accordance with standing order 128, fixed the next day of sitting as the time for the moving of this motion.

Umbilical cord blood donations

MR SMYTH (Leader of the Opposition) (9.24): I move:

That this Assembly:

1) acknowledges that umbilical cord blood is an important component of cancer research and donation of such blood could assist many cancer sufferers in the ACT and abroad;

2) calls on the Minister for Health to investigate and if feasible implement an umbilical cord blood collection and storage facility in Canberra;

3) report to the Assembly by the end of the last sitting day in December 2003.

I rise in this place to discuss an important matter, one that if addressed could save lives—not just in Canberra but across the nation. People suffering with cancer, particularly young children and teenagers, have a greater chance of survival or of recovery if they use umbilical cord blood.

Until the 1960s, cancer was generally a fatal condition in children. Since that time, thankfully, the overall survival rate has risen to about 70 per cent. With the use of umbilical cord blood, that percentage stands to be raised significantly. Today I am seeking the support of my Assembly colleagues to call on the government to investigate the possibility of Canberra having its own umbilical cord blood collection site. Currently, there is nowhere in the ACT that this can occur. The only sites where umbilical cord blood can be donated by a mother are in Sydney, Melbourne and Brisbane.

Researching for this motion today, I have read some heart-wrenching stories—parents who have been given a second shot at life with their child due to saving umbilical cord blood. If members allow me, I would like to talk about a few of those cases right now. I will start with one I have taken from the United States cord blood registry website. That seems to be the site that is achieving the most around the world.

One of the stories tells of how cord blood from one brother saved the other. Joseph Davis Jr had sickle-cell anaemia. His parents, Joseph Sr and Darlene, had been searching for a matching blood donor for more than a year. Five months into her second pregnancy with another son, to be called Isaac, Darlene discovered that her unborn child was a match.

During his battle with sickle-cell anaemia, Joseph Jr had so much swelling of the feet and hands that he could not wiggle his fingers and his toes or crawl. He would wake up in the middle of the night crying in pain. There was nothing his parents could do but treat the symptoms. Joseph Jr had been hospitalised for problems with his bones and his spleen. His abnormally rigid red blood cells entered blood vessels and clogged pathways, causing swelling and pain. He had had around 15 hospital visits in the space of a year.

After a long search for a stem cell match, doctors tested Darlene's unborn baby to see if there was a match—there is a one in four chance that a sibling will be a stem cell match. Unborn Isaac was indeed a match and, when he was born, the umbilical cord blood was saved and used to treat Joseph Jr.

Cord blood is the blood remaining in the umbilical cord and the placenta after the birth of a baby. During pregnancy, oxygen and essential nutrients pass from the mother's blood into the blood of the baby. The blood found in the umbilical cord and the placenta after birth is unique because it carries a large number of blood stem cells—blood cells, which create the red cells that carry oxygen; white cells, which fight disease; and platelets, which help the blood to clot.

When patients are treated for leukaemia and certain other diseases, their stem cells are often wiped out. Research to date indicates that cord blood replenishes these vital stem cells, making recovery possible. In the late 1980s, cord blood was identified as a rich source of haematopoietic stem cells with the potential to supplement bone marrow as the normal source of stem cells for treating people with leukaemia. Stem cells from cord blood are used to treat a variety of cancers and blood diseases: leukaemia, metabolic disorders, bone marrow failure/blood disorders, genetic disorders, such as sickle-cell anaemia, and immunodeficiencies.

Around 30 per cent of patients with leukaemia who need a stem cell transplant can find a matching bone marrow donor among their relatives. The remaining 70 per cent have to find an unrelated donor. There can be problems matching donors to recipients. Every cell in the body has a set of unique identifying markers, called HLA tissue types. The chance of finding someone with those same markers is about 25 per cent in the immediate family, but it is 0.1 per cent among the general public.

A bone marrow transplant donor must have exactly the same six-tissue types. It is an enormous task for medical experts to line up the six different tissue types and test them as part of the process. The danger is that a mismatch can cause problems, the most concerning of which is when the new bone marrow turns on the person into whom it has been injected. The medical term for that is "graft versus host disease" or, commonly, GVHD.

It is hoped that the answer to this problem is in the blood harvested from the umbilical cord. For reasons that medical experts still do not fully understand, patients transfused with cord blood that is not completely matched—that is, the cord blood has only been matched on four or five of the six unique tissue types—do not seem to suffer so much from life-threatening complications like GVHD. The implications of that are obvious.

The chance of finding a suitable donor from a bank of 5,000 cord blood units is over 80 per cent. Using the old, bone marrow technique, if you are unrelated the chance is 0.1 per cent; with the new technique it is over 80 per cent.

The majority of cord blood transplants performed worldwide have to date been undertaken with cord blood collected and stored in the New York cord blood bank. This bank has well in excess of 6,000 donations and has been able to supply cord blood to more than 400 patients. Around 90 millilitres—less than half a cup—is collected from the umbilical cord. This is 10 times less than what is usually used for a bone marrow transplant.

In the year 2000-01 the federal budget had $9 million of funding over four years to establish a national cord blood bank. That funding provides for the collection of 22,000 tested and stored units in Australia, which include 2,000 units of cord blood type from Aboriginal and Torres Strait Islander peoples. Ethnicity is an important issue in collecting cord blood, as tissue types vary between different ethnic groups. Australia needed its own cord blood bank, as genetic differences even showed up between cord blood from people born in New York and cord blood from people born in Australia.

Australia has purchased cord blood units from the international registers, but it was recognised that a national bank that reflected Australia's genetic make-up would ensure a greater degree of compatibility. The first cord bank established in Australia was at the Sydney Childrens Hospital in 1995. Since then, banks have been established in Melbourne and Brisbane, and Sydney now has four collection sites. Tasmania, South Australia and Western Australia are expected to come on line in the next two years. We also have indigenous collection centres in Darwin and Alice Springs, which have populations much smaller than Canberra's.

Information my office has obtained to date does not suggest that the ACT is about to become a collection centre. Hence, the call today is not for the government to establish but to investigate the possibility of establishing such a centre in the national capital. My office spoke to Dr Marcus Vowels, Director of the Australian Cord Blood Bank and an associate professor of paediatrics, who kindly provided me with information for the debate today.

More than 2,000 cord blood transplants have taken place in the world, the figure increasing exponentially since 1993. The experts are now saying that the success rate is comparable to compatible bone marrow transplant. The advantage is that the ability to find a matching donor is much enhanced. In Australia around 50 children have been treated with cord blood in the last seven to eight years. Like the figures worldwide, the rate is increasing. Another benefit of the cord blood is the fact that it can be stored for 15 to 20 years, and it is hoped that further research will reveal that cord blood can be stored for many years beyond that.

I believe the ACT must investigate the possibility of the national capital having its own cord blood collection and storage facility—not just because of our population. As a regional centre we could be the collection point, servicing the region from Wagga to the coast and from Young down to the Snowy. That would more than double the number of pregnant women who would be able to donate this cord blood.

In the year 2000 more than 4,000 babies were born in the ACT, so imagine the amount of cord blood that could be collected, stored and used from each birth in the territory, pending a mother's consent. The amount of blood that could be collected in the ACT would go a long way towards building a stock of cord blood in Australia.

Nationally, in the year 2000 almost 250,000 births occurred. But across Australia collection sites are limited: you have to give birth at a major hospital in Sydney, Melbourne or Brisbane to be able to donate the blood. That is restrictive and many families want to donate cord blood. My office heard from a Canberra mother who read about donating umbilical cord blood in a birthing magazine. It was her experience, relayed to my office, that prompted this motion today.

This mother was very excited at the thought that the birth of her child, through the umbilical cord blood, might be able to save someone's life. She was extremely disappointed to discover that she could not donate the cord blood at the Canberra Hospital or, indeed, in the region. There are members of the community ready and willing to give this blood, and in one regard it is much like the organ donation system that we have in place. If people want to donate, we should encourage them and provide opportunities for them to assist society, not stand in their way. That is why we should be checking out the options here for Canberra.

Over 600 children are diagnosed with cancer each year in Australia, and cord blood is a medical breakthrough in giving each and every one of them a better chance at life. Around 50 children every year are diagnosed with cancer and cannot find a suitable donor for bone marrow transplant. This new blood banking system increases their chances of survival.

There is also a need to increase awareness about this medical breakthrough. I have to admit that, before researching this subject after hearing of the disappointment of that Canberra mother who dearly wanted to donate umbilical cord blood, I knew very little about it myself. It is more common for children to be treated with cord blood, but it may be further extended to adults in the future, as the early results for use on adults is extremely encouraging. The most recent figures I could find indicate that about 40 adults across the globe have received cord blood transfusions.

The territory is a major hospital provider for the south-east region. Canberra should also be in the line for a cord blood donating facility. If we are to win the battle against diseases like cancer, we need to be proactive. We need to implement the sort of initiative that requires these facilities. Granted: the establishment of a cord blood bank in Canberra would not be cheap. We would need to call on the Commonwealth to assist, but they have set up such a program to offer that assistance.

Currently, it costs around $800 to collect, process, test and store one umbilical cord blood unit. To provide suitable cord blood from the Australian Cord Blood Bank for transplantation costs around $16,000. In one sense, these figures are nothing when we are talking about saving a life. Large, sophisticated equipment is required to maintain the integrity of the frozen cord blood, and specialised machinery is needed to perform tests to tell us about the quality of the cord blood collected.

Currently, some requirements for treating leukaemia, cancer and other potentially fatal diseases are met by seeking and obtaining cord blood units from overseas banks, but the price tag is high—as much as $30,000. You have to ask why the blood cannot just be donated and then sent to Sydney, Melbourne or Brisbane? Indeed, that is a question we would all ask ourselves, confronted with such an issue. It is a possibility. The cord blood could be stored here and then sent to Sydney in the appropriate storage at the right temperature, but there are many risks involved, including contamination—not to mention the costs of transportation and hiring specialist staff.

Upon speaking to the Australian Cord Blood Bank, I was told that it is preferable that the birth take place at a hospital that is experienced in collecting and storing the cord blood. The collection, processing and storage of cord blood are specialised techniques that need to be performed by trained personnel. Cord blood is collected immediately after the birth of the baby after the cord has been cut. It is vital to collect the blood from the cord as soon as possible because the blood starts to, in medical terms, "dot" quickly. If this happens the cord blood is useless for banking. It is also important to ensure that the cord blood is not contaminated. *(Extension of time granted.)* If this occurs it could cause serious infection problems for the patient at the time of use as they are probably not able to fight off infection.

Cord blood needs to be processed and frozen as soon as practicable after collection. Research with cord blood shows that it deteriorates if it is not processed and stored within 24 to 36 hours after collection. The transportation of cord blood is another issue that can impact on its final usefulness. Cord blood must be kept cool if it is not processed immediately. Leaving it in a warm place will cause it to deteriorate. After collection, the cord blood is processed, frozen and stored in liquid nitrogen at a temperature of minus 196 degrees Celsius until it is needed.

Therefore, it would be preferable for the ACT to have its own collection and storage site. I am happy for the government to explore the options for allowing the collection of umbilical cord blood in Canberra, say, through staffing measures and the transportation of the cord blood to the nearest storage site in Sydney. My guess, though, is that this would become more costly over the years than establishing our own collection and storage site—and possibly less effective, given the immediate need for processing and storage.

For members of this place the health and wellbeing of our citizens is paramount. We all believe that. We need to explore each and every option that might give cancer patients a better shot at longer and more fulfilling lives.

I will conclude with a short story of another success using cord blood. In what could be a world first, doctors at the Royal Victoria Hospital in Montreal last year transfused a woman suffering from leukaemia with the umbilical cord blood of her own baby, a

daughter called Victoria. In October last year, seven months later, 27-year-old Patricia Durante was in complete remission and credits her daughter with saving her life. She said, "I gave my daughter life, and she gave mine back. It's a miracle. She was meant to be born to save me."

The director of haematology at the McGill University Health Centre watched over the case, and he believes that that offspring-to-parent transplant is the first of its kind in the world. The case highlights the growing interest of doctors in using umbilical cord blood as an effective alternative to bone marrow transplant. That doctor said:

> This is the best-case scenario we could possibly have imagined. … From a doctor's point of view, the chances are she's cured. … We now live in an era where we are realizing scientifically and medically that we have sources of stem cells that can become other tissues and can be used therapeutically. … And the most accessible source and the one we're throwing in the garbage all the time are these cord cells.

I commend the motion to the house and ask members to support the merit of this proposal.

MR CORBELL (Minister for Health and Minister for Planning) (9.42): I thank Mr Smyth for raising this issue tonight. There is no doubt that umbilical cord blood is a rich source of stem cells. Cord blood has the potential to beneficially treat any of a range of degenerative cell conditions, including cancer of various kinds. Mr Smyth has outlined that in his speech.

Research is ongoing, both nationally and internationally, on the use of cord cells and addressing cancer and its effects. Cord blood banking is also—as Mr Smyth rightly acknowledges—a very expensive process. It is for that reason that all jurisdictions and the Commonwealth have agreed to establish a national cord blood collection network.

The previous ACT government agreed, through its then minister, at the Australian Health Ministers Council in May 2001, to establish a national cord blood collection network. Among its objectives are to collect, process and store cord blood units and search, match and distribute cord blood units from recognised Australian and international cord blood banks for transplantation. We already have a network in place nationally to provide for cord blood supplies when they are needed.

Another objective of the network is to store 22,000 Therapeutic Goods Administration compliant cord blood units, including 2,000 indigenous cord blood units, by 2005. The ACT is contributing $164,000 for the four-year period from 2001-02 to 2004-05 as our part of the across-Australia contribution to the establishment of the network.

The agreement that led to the establishment of the network specifies three cord blood banks: one in Sydney, one in Melbourne and one in Brisbane, with a wide network of collection centres throughout Australia. This is where Mr Smyth's arguments were not particularly clear. There is a difference between a collection centre and a bank. The ACT has already acted as a collection centre for cord blood when it has been requested to do so by the national cord blood collection network.

The ACT would, of course, continue to provide cord blood units to the blood banks if requested, but the advice I have received from my department is that to date the ACT has not recently been asked to make further donations, because the cord blood banks already have sufficient donations in accordance with the national agreement.

Whilst I accept the sentiment and the intent behind Mr Smyth's motion, it is not consistent with the approach that has been adopted at a national level to address the collection of this very important resource. The national approach is one that facilitates the shared cost, across all the states and territories, of what is rightly recognised to be an expensive procedure, and the ACT both contributes to that network and contributes cord blood when requested to by the cord blood banks.

This is a well-meaning motion, whose sentiment the government strongly supports. However, I have circulated an amendment that acknowledges that the ACT government already assists the national cord blood collection network in this vital collection process and notes that ACT patients can already access umbilical cord blood as a result of the ACT being party to the national cord blood collection network.

Mr Smyth outlined quite well the medical benefits of using cord blood, and I won't repeat those at this hour of the evening. What I will say—given that the ACT is already contributing, as part of the national agreement; given that the estimated total national cost of the network is $20 million over four years and; given that all states and territories have agreed to this collective approach of pooling resources and making blood available in key collection centres and in three banks, in Sydney, Melbourne and Brisbane—is that the latter part of Mr Smyth's motion is not needed.

I commend the sentiment of the motion and, further, commend to members my amendment. I move the following amendment:

> Omit all words after "abroad;", substitute
>
> "notes that the ACT Government contributes to the National Cord Blood Collection Network to assist in this vital collection process;
>
> further notes that ACT patients can access umbilical cord blood as a result of the ACT being party to the National Cord Blood Collection Network.".

MRS BURKE (9.48): I rise today to support my colleague Mr Smyth in this very important motion. Canberra is often referred to as the clever, caring capital. What better way to enhance that reputation than by establishing the facilities in Canberra for the collection and storage of umbilical cord blood?

Mr Speaker, I do not know about you, but I must admit that this is quite a new concept for me. I had heard of cord blood in the past, but I am no expert. This is a terrific suggestion and I, for one, hope that the minister embraces it. This would be a real positive for the ACT. I am uncertain about the amendment the minister raises, because I believe that it changes the whole feel of the original motion.

I believe in ensuring that we have the tools to treat those in our community who are sick. Mr Smyth was quite correct when he said that cancer is one of our biggest killers. I often wonder if we will ever find a cure for this debilitating disease, which takes so many of our loved ones, in so many different forms. With cord blood, we have a chance to ensure

a healthier, more fulfilling and longer life for many cancer sufferers, most notably for children who are diagnosed with leukaemia. Statistics reveal that three out of every ten children with cancer will die, but it is hoped that through the use of transplant material like cord blood this number will be reduced.

Collecting and storing cord blood is currently an expensive process, as Mr Corbell has said. We often look blindly at things, not seeing the outcome of money that we can save by doing intervention at the beginning of a process rather than waiting until things get bad.

Federal government funds for this breakthrough in medical research are welcome, but there are many community organisations out there who have also been doing their part to ensure cord blood is able to be used more frequently and readily. Lions Clubs and the Rotary Club have been quite proactive in this area. In recent years, funds donated by Lions Clubs of Australia to the Childrens Cancer Institute of Australia has totalled in advance of $750,000. As a former Rotarian, I have been informed that the Yass Rotary Club has also taken a keen interest in this issue.

An expectant mother in the town wanted to collect and store her umbilical cord blood. Initially, the Rotary Club was going to help her raise funds to be able to do that from Yass Hospital. Unfortunately, in the end it was going to be too costly to have trained staff on site to collect the blood and then transport it to Sydney, which is a very specialist process indeed.

As a consequence, the lady decided to go to Sydney to give birth to her baby, in order to have her cord blood collected and stored—quite an effort on the part of the mother. As Mr Smyth has already pointed out, the collection and storage process is quite delicate, as contamination and dotting can occur. Therefore, the ACT needs its own facilities to do this. I appreciate that we are part of a network, but I think it is very much at arm's reach and we are not really best utilising what we have right on our doorstep. The ACT, as the major hospital for the south-east region, would be able to accommodate mothers from across the region who wanted to donate their cord blood. I find that a very practical idea.

There is a lot of support for the use of umbilical cord blood in the community. Contribution to the cord blood collection network should be a health priority, but the establishment of a bank—the original suggestion put forward by Mr Smyth—is the one we really need to focus on. Meantime, a lot more awareness of this great breakthrough needs to be promoted. Many in our community will not even have heard of it, and I am heartily pleased that my colleague Mr Smyth has brought this important issue before us today. I commend it to the house.

Question put:

> That **Mr Corbell's** amendment be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mr Berry	Mr Quinlan	Mrs Burke	Mr Pratt
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Smyth
Ms Gallagher	Ms Tucker	Mrs Cross	Mr Stefaniak
Mr Hargreaves	Mr Wood	Ms Dundas	
Ms MacDonald		Mrs Dunne	

Question so resolved in the affirmative.

Amendment agreed to.

MS TUCKER (9.57): Umbilical cord banks are a great idea. The use of the blood from umbilical cords is one of the new advances in medical research that have the potential to massively improve treatment options and lower the rates of cancer, blood and immunity disorders and possibly other diseases. Umbilical cord blood is used increasingly successfully to treat childhood leukaemia. There is also research going on into whether viable cells and tissues can be expanded from the stem cells in umbilical cords. Clearly, this has potential as an alternative to the controversial use of embryonic stem cells in at least some circumstances.

Umbilical cords provide a more flexible treatment for leukaemia than bone marrow. Speaking roughly, we need a database of around 20,000 cord blood units to be sure that we have a match for the entire Australian population, whereas we would need millions of bone marrow donors to have the same match. The cords can be stored for around 18 years. It is a less invasive procedure for the donor, too.

The ACT is already part of a national cord blood collection network established by the Australian Health Ministers Council in 2001. The agreement between the states and territories specifies three banks, in Sydney, Melbourne and Brisbane, to which the ACT is contributing funding for a four-year period. The agreement expires in 2005, when the outcomes will be reviewed.

Our nearest cord blood bank storage, at the Sydney Childrens Hospital in Randwick, accepts blood from only four particular hospitals in the Sydney metropolitan area. That is an issue of quality control for them—to be able to meet the strict and detailed guidelines. For example, the blood needs to be handled in very precise ways and kept frozen at minus 19 degrees Celsius.

The Sydney childrens facility, established in 1995, is in the process of being accredited by the Therapeutic Goods Administration. Babies, or their parents, in the ACT are not able at this stage to donate to these blood banks. Although ACT residents cannot contribute to the store, we do benefit from it. The bank sends material around the country—and internationally—as needs are matched up.

There is no suggestion of evidence of any medical need for a storage facility in the ACT. There are, on the other hand, many other needs that we are well aware of. I know it can be disappointing for people who want to donate and contribute to this exciting research

and treatment. But given the current set-up, it may actually be more helpful to donate money to the research than to demand a storage facility in the ACT.

Nothing Mr Smyth has said relates to a particular, clear medical reason to establish a bank here in the ACT. Mr Smyth's office described it as a matter of choice for women; they should have the right to donate. I am sorry, but there are areas of choice with far greater impact than this. If the argument is that there is need, that is one thing. But this is another thing entirely.

Storage of umbilical blood is expensive because of the precision required. Where there is no medical need and where our need for cord blood is being met by the existing system, it is a waste of energy, time and resources to even investigate it further. Sydney Childrens Hospital is a specialist hospital in the treatment of cancer. It is also specialising now in store.

Private arrangements are offered to expecting parents for storing their child's umbilical cord blood for a fee per year in case they need it in the future. This private arrangement does not contribute to the public medical system. The blood is not available for research, and it is not available generally for the people most in need. Because of the flexibility of the cells in umbilical cords, there is no need to store your child's own cells.

Mr Smyth's motion draws attention to the importance of a system for making umbilical cords available for medical treatments and research, which I am happy to support. It also calls on the government to investigate the feasibility of establishing an umbilical cord blood collection storage facility in Canberra, which I am obviously not happy to support, since I supported Mr Corbell's amendment. Feasibility is about whether we are capable of doing something and whether it is practical to do it. Desirability is another question. Without evidence of a need, let's put the effort into areas of clear need.

MR CORNWELL (10.01): I recall that, back in the 1970s in the ACT, we had an unequitable situation—seeing as the word is being thrown around a bit tonight—whereby we could benefit from organ donations of corneas and kidneys but we could not donate any. At that time, the ACT was controlled by the federal government of the day, and it took a great deal of work to achieve a change in that arrangement. In fact, we had an inquiry into organ and tissue transplants, which was conducted by a person who is now—the Attorney-General might correct me, but he is not listening anyway—Mr Justice Fox.

The long and the short of it was that there was a fairly detailed investigation into organ and tissue transplants and we were eventually successful, thanks to the then federal Minister for Health, Ralph Hunt. We in the ACT not only benefited from organ and tissue donors; we were also able to make a donation to that bank for the rest of the country. That strikes me as being only fair and equitable. Indeed, choice does not enter into it, in my opinion. I think it is regrettable that in this case the same sense of equity, as put forward by my colleague Mr Smyth, has not prevailed here this evening.

MRS CROSS (10.04): Given the lateness of the hour, I just want to commend Mr Smyth on this motion and let him know that I will be supporting it.

MS DUNDAS (10.04): I will take a little bit more time to put my thoughts on the record. The ACT Democrats will now be supporting this motion as it is amended. In Australia each year around 50 children diagnosed with cancer cannot find a suitable donor for a bone marrow transplant, and the research and use relating to umbilical cords can play an important role in fixing this problem.

The blood in a baby's umbilical cord is a rich source of stem cells—in effect, the building blocks of a human immune system. Cord blood is used to treat a range of life-threatening illnesses, particularly when a suitable bone marrow donor cannot be found. The placenta, the umbilical cord and the blood in them have no function after the baby is born and are normally discarded. Therefore, collecting the cord blood after a baby is born and after the cord is cut does not affect the mother or the baby in any way. Once this valuable cord blood is collected, it can be taken to the laboratory for freezing and storage until it is needed for a life-saving transplant.

I understand that in 1995 the Australian Cord Blood Bank was established at the Sydney Childrens Hospital and forms part of a national network of cord blood banks in Melbourne, Sydney and Brisbane. It collects and banks cord blood from voluntary donors anonymously for use by patients—Australian or overseas—needing a stem cell transplant.

Donating mothers need to give informed consent and agree to donate some blood for infection screening around the time of delivery and six months later. The mother also has to provide a medical history to screen for infection and risk of hepatitis, syphilis and HIV and for the potential to transmit genetic disorders. Mothers with a history of infection or genetic blood disorders are therefore excluded from donating blood. The baby's health is also monitored to ensure no transmission of genetic disorders. All the information provided is kept confidential but may be made available for the doctoring of the transplant in an anonymous way.

I understand that, in the 2001-02 federal budget, the Commonwealth government funded work with the states and territories to establish a national core blood banking network. This is the heart of what we are getting at today. Umbilical cord blood is a rich source of stem cells to treat life-threatening cancers, such as leukaemia. Mothers are asked to donate the umbilical cord after birth, and a national database helps find compatible donations for patients. At the time it was planned, it was planned to hold 22,000 cord blood units, including 2,000 from indigenous mothers.

The original motion called on the government to investigate the feasibility of setting up a similar cord bank, specifically in the ACT. I thought that there would have been merit in that so that we could investigate how the ACT could contribute more to the national cord blood collection network and allow mothers in the ACT who wish to donate to do so.

In the meantime, we have had a very helpful debate about this issue. Hopefully, it will make mothers aware both that they have a vital source of cells that they should be able to donate to help others around the world and that we are part of a national network of cord blood collection. Maybe the concerns that have been raised in this debate can be addressed without doing a full feasibility study of whether we need our own bank here. The needs of mothers wishing to donate can be addressed, and we can make sure that we are still able to access these cells, as they become necessary for children in the ACT.

MR SMYTH (Leader of the Opposition) (10.08): Mr Speaker, I thank members for their contribution to the debate this evening. We have all said that we see the importance of this. Whilst I acknowledge Mr Corbell's words, his amendment guts what was basically a call to action and reduces it to a statement of fact. Then again, why would any of us be surprised at that?

I recall reading somewhere that the objective of the network was ultimately to have a collection point at one out of every two hospitals, with a series of banks distributed around Australia and a central registry that coordinates. My office had to calm me down and tell me not to call for the establishment of a centre but just to ask the government to investigate. It is three or four years now since the original concept was funded, and all we wanted the government to do was investigate whether the position had changed. Was it time for the ACT to be a collection point and possibly a storage point for the region?

The example Mr Cornwell gave is very important. We are hearing from the government that we are happy to contribute a little bit of money. ACT residents, if they need to, can access the bank, but they are not interested in giving. That is a really disappointing attitude to have. It is the attitude of the status quo, and it is the attitude we hear so often.

The really disappointing comments tonight for me were from Ms Tucker from the Greens. She said it was "a waste of energy, time and resources to even investigate it". I never thought I would hear those words, and I will repeat them. I hope I have quoted them correctly, and I will check the *Hansard*, but I think she said it was "a waste of energy, time and resources to even investigate it."

I am surprised and very disappointed to hear that attitude in this place. I would have thought the availability to investigate an option that might lead to a cure and a better lifestyle—particularly for young Canberrans, but also older Canberrans—is something we should all cherish. "A waste of time, energy and resources to even investigate it", I have to say, is the day's disappointing comment.

Mr Corbell's amendment says that, yes, we can access cord blood as a result of the ACT being party to the national cord blood collection network. He acknowledges that the previous government had a part in setting it up as part of the agreement. But I am asking about the next step. We could have put a motion on the table saying, "You must establish." I am not asking for that; I think that might be premature. I am saying, "Update where you're at, do a little bit of work and find out whether now is the time." We are seeing Tasmania and Perth set up theirs. We have here a very important regional role—from Young to Albury, from Batemans Bay to Wagga and further west. We could be that collection and storage point.

The other side of the issue is whether Canberrans should have the ability to donate. There will always be competing priorities for the health dollar. The example given so neatly by Mr Cornwell about how in the seventies we could not donate organs and corneas in this place is appalling. "We will take from the national collection system, but we won't even investigate how we might get into the system."

They were saying that in the seventies about something that is now commonplace—the need for an organ, a heart, a lung, a cornea, a kidney, a liver or whatever it is. All credit to Ralph Hunt, the Liberal minister of the day, who said to change it. I was hoping that the Labor minister of today might have said, "Just change it."

It is disappointing when you are approached by the community. Mrs Burke gave an example from Yass, and I gave an example from Canberra. There are other examples. I have a stack of information I could make available to members on people who are interested. It is a really sad day when we, in this place, will not even vote to investigate this opportunity for the community, who are enthused about these options. They cannot have it, because we cannot be bothered to investigate.

We won't even look at the option of how we might let Canberrans give something back. The defeatist attitude of saying that the ACT need not contribute at the moment is unfortunate. I did not ask for that. I asked that we might investigate the opportunity for the ACT to be able to contribute to this and be part of it in the future.

We are sending a really bad message about the importance of cord blood. Unfortunately, Mr Corbell misses the point when he says that the ACT can access the cord bank. He said it is great that others have put it there and, yes, we can put some dollars in. Of course, we can. But why can't we donate the blood? Why are we repeating the mistake of 25 years ago tonight by not even investigating this?

It won't cost a great deal for the government to do some work and come back to this place and by the end of the year say, "We have done an investigation, and the reality is that at this stage the network is functioning fine. We're not being inundated with calls about being able to donate. We will put it on hold for another couple of years, and halfway through the next term we might investigate it again." That is all I was asking for.

The motion can stand. It is a statement of fact; you cannot object to a statement of fact. We note that the ACT government contributes to the national cord blood collection. That is fine. It further notes that ACT patients can access umbilical cord blood as a result of being a part of that network. That is fine, too. The sad and unfortunate thing is that it is extremely difficult for women who have just delivered their children to donate. Under this government it will remain difficult, if not impossible—unless you want to move or go to Sydney to deliver your baby—to contribute that blood to the national bank. That is disappointing.

Motion, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

The Assembly adjourned at 10.14 pm.