DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 September 2003

Wednesday, 24 September 2003

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Petitions

The following petitions were lodged for presentation.

Garran shopping centre

by **Mr Cornwell**, *from 15 residents:*

> To the Speaker and members of the Legislative Assembly for the Australian Capital Territory
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that there is an urgent need to evaluate the vehicle parking arrangements at the Garran Shopping Centre.
>
> Your petitioners therefore request that the Assembly call on the Minister for Urban Services to direct the Departments Traffic Engineers to undertake a full assessment of vehicle parking arrangements, present and future, at this shopping centre. The current lack of vehicle parking spaces has been caused by the introduction of a Medical Centre, at the Garran Shopping Centre.

Hughes shopping centre

by **Mr Cornwell**, *from 112 residents:*

> To the Speaker and members of the Legislative Assembly for the Australian Capital Territory
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the lighting of the public car parking areas at the Hughes Shopping Centre needs urgent evaluation for an upgrade.
>
> Your petitioners therefore request the Assembly to call on the Minister for Urban Services to include in the Department of Urban Services works program for the next budget 2004-2005, the upgrade of lighting of the public car parking areas at the Hughes Shopping Centre to assist night shoppers and other users of that area, in particular for safety and security reasons.

The acting clerk having announced that the terms of the petitions would be recorded in Hansard and a copy referred to the appropriate minister, the petitions were received.

Drugs of Dependence Amendment Bill 2003

Mr Stefaniak, pursuant to notice, presented the bill.

Title read by acting clerk.

MR STEFANIAK (10.35): I move:

> That this bill be agreed to in principle.

Mr Speaker, in the early 1990s in the territory, following some reforms in South Australia, it was decided by this Assembly—I think it was the Second Assembly, but I do recall thinking it was a very good idea—that there would be infringement notices for basic cannabis offences. The basic offences included possession of cannabis—less than 25 grams—which is obviously for people's own use, and using cannabis, which included up to five plants. That has been a bit contentious because five plants can actually weigh quite a lot. Indeed, often they can weigh over 100 grams, which is the lowest trafficable quantity of cannabis. Nevertheless, the legislation had up to five plants and that was a simple offence.

I seem to recall that, initially, the penalties were very low—$100. There might have even been some $40 penalties initially, but that was fairly quickly made $100 for the three types of offences, and there it has stayed. I think there are very good reasons for increasing the penalty. One of those reasons is that, quite simply, as I indicated, $100 is a very low penalty. When you look at other infringement notice situations, you find that the minimum notice you will get for the lowest possible speeding offence—zero to 15 kilometres—is now $123. If you park near or on a pedestrian crossing, you will get a parking ticket worth $220.

I see, in fact, a bill before this house at present in relation to one of the various JACS amendments that include a list of infringement notices for motor traders ranging from about $500 up to $750. An infringement notice for only $100 is very low indeed, and I do not think that it reflects the gravity of the situation. I think that possessing and smoking cannabis is a lot more serious than a basic parking offence.

When one looks at the current act, too, it is a bit out of kilter with some of the other penalties. I am by no means criticising the other penalties; I think they are quite appropriate. However, for example, at present, if you have five cannabis plants, you will only be pinged $100 if you are taken to court or if you get a simple cannabis infringement notice. However, if you have six plants, you will be caught by proposed section 162 (3) (c) (i) which, in the case of anywhere between six and 20 cannabis plants, stipulates a fine of $10,000 and/or imprisonment of up to five years. $100 looks a little bit out of kilter there.

What I am proposing today is not particularly severe by any stretch of the imagination. It merely raises the fine for simple possession of up to 25 grams of cannabis to $200, two penalty units. Someone caught smoking or possessing a joint of cannabis would be fined $200 instead of $100 and, for possessing up to five plants, one penalty unit of $100 for each plant. In other words, if they are picked up with one plant, they are fined $100; two

plants would be $200; three, $300; four, $400; and five, $500. That is basically what my bill does.

As much as anything, too, I think it is timely, not only to increase these penalties by those effectively small amounts, but to bring to light in the community the fact that possession of a small amount of cannabis is in fact an offence. All too often, when cannabis was decriminalised and these infringement notices were introduced, people, especially young people, actually thought, "That is okay. That is a go-ahead to smoke cannabis. We can actually grow some cannabis plants, we can smoke it and we will not be penalised. It is not against the law anymore. It is not illegal."

Obviously, it is still illegal but a lot of people in our community do not think it is. The infringement notice scheme is a simple way of enforcing the law for minor quantities, but many people in our community believe that possession of a small amount of cannabis is actually legal. If nothing else, I hope that, by raising the issue and raising it by way of a bill, we will be bringing home to people that it is actually illegal to smoke or use cannabis.

It is illegal for a very good reason: cannabis is a dangerous drug. Perhaps it is not as dangerous as some, but there is ample evidence to show that it is a gateway drug. It is often a drug that, if people use it, they then drift off into using more serious drugs such as amphetamines and heroin. There is a stream of evidence to suggest that. Indeed, my own experience, gained around the courts over the years, is that there is ample evidence of that, too, in the behaviour of the people who appear before the courts.

Indeed, when I prosecuted drug pushers, quantities of heroin were often found, all dolled up nicely for sale, but also quantities of cannabis. Indeed, when there is a cannabis drought, often the increase in usage of heroin goes up. It is certainly a dangerous drug and, the evidence says, a gateway drug.

Regarding the effect it has on people, there is a lot of evidence, too, in relation to it being more toxic than cigarette smoking. There is a lot of evidence coming to light now to indicate that it causes significant mental health problems. There are some real problems emerging there as a result of people who use cannabis extensively. It also has a shocking effect on people's driving ability. If someone is bombed out on cannabis, their driving ability is very similar to someone who is driving around with about 0.3 per cent blood alcohol—six times the legal limit—in his or her blood.

I had the misfortune, once, of prosecuting a person who was absolutely bombed out on cannabis, who was going the wrong way on a two-way highway—Canberra Avenue—opposite where the old Wello was. Luckily, it was at about four in the morning and there was no-one else on the road but, if there had been, this person would have been just an accident going somewhere to happen. That brought home to me just how dangerous it is getting behind the wheel of a car. We do not actually see many prosecutions for such an offence, but that certainly brings home to us what a dangerous drug it is.

I think we do need to educate people, especially our young people, so they understand that it is a very dangerous drug—basically, do not touch it. I certainly hope that, by raising this issue—and I am pleased to note that it has attracted a little bit of media attention—we will bring home that very point to young people.

My apologies for not having an explanatory memorandum but this one is relatively simple. I will just go through the bill clause by clause. The name of the bill is basic enough, as is the commencement date and as is, of course, the act amended, as this bill amends our Drugs of Dependence Act of 1989.

The substantive parts of the bill are in clause 4, "Cultivation of prohibited plants Section 162 (2), penalty, paragraph (a)". In section 162 (2) (a), the act currently reads:

> A person shall not cultivate, or participate in the cultivation of, a prohibited plant.
>
> Maximum penalty:
>
> (a) if not more than 5 cannabis plants are cultivated—1 penalty unit

or $100. My bill will substitute for "if not more than five cannabis plants are cultivated—1 penalty unit" the words "if not more than five cannabis plants are cultivated—1 penalty unit for each cannabis plant cultivated".

We then come to clause 5, dealing with prohibited substances, possession, administration and disposal, which amends section 171 (1) (a) of the act. Currently, that particular subsection reads:

> A person shall not possess a prohibited substance.
>
> Maximum penalty:
>
> (a) if the offence relates to a quantity of cannabis not exceeding 25g in mass—1 penalty unit

or $100. I would substitute "if not more than 25g of cannabis is possessed—2 penalty units"; in other words, $200 there.

We then progress to clause 6 in my bill, which deals with offence notices in section 171A (3) (c) of the act. That currently enables an offender to pay the prescribed penalty within 60 days of the date of service of the notice. That is a strange provision. I am somewhat uncertain about why this act is completely out of kilter with virtually every other infringement notice. We get 28 days to pay for infringements notices concerning parking offences. I think traffic offence infringements must also be paid for within 28 days. Virtually every other act stipulates payment within 28 days. What I seek to do there is omit the 60 days and substitute 28 days. That would bring this infringement notice scheme into line with other infringement notice schemes. I think that is a very important thing to do.

Finally, section 171A (8) currently reads, "In relation to a simple cannabis offence, the prescribed penalty is $100." That relates to subsection (7), which deals with and defines simple cannabis offences. They are offences, under section 162 (2), of cultivating or of participating in the cultivation of not more than five plants. That is the first one. The second and third are:

(b) an offence against section 171 (1) of possessing not more than 25g of cannabis; or
(c) an offence against section 171 (2) of administering, or causing or permitting to be administered, to oneself cannabis.

That is, in other words, smoking a joint. Those are the three simple cannabis offences. My final subsection amends subsection (8) there and makes a substitution, because remember we now have two slightly different ranges of penalties. It will say instead:

(a) for an offence against section 162 (2) of cultivating, or participating in the cultivation of, not more than 5 cannabis plants—$100 for each cannabis plant cultivated; and
(b) for any other simple cannabis offence—$200.

There is, of course, those two other simple cannabis offences of possessing up to 25 grams or of administering cannabis to yourself.

That is the bill in a nutshell. It is a simple bill. I think it is a timely bill. The penalties are still not particularly high. Some people would say they should be a lot higher because it is a serious offence, but they are a little bit more realistic. I do think we are in a very crazy situation at present where the current penalties are lower than those incurred by someone who drives at 10 kilometres over the speed limit, and are lower than those incurred for a number of simple parking offences that one can commit around the territory.

If nothing else, as I said, I certainly hope that the bill brings to light the fact that we do need more education in our community to tell young people, especially, that it is against the law to smoke cannabis, and highlight the dangers of this particular drug, which a lot of people do not think is very dangerous but, in reality, is certainly very dangerous. It is a gateway drug and a drug that has some very serious effects on people who use it for any length of time.

I commend the bill to the Assembly.

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

Crimes Amendment Bill 2003

Mr Cornwell, pursuant to notice, as amended, by leave, presented the bill.

Title read by acting clerk.

MR CORNWELL (10.49): I move:

That this bill be agreed to in principle.

This amendment to the Crimes Act 1900 is seeking to ban the sale of spray cans to children. The word "child", in the legal interpretation, is a person under the age of 18 years. I am introducing this bill in an effort to reduce graffiti vandalism in the ACT.

The government has indicated that between $750,000 and $800,000 is allocated for graffiti removal in this territory each year. That is a very large amount of money and I submit that it is an unnecessary expense for the territory.

Unfortunately, to date, the banning of the sale of spray cans to minors—who are regarded as the main offenders in terms of graffiti attacks, although they are by no means all responsible—has only applied in South Australia. In fact, the Minister for Urban Services, Mr Wood, wrote to me on 6 January this year, when I suggested to him that this ban should be applied in the ACT, and pointed out that the legislative provisions restricting the sale of graffiti implements are not supported by other Australian jurisdictions, with the exception of South Australia, because they are costly to implement and place undue restrictions on business.

That situation, Mr Speaker, has now changed because, effective from 1 September, New South Wales has moved to ban the sale of spray cans to people under the age of 18. I submit that we are almost compelled here in the ACT to follow New South Wales's example, otherwise we will have a situation of border hopping, whereby people from New South Wales—from Queanbeyan and Yass—will come across here, buy the spray cans and presumably take them back to carry on their moronic pursuits.

It will not eradicate graffiti vandalism in the ACT but it will reduce the incidence of it if people under the age of 18 cannot get hold of this type of spray can. I ask members to consider the amount of graffiti that we see all over this, the national capital, on public and private buildings, on electricity substations, on bus shelters and walls obviously, virtually anywhere these pathetic specimens can place a tag. Their literacy presumably extends only to these rather primitive signs. Anywhere that they can do this, you will see it in public.

Unfortunately, the problem has been increasing because we now find that they are not only attacking public and private activities here in the ACT, but they are now also having a go at the tourists. A couple of weeks ago, two tourist buses in Lyneham were graffitied. I have written to the Chief Minister to suggest that the $20,000 it will cost to clean up those buses should be paid by this territory and that a letter of apology should be spent to the mayor of Kempsey, from whence the buses came, apologising for this attack.

If we are not prepared to do that, then perhaps the Tourist Commission would change the promotions around Australia to "Come to Canberra, the national graffiti capital". We are spending $14.5 million on tourism here, to promote Canberra. I do not think it would be terribly well received in Kempsey from now on, unless we do something positive. It seems to me that we do need to take some very firm action and, thanks to New South Wales, the opportunity has presented itself.

I do not believe that it will be a major problem for business. Mr Wood, as I say, earlier this year told me that it would place undue restrictions on business. I do not believe that is the case at all. I believe that most businesses are good corporate citizens; they will be happy to go along with this limitation. I stress it is only a limitation: it means you cannot sell to people under the age of 18, but it does not stop you selling spray cans. In fact, in a rather rich irony, it would seem to me that these businesses that sell the spray cans may well very well end up being targets themselves. I do not see a problem so far as business is concerned.

Neither do I see a problem, Mr Speaker, in relation to organisations and parents who may have need of spray cans, or in relation to under-age people who may have some need of spray cans. I do not for a moment think that there are many people out there who are willing to spray paint granny's chair, but I do accept that there are some people who are happy to go out and to put up murals and such like in bus shelters or perhaps on walls, through schools and sometimes through youth organisations. I think some people call it street art. I see no problem with this and, again, the introduction of this restriction will not prevent such people producing this street art. All it will require is that an adult purchases the spray cans. That I do not see as a great inconvenience.

Certainly, however, the move will do something to minimise the amount of graffiti that is being placed on public and private buildings, and everything else for that matter, in the ACT. It will further be in conformity with New South Wales and the laws that it introduced on 1 September. I believe that, if we do not do this, we will end up an island in the middle of New South Wales. We will simply become a purchasing area for under-age border hoppers who wish to use these spray cans in the state of New South Wales.

It seems to me a sensible and, may I say, Mr Speaker, long-overdue amendment and I commend the legislation to the house.

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

Dangerous Goods Legislation Amendment Bill 2003

Debate resumed from 20 August 2003, on motion by **Mr Pratt**:

That this bill be agreed to in principle.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (10.58): The government will not be supporting this bill today for a number of reasons, not the least of them the fact that this matter was the subject of extensive research by the Standing Committee on Legal Affairs when it tabled its report last year. That report called for a total rewrite of the legislation on fireworks and made 16 recommendations.

The bill that is before us today is seeking to ban the sale of fireworks to members of the public and this was something that, my understanding is, the committee looked at quite extensively and about which it did not make a recommendation. This is just a bit of a knee-jerk reaction to some of the issues connected with this June long weekend.

Certainly, the illegal use or sale of fireworks is something the government takes very seriously. We have been doing quite a lot of work on how to regulate this area of the Dangerous Goods Act and make a framework that is as safe as possible, within which members of the public can enjoy the use of fireworks for a certain time during the year. And that certainly tightens the regulations further than they are currently.

A couple of weeks ago, I made some additional comments about this, about what the government was going to do. I made some comments about the fact that, in the legislation we want to introduce in the October sittings, we will be looking to ban the

retail premises from operating in built-up areas on a year-round basis, particularly in Fyshwick. I think this is probably one of the strongest measures that we can put in place in order to stop potential illegal sales, but also to prevent opportunistic buyers purchasing fireworks outside the time when they are allowed to.

It would have been useful, I have to say, to have an explanatory statement to this bill. It took me some time to go through the current Dangerous Goods Act and what Mr Pratt's bill proposes to see where he is proposing changes, and what those changes are actually trying to achieve. I want to make that point.

The government has taken the view that the Dangerous Goods Act, as it is now, is completely out of date. It is not just out of date on fireworks; it is out of date on the whole issue of the storage and use of dangerous goods and hazardous substances. We also have to look at introducing legislation about some of the national agreements that have been put in place, for example, the ban on asbestos and the use of asbestos.

We have indicated that we will be introducing legislation in October which will be a complete redraft of the Dangerous Goods Act. I note that Mr Pratt commented, when he introduced the bill, that his bill was a redraft of the Dangerous Goods Act. I have to say that it is probably a redraft of a certain part of the Dangerous Goods Act. It certainly put in a new section and there are some new definitions and regulations.

However, it is not the sort of redraft that this government will be putting in place when we look at the bill that we will be introducing. It will be called the Dangerous Substances Act, and it will integrate the regulation of dangerous goods and hazardous substances. The proposed legislation will address the current inadequate regulation of hazardous substances in the territory. It will reform the licensing of explosives, including fireworks, and other prescribed dangerous substances, and will implement a notification system for high risk quantities of dangerous substances.

It will also establish a centralised register for monitoring the location and quantities of dangerous substances and explosives, and it will contain regulations to implement the national ban on the manufacture and use of asbestos, consistent with national agreements. It will also make several changes in relation to fireworks, some which I have alluded to. It will make changes to what consumer fireworks are, the use of them on the Queen's Birthday weekend and the retail arrangements for fireworks and, significantly, it also makes changes to the public display arrangements, something which Mr Pratt's bill again does not address.

If you are looking at some of the issues implicit in the problems that occurred on the long weekend, certainly I have had representations that indicate that the public displays also create conflict for communities, that they frighten dogs and that people are unaware that they are going to be held. Certainly, the legislation that we are looking at introducing will address some of those problems by specifying the times that fireworks can be used, stipulating the public notification that has to be given and the letterboxing that has to be done around communities to let them know, if these events get permits, when they are on and that they are being done at a time that is more acceptable to the community.

I guess Mr Pratt's bill just maintains the Dangerous Goods Act, but simply bans access to fireworks for members of the public. It fails to address the fundamental problems

associated with the fact that the Dangerous Goods Act is based on New South Wales laws from the mid-1970s.

It is a bit of a shame that we do not have our legislation so that we can compare it with the Liberals' approach to this, and so that people can see what the government is planning. However, I have certainly done what I can to let members know what we are planning and that it will be not only a comprehensive redrafting of the current legislation, but will include new provisions to bring us up to speed with the environment in which we live in 2003.

What we will be producing will be a significant piece of legislation. It is necessary that we do this work and that we do not rush it, so that it is not poorly considered. I have to say that, for the people who are working on this legislation and who have spent significant amounts of time on this legislation, it is an extremely complex job. Looking at the regulations, all the amendments that need to be done and the national work—it is not something that we were able to just snap our fingers and pull out.

We did try to implement some of the changes for this year's June long weekend. We were not successful because they were not in legislation. There was some court action that occurred which I feel certainly complicated what happened on the weekend. The government was saying, "This is what we want to do. This is what we are doing," then the long weekend happened and we were not able to enforce it because it was not in legislation. Certainly, since that time, the department working on this has really worked consistently to get this legislation all pulled together so that it can be considered in time for the changes to be implemented by the June long weekend next year.

It is extremely complex work. When other jurisdictions have been looking at the whole issue of dangerous substances, it has taken them a number of years. With what we are doing here in the ACT, the legislative reform process started following the standing committee's report last year. We are certainly looking to have legislation in the chamber, but also debated, by the end of this year. These people are working very hard to make sure the legislation can be debated and in place in time for next year's June long weekend.

At the same time, there is a need to look at some of the concerns of the fireworks industry, to give them time to be part of this legislative reform. We must talk to them about ways in which we can create a balance where people, for one week of the year, under our proposed legislation, can purchase a consumer-type firework—which will be defined in the new act—that they can use at certain times. The retailers—the licence holders—will be able to sell these products during that time.

We do need to tighten up the sale and regulation of fireworks. We have already indicated that we are going to do that. At the same time, we will look at the industry's rights and its responsibilities in dealing with licensed pyrotechnics, and how we make that part of the business work, but work in a safe way for the broader community. That is where we are looking at banning the retail premises from built-up areas. We are looking at requiring, through this new legislation, that licence holders store their explosives in a safe magazine-type facility, which meets, at the minimum, the Australian standards. Then, licensed pyrotechnicians wanting to legally purchase those fireworks will be able to do so, but not just by walking into a shopfront.

This is a much more complex issue than just the banning of the retail sale of fireworks to members of the public. I have certainly had a considerable number of representations against fireworks. We had about 650 complaints, from memory, about last June long weekend. However, that has to be balanced with the fact that there are also significant numbers in our community who do enjoy the use of fireworks over the Queen's Birthday long weekend, who do it safely and who abide by the law. The government has taken the view that we need to tighten up the regulations and that we need to provide a framework in which that balance can be achieved, but that it should be achieved in the safest possible way for the community.

I would just say that this bill before us does not really deal with the significant issues about dangerous goods in the ACT. We are doing the work, Mr Pratt. It is very comprehensive. We will be bringing it forward for debate in the Assembly. We have chosen not to go as far as you have in your bill, as you are seeking a total ban.

Even though I have only been dealing with this issue for a short time, I am not sure the banning of sales to the public is going to address some of the general concerns out there, because many of those concerns are to do with the illegal sale and use of fireworks. We are looking at ways to crack down on that, because some of those problems have not been created by simply selling to members of the public. There have been some problems linked to that, but the dangerous substances bill that we will bring forward will very much tighten up the laws on that and significantly increase penalties for the illegal use or sale of fireworks.

I know it is something in which Mr Pratt has taken a great deal of interest. Only last week, Mr Pratt had some dealings with some discarded fireworks that were found in Amaroo. He put out a media release to a local newspaper about this terrible situation—and it was terrible—saying that this was due to the continuing failure of current regulations.

When I was approached to comment on this story, I actually inquired whether this matter had been referred to WorkCover so that we could consider the issue, to see whether it was the result of an illegal sale or whether the fireworks had been purchased quite legally and had been just dumped as litter. When I made that inquiry, strangely enough, the matter had not been reported to WorkCover but it had been reported to the *Chronicle*. I was a bit disappointed that a community leader, who is champing at the bit about the important community safety issues concerning the illegal sale and use of fireworks, would take the view that the matter had to be reported to the *Chronicle* prior to WorkCover being notified.

In fact, WorkCover was not notified by Mr Pratt. I am advised by my office that WorkCover actually sought information about this incident in Amaroo from Mr Pratt's office, and actually recovered the spent fireworks from Mr Pratt's office. I am concerned, too, about the positioning on this issue: whether it is just a political stunt. I think you could argue that last week's little incident, in which this matter was reported to the *Chronicle*, was a bit of a political stunt, rather than the result of a genuine concern about what is going on out there with the illegal use and sale of fireworks.

The government will not be supporting this bill. We will be bringing forward a bill to deal with the range of issues that have arisen regarding fireworks over the past couple of years. I think it is an issue that has vexed every member in this place. We think the way our legislation is being drafted is the way forward. I think it is unfortunate that we cannot consider the two bills at the same time, but that was just not possible.

I urge members to consider the fact that the categories of dangerous substances, hazardous substances and dangerous goods in our community extend far beyond fireworks and that we should be a little more sensible with our legislative reform on this matter. It should be a lot more comprehensive than simply banning the retail sale of fireworks to members of the public.

MS DUNDAS (11.13): Mr Speaker, the ACT Democrats will not be supporting Mr Pratt's bill today. There has been an enormous amount of community concern and debate about the use of fireworks in the territory. As I know other members of this Assembly have, I have been receiving a huge number of letters and phone calls about this issue over the last year, both for and against the prohibition of shopgoods fireworks.

This has been quite a contentious debate in the community and I have considered the views of the residents who contacted me very carefully and seriously. I want to thank those who took the time to contact me with their views and those responsible for the well-considered way in which the debate has progressed.

However, I think that Mr Pratt's bill represents a knee-jerk reaction to the issue at hand. I certainly believe that the offences created by this bill represent an approach that is far too draconian for the Democrats to support, in any case. In particular, I believe that the creation of strict liability offences in this bill is extremely inappropriate. I also believe that the penalties for offences created by this bill are unnecessarily high, with 100 penalty units and one-year's imprisonment being the chosen penalty for most of the offences in the bill.

To get some idea of what these equated to, I had a quick flick through the Crimes Act and found it was the same penalty as those incurred for indecent exposure, forcible entry onto land, possession of a weapon or disabling substance with intent, or leaving a child unattended in a place and for a time that could place the child in danger. Mr Pratt thinks the punishment for these offences should equal that for lighting a firework.

I also note that the penalties for Mr Pratt's offences of lighting fireworks are greater than those for possessing a knife at school, selling a knife to a person under 16, laying poison, or destroying or damaging property worth less than $1,000. In Mr Pratt's eyes, it then appears, you should receive a harsher penalty if you light a firework that might scare the dog next door than if you put down poison that will likely kill it. Alternatively, if somebody blew up a letterbox with fireworks, they would be penalised more harshly for lighting the firework than destroying the letterbox, the actual damage done.

This bill demonstrates many of the reasons the ACT Democrats oppose the criminalisation of shopgoods fireworks. The Democrats generally take a harm minimisation approach to dealing with controversial issues in the community and, instead of using the blunt and draconian approaches of prohibition and criminalisation,

we would prefer to look at closer regulation and education to minimise conflict in the community.

The ACT has been an Australian leader in dealing with issues by using regulatory approaches. We have a successful adult video industry that seems to generate few complaints. We do not have the black market in pornography that exists in other jurisdictions. In fact, I heard something on the radio the other day which indicated that, because we do actually have a regulatory approach to pornography, we can control what is being filmed and what is being distributed, whereas in other jurisdictions in Australia, because everything is just a crime, videos are being sold that have been made in quite illegal ways and show quite illegal acts. The makers can get away with it because there is no regulatory approach.

The ACT has been among the first to decriminalise prostitution and the personal use of marijuana. While there are still debates to be had in these areas of social policy, these are significantly better approaches than those of other jurisdictions that have maintained the criminalisation of these activities.

I also believe that this bill will do little to alter the problems associated with fireworks in the territory. Almost every complaint that I have received was related to either the illegal purchase of fireworks or the illegal use of these fireworks. We can already see that the creation of penalties for the use and sale of fireworks has not prevented concern. However, the opposition's answer is to create more penalties.

A crucial element that has been missing from the debate is the attention that should be given to ways of effectively policing the black market for fireworks that is rife throughout Australia. The banning of shopgoods fireworks in other jurisdictions has exacerbated the problems relating to the proliferation of the black market. While the sale of fireworks to the public may be banned in other jurisdictions, fireworks are still easily available in just about any pub or out of the back of a car, as we have heard.

What is worse is that these may be far more dangerous fireworks than those sold legally in the ACT, as no quality control has been applied to them, and they may be dangerous to use without professional training. The maintenance of the legal industry allows government to place restrictions on the types of fireworks being sold and ensure that they meet maximum safety, storage and security requirements. The ACT has significantly increased the level of regulation of the fireworks industry over the last two decades, with resulting increases in the safety of legally obtained fireworks and reductions in the misuse of the product.

Today, the minister has given us to understand that the government is developing its own bill to increase the regulation of the fireworks industry. My understanding is that this will include tighter restrictions on the types of fireworks that may be sold legally, and the removal of noisy fireworks from the list of those that may be sold over the counter. I think that this is a more sensible approach to dealing with the conflict in the community over this issue than resorting to a knee-jerk ban. I look forward to seeing the government's legislation and hope it goes some way towards defusing the community's current concerns.

While I am opposing this piece of legislation today, it should be made quite clear that this is not the end of the debate. There is further legislation pending and we will discuss this further in the Assembly. However, I think it is important to keep in mind the key elements of the debate: we should be looking at the black market, the illegal sale of fireworks, and the sale of illegal fireworks, and how we are facing that problem in the industry, as well as how the regulations we currently have in place are working to make the situation safer.

There has also been some comment about how fireworks harm the people who set them off and similar issues. I think the regulations that the ACT has had in place have meant that the fireworks that have been used are more strictly monitored for safety standards. What some members might be remembering as quite dangerous fireworks no longer exist, so we need to understand what it is we are dealing with in the here and now in our fireworks industry, and not what has been going on in the past.

I will not be supporting this legislation today but I do look forward to the government's legislation and a more regulatory approach to this issue.

MS TUCKER (11.20): The Greens will be supporting this bill in principle but, I stress, in principle only. We would want to make some fairly extensive amendments before we would support it through the next stage. It is obvious that it is not going to be successful anyway, today.

I think it is important to note the comments of the scrutiny of bills committee. When we looked at this legislation, we found a couple of issues related to the use of strict liability, and slightly inconsistent statements in other clauses about whether or not there is excuse. That would need to be sorted out if this was going to proceed. Also, in the Greens' view the penalties are over the top and there is very extreme strict liability as well. We would not have been able to support that.

However, we are prepared at this point in time to say that we would support it in principle because I am well aware of the issues involved, as I was a member of the Legal Affairs Committee that looked at this matter. I am also well aware of the recommendations that we made as a committee. Those recommendations did not come lightly to the committee, let's put it that way. There are very strong feelings in the community about this issue. If the Greens, in particular, were to be comfortable with proceeding in that way, the government would really have had to respond quite immediately and positively to those recommendations.

Observers of ACT politics would be aware that there are very strong lobbies on both sides of this story. There is the fireworks industry and there is animal liberation, and there is the rest of the community in the middle. What came out very clearly to me after this last fireworks weekend—and the period leading up to it and after it, when fireworks were still being let off—is that nothing had happened since the committee had made its recommendations and, in fact, the situation was worse.

While the committee did recommend improved regulation, it is the Greens' view at this point that we basically have to take a very strong stand because there was no action taken by the government or the industry. Basically, since we tabled that report, the government has failed to amend the act, there have been the usual lost court cases and there was not

even a round table discussion between WorkCover and the retailers to gain some agreement on how to deal with the coming fireworks season. As I said, we saw the worst example of irresponsible fireworks use and the industry seemed to be happy to sell anything to anyone.

The points that have been made by a couple of speakers about illegal fireworks need to be elaborated, because what is clear is that the sale of illegal fireworks is directly related to the shopgoods and retail sale of fireworks. It is not as though all illegal fireworks sales are occurring out of the boots of cars, although there is some of that. However, the fact that we have the retail outlets means that inappropriate fireworks are being sold. It would be very interesting to see, if we actually stopped selling retail fireworks, whether or not government could then control the illegal sale of fireworks. Obviously, in that situation, you would have just reduced a whole supply, or changed the nature of that supply anyway.

I would not necessarily suggest in this place that any of the current retailers would engage in illegal sales of fireworks if there was a ban. However, I am prepared to say that there was certainly a very sloppy approach taken by the retailers to what they sold and how they complied with the regulations. I think we have all heard enough stories about that to know that that is the fact.

If there was a ban, if this legislation was amended so that it was acceptable to the Greens and it was actually successful, I am not ruling out the possibility of re-examining the regulated supply of fireworks to communities. However, because the response from government and the fireworks industry itself has been so appalling, I think it is important to take a really strong stand at this point and say, "No." Fireworks will obviously still be used by licensed pyrotechnicians and fireworks will still be available for displays for the community to see but, until the government can show that it can control illegal sales, we are not prepared to look at opening it up to retail sales again, because of that connection between retail sales and illegal sales.

Interestingly, the Greens had their own deliberation after the Legal Affairs Committee made its recommendations. The Greens did come up with a few more proposals, one of which was that there should be a limit on the explosive capacity and noise of fireworks. That is something that the government is actually talking about doing. I am interested to see that because I think that is quite a useful thing to progress, particularly with regard to the impact on animals, because the noise is often the issue.

Obviously, Mr Pratt's legislation will not be proceeding any further today, but I do encourage the government to do what it is doing. I am particularly interested in limiting explosive capacity and noise, and I look forward to working with the government on the issue.

MR STEFANIAK (11.27): In supporting Mr Pratt's bill I too hark back to the committee that I chaired and of which Ms Tucker and Mr Hargreaves were members. In fact, I think it is probably fair to say that Mr Hargreaves probably had more of a gut reaction to ban Ms Tucker and me! But what we ended up with at the time, after a lot of thought and discussion and very serious consideration of the evidence before us, was a reasonable proposal that the sale of over-the-counter shopgoods fireworks should be banned. The committee came very close to doing that, but what the committee's report

did was to allow the industry just one more chance to make things work.

Some time has elapsed. That committee report was brought in on time in June last year. We have had another fireworks season. We seem to continue to have fireworks seasons throughout Canberra. I heard more fireworks going off over this weekend. In fact, over the last 12 months in my suburb of Macgregor I have heard more fireworks than ever before. On several occasions my dog has come in quite scared, and he has never been particularly worried before. I think that indicates an increase in the number of people, illegally, getting and letting off fireworks. There is obviously a similar situation in other suburbs in Canberra as I constantly hear comments in the community. I was at a football match and the referee, who lived in Rivett, asked whether I had a petition in my boot that he could sign—he had heard that there were petitions about—but unfortunately I did not have one. He complained to me, as did his wife, about the problems they were experiencing in Rivett and made the comment that it was about the worst it had ever been.

There does come a time when we need to draw a line in the sand and say, "Enough is enough." I think we have been very tolerant for a long time. I had no problem with that; I enjoy fireworks and always have. No other state or territory allows over-the-counter sales of fireworks. We have tried to be reasonable and find compromises: my colleague Mr Smyth tried when he was minister; the current minister has tried. But there does come a time when we have to admit that it is not working. If anything, it seems to be getting worse. Accordingly, I think Mr Pratt's bill is timely and worthy of support. It is a sad day in many ways; we recognise that.

MR HARGREAVES (11.30): Having heard two other members of the committee say something, I am tempted to speak and am going to succumb to that temptation—very briefly; I am not going to use my 13 or 15 minutes or whatever is left. I am a bit surprised at the hypocrisy of Ms Tucker in supporting this bill, given that it was she—and she alone—who prevented the committee from recommending a total ban in the first place. I am absolutely staggered by her hypocrisy and to hear the Greens, after a standing committee has put down its deliberations, suffering from solipsism. For those people who do not know what solipsism is, it is, according to the *Oxford Dictionary*, the view that the self is the only knowledgeable thing, the only existing thing, the sole repository of knowledge. Well, we have just seen an attempt by the Greens to govern this town after an Assembly committee has made its report. How appalling is that? Talk about a disproportionate distribution of power in this place! It makes me sick to the stomach on an issue like this.

I also have to say that I am surprised to see such pontification from a man on the benches opposite who was prepared to have explosives sitting in his own office. A roman candle is not, as it used to be, something you can hold out and it goes bang, with flashing lights in the sky. No, no, no. It is quite at home in the fields of Afghanistan and in the sands of Iraq, as our beloved shadow minister would know. But what on earth was he doing with a box full of roman candles in his office? Perhaps he mistook them for a roman holiday. Well, it was not a roman holiday, Mr Pratt, and I am very glad that any explosions that might have happened then would have happened in the west wing—and it would have been yet another explosive *West Wing* episode.

My position on the total banning of fireworks is well known. But what the government is trying to do at the moment is to bring the community with it in change, and I think we should be giving the minister an opportunity to give her legislation a run. I do not think it is appropriate for those opposite to say, "You're going to try something, but bad luck. We're not happy with that. Ban the things."

Mr Smyth: You told me the RSPCA were going to ban it on your first day as minister.

MR HARGREAVES: Mr Smyth's mouth is running off like a disused roman candle yet again. But tiny Tom Thumb explosions from across the chamber do not impress me one bit. The government has come up with ways to ban the frightening of animals—and good on it; I think that is fantastic. That is one thing I am concerned about. The second thing I am concerned about is the illegality. I believe we are not talking about fireworks any more; we are talking about explosives—and they will be taking kids' hands off before much longer. There is a gradual move by the government towards a total ban—and it is inexorable; it will happen. It will be like Rachel Hunter's hair: it will not change overnight but it will change.

There was a community outcry for and a community outcry against the banning of fireworks. I say to those opposite that what we need to do is to address both outcries. This government is doing a superlative job. It is trying to bring people with it and not disadvantage the fireworks industry in the process. We have to understand that some people's livelihoods depend on fireworks and they have to be given sufficient time to change. Mr Stefaniak will recall my saying, during consideration of the original report of the Standing Committee on Legal Affairs, that the recommendation needed to be to totally ban fireworks and that it needed to come out early enough so that people would not buy in stocks. I said that on a number of occasions—a total ban such as is proposed in this bill will detrimentally affect other people. I encourage people to support the government's legislation and to blow this piece of legislation out of the water.

MR SMYTH (Leader of the Opposition) (11.35): We have just heard yet another savage blow from Mr Hargreaves in his pursuit of truth and justice in the Assembly. But it is interesting that in the lead-up to the last election a certain would-be minister for urban services told many community groups that on his first day in the job as urban services minister he was going to ban fireworks. I guess we will have to wait until Mr Hargreaves' first day as minister to see this happen, because it is not going to happen under this government, despite the promises and the commitments they made to various individuals in the community in the lead-up to the last election.

This must be the week of poor defences from the government. The stinging attack from the minister against Mr Pratt was that Mr Pratt did not report an incident. But he was not obliged to.

Ms Gallagher: Come on!

MR SMYTH: The minister says, "Come on!" If it had been a notifiable offence, Mr Pratt would have been obliged to report it. On my understanding of the act, the finding of a discarded and used firework is not a notifiable act. The minister can stand up and tell us exactly where in the act—

Ms Gallagher: No, it's not.

MR SMYTH: The minister says, "No, it's not." The minister now says—

Ms Gallagher: But he should have.

MR SPEAKER: Conversations across the floor are disorderly. Just direct your comments through the chair and members will cease their interjections.

MR SMYTH: Mr Speaker, the minister just interjected—and I will take the interjection—that she now knows that he was not obliged to but that he should have done it anyway. Has Mr Hargreaves reported to WorkCover every illegal firework that he has heard go off in the Tuggeranong Valley? I think not. This double standard, this weak defence from the government, trying to defend the indefensible, is what we have seen through the debates this week.

Mr Pratt did the right thing. Mr Pratt notified parents in the community, to whom he is responsible, of what was going on in their area and what they should be aware may be lying around in their neighbourhood. Mr Pratt did the right thing by telling the community about the inactivity of this government over this issue despite the promises made by Mr Hargreaves in the lead-up to the last election.

Every year over the last five years we have considerably tightened the way the fireworks industry works and yet these incidents continue. Nobody wants to ban things. Banning things is something we should avoid until we get to the stage where, because there has been no response, it is the sensible and reasonable thing to do. And the sensible and reasonable thing for all members to do today would be to support this bill.

MRS DUNNE (11.38): We have had yet another backflip from Mr Hargreaves. As someone who has broken his leg, he is pretty athletic really. He has tried to defend the indefensible despite his own publicly stated views about fireworks. This debate has brought forward some very interesting concepts—apart from Mr Hargreaves' big word for the day, solipsism, which I think he has got wrong. My understanding of the word "solipsism" is that it is a belief that only the self is knowable, not that one is the source of all knowledge. So, Mr Hargreaves, you had better make sure that you have not misled the Assembly. Members of the government have been trying to defend the indefensible. Their track record on this is one of flip-flopping around and backflipping.

It is a strange sort of debate that we have had here today. The Democrats talked about a harm minimisation approach to fireworks, which made my mind reel and made my office wonder and speculate about whether a harm minimisation approach to fireworks meant that addicts could go to a safe exploding room to let off their roman candles! The quality of the debate in here in defence of the indefensible is very low. It is time that the members of this place took a good hard look at themselves and, in accord with the overwhelming views of the community, supported Mr Pratt's legislation.

MRS CROSS (11.39): I will not be supporting this bill. I have been fairly consistent on this matter since I was elected into this place. I instigated the referral of this matter to the committee, which looked into it and came up with what I thought was a very reasonable outcome: to regulate, and if the legislation needed amending so be it. I believe that that is

where things fell down. I am not into banning fun. I strongly feel that the government has a responsibility to regulate appropriately and then, most importantly, to enforce those regulations properly. Why ban fun? Why not enforce the regulations or, even more sensibly, improve them so that there are fewer problems?

Why have the seriously noisy fireworks been available for purchase? Why haven't the retailers been dealt with by the legal system if they have broken the law? Why didn't the government in its first year in office regulate this industry so that the very noisy fireworks were not available for sale? If it has, where are the enforcers? It should not be a question of good and bad. It should not be a question of whether we should ban fireworks altogether or not. This is a straightforward problem of a lack of reasonable regulation and a total lack of appropriate and efficient enforcement.

Prohibition does not work and never has. To ban something that many people find really enjoyable simply encourages the usual response to prohibition: a thriving black market. Then we would have totally unregulated fireworks over which we would have no control. We would not be able to control the quantity of explosive material at all and the flash powder, which is the really noisy part, would be whatever the retailers want. Let us remember that it is the bang that many young people want. They want a big bang for their buck and they will pay quite a bit for it.

If this bill is supported, it will mean that a small minority of people will once again manage to ruin the fun for others. There are two small groups of fun spoilers: the irresponsible retailers who sell illegal fireworks to anyone, and those people—usually younger people—who misuse fireworks in situations where they cause upset to others in the community. There are also the wowsers who generally think that if something is enjoyable for others it must be stopped. I do not doubt that there are people who have been inconvenienced or upset by the noise of fireworks. I do not doubt that there are animals who have suffered during the fireworks season. But this is for a short time in the year. With better enforcement of the regulations, these problems would be very minor.

We can all cite examples of use and misuse of fireworks. I know of underage teenagers who walked into fireworks shops and dealers when they were at EPIC and were able to purchase any type of firework without any questions being asked. I am talking about really big fireworks; fireworks that are in effect explosives. These are supposedly illegal. I know teenagers who have bought these each year over the past four years, without permits and without any questions asked about their age. These things are like bombs. In fact, this year, these over-the-top firework bungers were also sold as vermin eradication fireworks; they were sold for blowing up rabbit burrows. The teenagers were told that they were supposed to take them across the border into New South Wales and then they would be legal. This was all against the law. Where were the enforcement people then? Where are they now? Where were the legitimate charges against these retailers? Why has the government in its first year not been able to regulate this industry appropriately? I stress "the first year" because the government has a new minister and I have faith in this new minister to bring about effective change.

I am also wondering about the previous government. Why couldn't they get the regulations right? Why couldn't they get the enforcement right? There is a team of people on tap who are very able when it comes to drafting legislation. We have an excellent police force in this city. Let us get them together and resolve the fireworks

problem so that the majority of Canberrans can enjoy one week a year with the traditional activity of letting off fireworks that are pretty as well as those that make a noise. Let us just lower the noise factor. Do not tighten everything so that the wowsers win. Let people do things that are different, have different experiences and show their children things that they enjoyed as kids. With appropriate regulations and the enforcement of them, we can do this safely and take into account the disturbance factor.

As I stated earlier, I am encouraged by this minister, Katy Gallagher, who has approached this issue in a practical manner and is not into banning fun. I welcome the fact that she is not into prohibition. She and I know that prohibition is not as effective as proper regulation and enforcement. I am concerned, in this instance, that the opposition used Parliamentary Counsel's resources and time to draft this bill instead of discussing the minister's proposed bill, which was discussed in this chamber by the former minister last year and again by this minister earlier this year. I understand from the minister that the opposition did not discuss her proposed legislation or seek to negotiate any sort of compromise or middle ground—something for which the minister Mr Corbell was criticised yesterday on another matter.

Instead of—just to be contrary—wasting Parliamentary Counsel's resources in drafting another bill, it is important that we look at what has been tabled or is being worked on at the moment. The minister's intention to address the fireworks issue via the government's proposed legislation seems sensible at this stage. Although I have not seen the legislation in its entirety, my conversations with the minister lead me to feel that this will be handled sensibly.

This is fortunately not a conscience issue. However, the number of emails, letters and calls my office has received on this issue have been fairly equal. From my conversations with the community it seems that the majority of people do not have a problem with fireworks and certainly do not feel that a ban is the answer. Most of the people that I have spoken to in the community—all parts of the community, in addition to the multicultural community—believe that enforcement and better regulations are the way to go. Indeed, some people have commented that some people in this place have personalised this issue and used their position to enforce what is perhaps an unreasonable approach. Prohibition does not work; regulation and enforcement do. I am looking forward to working with the minister on the government's legislation.

MR PRATT (11.47), in reply: May I wrap up the debate, please, Mr Speaker?

MR SPEAKER: If you wish.

MR PRATT: Governments were originally established to listen to their constituents—the community—and to make efficient and effective change that would benefit the majority of the community. The Liberal opposition have listened to their constituents, who believe that the banning of shopgoods fireworks would benefit the majority of the community. The proposed legislation that we are debating here today is believed to be the efficient and effective change that is needed.

A barrage of complaints from the community has fallen upon successive governments regarding the disruption to the community and the acts of vandalism caused by fireworks. Some of these are legally sold and some illegally acquired. Over the past

months, I have run a petition calling for a ban on the retail sale of shopgoods fireworks, and the response has been tremendous. On the first weekend that I ran the petition in the city, approximately 220 signatures were collected over 2½ hours. This support was backed up by the number of calls, overwhelmingly in favour of the proposed ban, that were made to talkback programs on local radio stations. Emails to my office and to the offices of my colleagues have also been overwhelmingly in favour of a ban. Since then, my office has received many calls for copies of that petition. Signed copies are sent to me nearly every day, and last weekend, in a local shopping centre, people were still lining up to sign the petition. I understand that 721 signed petitions will be presented to this place later on today.

This support cannot be ignored by the Liberal opposition and the other members in the chamber here today. There has been a continual flow of complaints coming into my office about the illegal use of fireworks. This illegal use has resulted in reports of windows in people's houses being shaken and of small children, the elderly and pets being scared of the noise and vibrations made by fireworks. In addition, property damage is common and there have been some cases of injury, such as the recent incident at Tarago where five people were taken to hospital after setting off illegal fireworks around a campfire.

The reports of illegal use of fireworks continue throughout the year, with a minority of people causing dangerous situations for the rest of the community. For example, a constituent alerted me to the presence of roman candles on the Amaroo playing fields. This is the matter that the minister referred to earlier. The constituent was so concerned about the shells of the fireworks being left in the playing fields, with the possibility of children or animals discovering them, that they brought them into my office. Earlier this week, the fireworks shells were handed over to WorkCover, who confirmed that they were indeed illegal.

At the same time, there have been a significant number of complaints that the police have either not attended, or did not have the resources to attend, reports of acts of vandalism and other dangerous situations. A lot of constituents have said, with the exception of—

Mr Smyth: I raise a point of order, Mr Speaker. Mr Hargreaves just interjected, "Lucky you weren't charged," which of course is an imputation on the member, and I would ask that he withdraw that.

Mr Hargreaves: Mr Speaker, I am happy to withdraw that for those delicate people opposite—unreservedly.

MR SPEAKER: Thank you, Mr Hargreaves. Members will cease interjections.

MR PRATT: If Mr Hargreaves believes that I might have been charged, he hasn't got a clue about law.

MR SPEAKER: The interjection was out of order. Responding to it equally is unnecessary and a waste of your speaking time, I would suggest, Mr Pratt.

MR PRATT: A lot of constituents have said that, with the exception of loud illegal bangers, they have in the past always been willing to tolerate three or four days of crackers going off and were quite prepared to prepare their pets and small children accordingly. But in 2002 and 2003—and indeed in 2001—they felt that matters had gone way out of control. I seek from members an understanding of this, for this is the essence of the motive for this legislation: simply, enough is enough and there is no viable third way.

The current legislation does not allow the sale of bangers. But it is very noticeable that in the period that fireworks have been legally on sale there has been an increased use of bangers—and, indeed, louder bangers than in previous years. This indicates that the retail sale of shopgoods fireworks is a conduit for or encourages the illegal provision of trafficked fireworks, including powerful and dangerous bangers. It is apparent that some retailers are operating beyond the law by either directly selling fireworks or indirectly encouraging the illegal trafficking of such goods.

Informal feedback from individuals in the police, WorkCover and urban firefighters indicates warm support for the banning of the retail sale of shopgoods fireworks. I call upon my colleagues here today to heed their advice. The removal of the legal trade and market through the retail sale of shopgoods fireworks would at least significantly minimise illegal trafficking, reducing disruption to the community.

This proposed legislation is not designed to smother small business. Trade can still be undertaken to licensed pyrotechnicians and licensed community groups, as well as the continuation of wholesale trading of fireworks. This proposed legislation is also not designed to stop or minimise government-run and approved events that use fireworks. It ensures that the system cannot be abused by unlicensed groups running random activities and causing disruption, destruction and distress to the community.

This proposed legislation is supported by the Standing Committee on Legal Affairs report No 3 on the operation of the Dangerous Goods Act 1975 with particular reference to fireworks. This minister is wrong to say that the committee report would not be sympathetic with this legislation. The report called for a rewrite of the legislation on fireworks. This is what we have done. It also called for that rewrite to permit fireworks to be used on three occasions: for cultural events such as Chinese New Year, for public displays such as Skyfire and for pre-arranged and approved community events during the three-day June long weekend. This is also what we have done in the proposed legislation. The Standing Committee on Legal Affairs report made a total of 16 recommendations. Its recommendations aimed at putting in place a suitable regulatory regime to permit the ongoing enjoyment of community fireworks over the June long weekend but for the public not to be permitted to acquire and use fireworks at any other time of the year.

As an aside, and to illustrate the ridiculous set of affairs where commercialism obviates responsible and civic-minded behaviour, a number of constituents reported to me last week that advertising signs are back up, in all their glory, on the Hume Highway, well outside the traditional fireworks season.

With this proposed legislation we are seeking to tighten things up. Again I refer to the first recommendation of the report: that the Dangerous Goods Act 1975 be urgently

redrafted. This is exactly what the Liberal opposition has done, resulting in the proposed legislation that we debate here today.

I would like to refer to a couple of the comments that have been made in this debate. The minister claims that we have knee-jerk reacted about the long June weekend. But this is not about a series of activities simply around the long June weekend. It goes to the heart of disruptive activity that has occurred over many months either side of the June weekend. The minister has also foreshadowed her legislation and says that it will meet all the community's requirements, but I maintain that it will not. From what she has foreshadowed, the minister and the government are only tinkering around the edges of the problem. The Dangerous Goods Act is to be comprehensively redrafted. I am disappointed that the minister has not debated the substance of this legislation here today. She has simply wasted the time that she had by advertising the government's bill.

I do sympathise with the minister's position as there have been complications and complexities and, predictably, the usual court actions brought forward by commercial interests. But I do believe that this does not mask the government's failure to act. We know that we have a problem that needs to be reacted to, but we are not seeing action. The minister talks about the industry needing time to consider the new regulations. But haven't we given the industry something like five years to act responsibly? The minister talks about a crackdown, and I do welcome that. I do welcome the announcement by the minister that she has some ideas about how to crack down on the illegal trade in black market fireworks, and I look forward to monitoring that action.

The minister claims that the location and the reporting to the press of the roman candle fireworks at Amaroo playing fields was a political stunt. That is pretty damn weak, Minister. The reporting of the fireworks to the *Chronicle* was a genuine attempt by me to inform the community of the magnitude of this problem. The minister simply does not know her law. By law I was not obliged to immediately report this finding to WorkCover. As a shadow minister I have an obligation to the community to draw their attention to the failure of this government to act. The aim of this legislation is to safeguard the community. That is not a political stunt.

Ms Dundas complained that the banning of retail sales would be a draconian act. What is draconian is the behaviour of a minority of reckless people who use fireworks over three months around the June weekend and cause mayhem for little children and pets. That is what is draconian. What is draconian is the attack with bangers on elderly pedestrians. What is draconian is the treatment of good citizens by acts of vandalism—some of those acts quite dangerous by their nature.

I thank Mr Hargreaves for his amusing, flippant but totally useless contribution to this serious debate and I turn to a couple of comments made by Mrs Cross. Mrs Cross says that the good fun is only for a short period. Well, I stress again that we are not talking about a short period. In this case we are talking in 2003 about a period of three months of disruption; a period which grows annually. Indeed, we are not seeking to simply ban good fun. As with the banning of drink-driving, we are responsibly seeking to ban dangerous and irresponsible behaviour that seriously impairs and damages our community.

In summary: firstly, the Dangerous Goods Legislation Amendment Bill 2003 bans the retail sale of shopgoods fireworks in the ACT. Secondly, it gives in effect model rocket propellant devices the same status as fireworks. Thirdly, it introduces the definition of dangerous use of fireworks and model rocket propellant devices as "a way that is likely to endanger the health or safety of or cause distress or suffering to a person or animal or damage property". Fourthly, it restricts the use of all fireworks to certified pyrotechnicians and government approved community organisations. Fifthly, it permits community organisations restrictive use of fireworks only at the Queen's Birthday long weekend between 5.00 pm and 10.00 pm on prescribed nights. It also introduces stricter penalties for the illegal sale and use of fireworks. Finally, it ensures that the penalties are enforced.

Included in the bill are changes to the definition of "use" to put beyond doubt what "use" of a firework may mean and to extend its meaning to include the ignition of a firework that may not result in an explosion and the ignition of a model rocket propellant that may not result in the firing of the device. The bill will also include changes to the definition of "firework". It also substantially increases penalties in line with the Dangerous Goods Regulations. It consists of two new sections, 26F and 26G. *(Extension of time granted.)* Regulations have also been amended to require fireworks to be kept in an external magazine, except fireworks for public fireworks displays and exempt fireworks.

The Dangerous Goods Legislation Amendment Bill 2003 is a necessary step in the protection and wellbeing of the Canberra community. The foundation of the bill was laid by the Standing Committee on Legal Affairs report No 3, and I would like to remind Mr Hargreaves that he of course was a member of that committee. I am thankful for the supportive and constructive comments in this debate today by Ms Tucker and by my colleague Mr Stefaniak, who was also a member of that committee. I also thank Mr Smyth for his erudite and supportive comments for this wonderful initiative.

The bill is heavily supported by the Canberra community, evidenced by the petitions to ban the retail sale of shopgoods fireworks that will be tabled later today. I commend this bill to the Assembly. I also seek leave to table an explanatory statement.

Leave granted.

MR PRATT: I table the explanatory statement to the bill.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 5		Noes 8	
Mr Cornwell	Ms Tucker	Mr Berry	Ms Gallagher
Mr Pratt		Mr Corbell	Mr Hargreaves
Mr Smyth		Mrs Cross	Mr Quinlan
Mr Stefaniak		Ms Dundas	Mr Stanhope

Question so resolved in the negative.

2003-08 Australian health care agreement

MR HARGREAVES (12.07): I move:

That the Assembly:

(1) welcomes the major concessions won by the ACT Government in the negotiations toward the 2003-2008 Australian Health Care Agreements. In particular, the Assembly welcomes the agreement to:

(a) extend the Commonwealth's Outer Metropolitan GP incentives scheme to Belconnen, Gungahlin, Weston Creek, and Tuggeranong;

(b) declare the ACT as a district of workforce shortage for GP services;

(c) inject $5.5m in capital funding for the ACT's new sub and non-acute facility;

(d) fund 50 transitional aged care beds worth $1.8m per annum; and

(e) increase funding for after hours access to GPs;

(2) recognises that the 2003-2008 Australian Health Care Agreement does not meet the Territory's health funding needs and will see the ACT Government shouldering an increasing share of public hospital funding in the ACT;

(3) expresses dismay at the tactics of the Commonwealth Government that would have seen the people of the ACT suffer substantial financial penalties of approximately $58m had the ACT Government not signed the agreement;

(4) recognises the ongoing commitment of the ACT Government to reform the health system in the ACT.

Mr Speaker, late last month the ACT signed up to the 2003-08 Australian health care agreement. This agreement, which is a major Commonwealth, state and territory funding agreement for public hospital services, will deliver Commonwealth funding of $553 million over five years for ACT public hospitals.

I should clearly state from the outset that the Commonwealth's funding is not enough and it will result in the ACT government bearing an increased share of public hospital funding in the territory. There is nothing new about that, but people need to be aware of the extra burden that the ACT taxpayer is going to have to carry. During the negotiations, it became clear that the Commonwealth was not going to increase its offer and instead proposed to inflict substantial financial penalties of approximately $58 million on the ACT if it did not sign. This can only be characterised as outrageous bullyboy tactics from the Commonwealth.

However, in signing the agreement, the ACT government has won substantial concessions from the Commonwealth in the areas of general practice and aged care. The specific concessions won by the ACT government include the outer metropolitan GP incentives scheme, under which the Commonwealth has now agreed to extend its outer metropolitan GP incentives scheme to parts of Canberra: Belconnen, Gungahlin, Weston Creek and Tuggeranong.

This is crucial in recognising the GP shortage in the ACT. It means that GPs moving from inner metropolitan areas of state capitals will be eligible for up to $30,000 to help

them establish a practice in outer metropolitan areas of Canberra, as long as they agree to stay here for at least three years. Under this scheme, the ACT will also get more GP trainees, who will be able, after completion of their training, to practise as independent general practitioners in Canberra. The Commonwealth has also agreed to designate the ACT as a "district of workforce shortage for GP services". This will make it easier for established GPs to recruit doctors to fill vacancies in their practices by allowing them to recruit qualified but overseas trained doctors who would not previously have been able to practise as GPs in Canberra.

Members here have heard me speak about GP shortages in Tuggeranong in the past. I pay some compliment to Rosemary Lissimore, the chair of the Tuggeranong Community Council, for continually pushing the issue—and I say that quite sincerely. One of the difficulties the southern end of Tuggeranong has experienced has been that, if they found a doctor who was overseas trained, that person could not set up practice here. So what happened was that they were lost to interstate, to centres like Albury, Dubbo, Orange and places like that with the benefit of an outer metropolitan area status.

I am absolutely thrilled to pieces about the incentive scheme, knowing as I do the plight of the about 15,000 people in the Lanyon Valley part of Tuggeranong, a quite clearly defined catchment area with only one GP practice that has had closed books for five years. People there have had to travel quite extensive distances to see a doctor. I am hoping that these sorts of incentives will entice GPs down to that part of Tuggeranong.

I am particularly pleased that the minister was able to secure agreement from the Commonwealth to fund a new model of after-hours GP services. I understand that the new model will be developed with the ACT government, the ACT Division of General Practice and the Canberra After Hours Locum Medical Service, CALMS. Members would be aware that the ACT government has already shown its commitment to after-hours GP services in the ACT by providing $700,000 over two years to support the Canberra After Hours Locum Medical Service.

The Commonwealth has also agreed to use funding available under the health care agreement for the capital costs of the ACT's planned sub and non-acute facility, saving the ACT $5.5 million to invest elsewhere. This sub and non-acute facility will provide improved rehabilitation services and better care for older people who require hospital care for mental illness. Members in this place will recall the fondness I have for the rehabilitation services of the hospital. Any extra resources that can go to that I am sure will be appreciated. I am sure it will also be appreciated by a former chief minister of this place who is about to receive those services—and high-quality services they are too.

The final major concession that the minister won from the Commonwealth was funding for 50 approved but not yet operational nursing home beds to provide transitional care beds for people who are waiting in hospital for a nursing home place. Currently there is up to a two-year delay between nursing home places being approved by the Commonwealth and their coming on line. I imagine that that means that people are in a hospital bed for that period of time, and that is not only a supremely costly way of providing nursing home beds—even though they are regarded as nursing home-type patients, it is a mistake to believe that they are fully costed—but the most inappropriate place for somebody to spend their declining years. There is in a hospital, by definition, a thing called the "sick syndrome"; you are surrounded by sick people. Folks who should

be in nursing home beds in nursing homes ought not to be in hospital any longer than they need to be to be treated for their acute trauma. If there is a significant concession that the minister has won, this is it.

This agreement means that the ACT government can use this funding to allow people to be transferred from hospital to more appropriate care while they are waiting for a permanent nursing home place to become available. That is a significant concession and I hope that the shadow minister for aged care will take note of it—he has been squawking about these sorts of issues for some time—and will join me in congratulating the minister on achieving this. I look forward to hearing him congratulate the minister. Notwithstanding that there might be a little bit of self-interest involved, he ought to jump to his feet instantly and say, "Good on you, Minister." But I do not know whether I will live long enough to hear that.

The ACT government is keen to work with the other states and territories and the Commonwealth to reform the health system. The health reform agenda includes:

(1) GP services and emergency departments. There have been a number of successful trials of providing general practitioners in or near hospitals on weekends and after hours. These trials have helped reduce pressure on emergency departments while ensuring that patients get the services they need. This is an example of governments working together, and these trials should be extended.

(2) The public hospital system and the aged care system. A national shortage of residential aged care beds means that older people are being kept in acute care wards in public hospitals. The situation benefits neither old people nor public hospitals. Trials, including the multipurpose services, are a good example of the Commonwealth and the states working together, and we need to build on this.

(3) Coordination of patient care. A continuum of care needs to be provided for patients so that there is no disruption to the service they receive arising from movements between inpatient, general practice and community-based parts of the system.

(4) Elective surgery. A national elective surgery access strategy should be developed to provide surgery for those who have been waiting a long time for procedures such as total hip replacements and total knee replacements. I have received quite a number of representations from my constituents expressing quite a deal of frustration and dismay at the length of time it takes to get hip replacements and knee replacements, so I welcome that approach.

(5) E-health and the quality of care. The quality and transfer of health records for patients must be improved by taking advantage of new information and communication technologies. I can recall, in my time with Health, talking about having shared information on medical data. Privacy was certainly an issue then but, more importantly, technology was the problem. The transfer of information between general practitioners and community health centres was very difficult because of the technology. We now have the technology, so I believe we should be moving rather quickly on this.

(6) Workforce issues. Further reforms are needed to overcome the shortage of GPs, nurses and other health professionals and to obtain a better distribution of all categories

of health workers to ensure adequate coverage of rural and outer suburban areas. These sorts of practical proposals would make health service delivery more effective and efficient for both the Commonwealth and the states and territories. And, importantly, they would improve the services to the public. The current draft agreement tackles only the second of these issues, with the proposed Pathways Home program, the details of which need considerable work. Ideally, there should be programs to tackle each of these priorities.

(7) General practitioner access and affordability. These are issues of considerable concern to the ACT government, with decreasing access and affordability impacting heavily on ACT residents and, as a consequence, on other ACT health services. The government is very concerned about the undersupply of GPs in the territory. In 2001-02, the ACT had 65.5 full-time workload equivalent GPs per 100,000 population, compared with the national average of 84.9 per 100,000. That is 20 full-time workload equivalents less than the national average or 30 per cent less than the national average. The other jurisdictions have one-third more than we have. This level is lower than in many rural areas in Australia. This is the capital of the country, and we have fewer full-time work equivalent GPs per 100,000 people than in many rural areas in Australia.

The ACT also has the lowest level of bulk-billing and schedule fee observance of any Australian jurisdiction. Bulk-billing rates have been declining in the ACT since 1997-98, with the current rate of 51.2 per cent being the lowest since the early nineties and lower than the average for rural and remote areas. As GP services decline, pressures increase on emergency departments. Since 1998-99, the growth in attendances at ACT emergency departments of patients with less urgent conditions was approximately 15 per cent. This situation is unacceptable and must be urgently addressed by the Commonwealth.

The ACT government has proposed a number of policy alternatives that it believes would be of greater benefit to general practice in Canberra. These alternatives include an extension to the ACT of the incentives provided for practice nurses and allied health services currently only available to rural, remote and other outer metropolitan areas; GP remuneration models that address after-hours GP services; and models that reduce the compliance and administrative costs associated with participation by GPs in government programs, in particular the advanced primary care medical benefits schedule items.

In conclusion, health care is one of the most important issues for the people of Canberra. The Stanhope government has committed significant additional resources to our health system over the past few years. In combination with the concessions won by the government in the latest health care funding round, they will result in a better health outcome in the ACT.

I commend the motion to the Assembly.

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 12.22 pm to 2.30 pm.

Questions without notice
Tourism—funding

MR SMYTH: Mr Speaker, my question is for the minister for tourism. Minister, over the past four years ACT government appropriations for tourism have been $23 million in the 2000-01 year, $22.3 million in the 2001-02 year, $22.7 million in the 2002-03 year and $16.1 million in the current year. You are quoted in the *Canberra Times* of 14 September of this year as saying, in relation to government spending on tourism:

> This year the ACT Government is spending about $14 million, this is the highest it has ever been.

Minister, do you stand by your statement that tourism spending is the highest it has ever been?

MR QUINLAN: No.

MR SPEAKER: Is that it?

MR QUINLAN: I will, in the main, take the question on notice so that I can make sure I let the Assembly know what we are spending on tourism promotion as opposed to events and what was spent on events. Previously we did see a lot of money spent on events—

Mr Stanhope: Which ones?

MR QUINLAN: Car races. Don't think for a moment that the money is all officially listed against the car race, with total cost of the car race to the territory, because there are a lot of implied costs in having an event like that.

I am happy to provide the Assembly with some split-up of costs and expenditure over the last few years as to what was spent on the promotion of tourism and what was spent on events. I can't rattle figures off the top of my head.

MR SMYTH: Money for tourist events can be spent under a tourism appropriation. Minister, is it your outstanding qualifications that lead you to believe that $14 million is higher than the $16 million appropriated this year, the $22 million last year, the $22.3 million the year before or the $23 million the year before that?

MR QUINLAN: Still smarting from yesterday, are we? I did actually cast some aspersions upon the qualifications of the shadow Treasurer yesterday, Mr Speaker, and I don't resile from them. In fact, I do refer members to yesterday's notice paper, which contains a question on notice by the shadow Treasurer asking what is the difference between current and non-current investments. If you don't know what the difference between current and non-current in accounting terms is, Mr Shadow Treasurer—

Mrs Burke: Do you know?

MR QUINLAN: I have actually instructed my office this morning to go out and see if we can find a high-school accounting or bookkeeping text which I will be sending to you, with my compliments.

MR SPEAKER: Before we proceed, I would like to acknowledge the presence in the gallery of a former Speaker of the Assembly, Ms Roberta McRae. Welcome.

Mr Smyth: You haven't changed, Roberta. Much!

MR SPEAKER: The rules are still the same, though, Mr Smyth.

Business continuity planning

MRS CROSS: My question is to Mr Quinlan in his capacity as the minister responsible for business. Minister, recently researchers from the Macquarie Graduate School of Management carried out a survey of Commonwealth government agencies to determine the state of their business continuity management plans. The results of this research, by Professor Ernie Jordan and David Musson, show that few of the federal agencies have comprehensive and fully tested business continuity plans.

Business continuity planning provides a clearly defined and fully documented strategy, with an associated set of defined and tested procedures, designed to ensure the continuation of key business processes. These plans also ensure that those key processes can be resumed as soon as possible after disruption. The recent bushfires, the Bali bombings and so on show that there are real threats to our systems. Minister, is there a consolidated business continuity plan, also known as BCP, for the whole of the ACT government, and is there an operational, active business continuity management program within the whole of the ACT government?

MR QUINLAN: I would have to say that the short answer to that would be no. I was just wondering, Mrs Cross, whether the good professor is the author of the book that describes business continuity plans. I will take that on notice and I will let you know, at least for my own portfolio, exactly what plans are in place and what backups are in place to cope with various failures of automatic systems and the loss of information.

I think most people are now aware that, in the western world, something like 70 per cent of businesses that lose their data fail, no matter what. If they lose their information base, then 70 per cent of them go out backwards.

Mr Cornwell: Cripes, your government must be in trouble then.

MR QUINLAN: Very droll! You are very good, Mr Cornwell! I will let you know, in a general sense, what protections are in place.

MRS CROSS: I thank the minister for his answer. Minister, would you also advise me if the departments and agencies for which you have responsibility have a business continuity plan?

MR QUINLAN: Yes, sure.

MR SPEAKER: I would also like to acknowledge the presence in the gallery of the former member Mr David Lamont. Welcome, Mr Lamont.

Bushfires—fuel reduction program

MR HARGREAVES: My question is to the Minister for Environment. I understand that, in the wake of last January's fires, the government has committed to a comprehensive fuel reduction program, particularly in areas of nature parks that adjoin many of our city's suburbs. Can the minister outline the progress to date on the fuel reduction program and measures that the government has adopted to keep the community informed?

MR STANHOPE: I thank Mr Hargreaves for the question. It follows a question asked—

Mrs Dunne: I take a point of order, Mr Speaker. There is an unanswered question on this subject on the notice paper. I cannot give you the number off the top of my head, but I had a letter yesterday from the Chief Minister saying that he could not answer the question in the time allotted and asking whether I would give him time off for good behaviour, or something like that. I think that the question Mr Hargreaves has asked is roughly the same, except mine was more detailed, as the question I have on the notice paper.

MR SPEAKER: Please repeat your question, Mr Hargreaves.

Mr Hargreaves: I said:

> I understand that, in the wake of last January's fires, the government has committed to a comprehensive fuel reduction program, particularly in areas of nature parks that adjoin many of our city's suburbs. Can the minister outline the progress to date on the fuel reduction program and measures that the government has adopted to keep the community informed?

Mr Quinlan: Is that No 875?

Mrs Dunne: Yes. On the point of order, Mr Speaker: Mr Hargreaves asked, "What progress has there been to date?" In question No 875 that I have on the notice paper, I asked: how much has already been done in accordance with the bushfire fuel management program? As at question time yesterday, I had a letter from the Chief Minister saying that they could not answer it because it was too complex and they needed more time.

MR SPEAKER: Has that question been answered?

Mr Smyth: No.

MR SPEAKER: My attention has been directed to page 534 of *House of Representatives Practice*, under the heading "Question without notice similar to question on Notice Paper", which reads:

> It has been the general practice of the House that questions without notice which are substantially the same as questions already on the Notice Paper are not permissible.

I think you are right, Mrs Dunne: how much has already been done means about the same as what has been carried out to date. I hope everybody will find out the answer in due course. I rule the question out of order.

Ministerial code of conduct

MR CORNWELL: Mr Speaker, my question, through you, is to the Chief Minister. Mr Stanhope, in your ministerial statement on government commitments on 11 December 2001 you stated that "we will substantially complete the ministerial code of conduct … by March 2002". It is September 2003 and you still have not completed this code of conduct. I appreciate that it must be particularly difficult, if nigh well impossible, for your government but when will it finally be ready?

MR STANHOPE: I will take the question on notice, Mr Speaker.

MR CORNWELL: Mr Speaker, I ask a supplementary question and no doubt the Chief Minister will also take this on notice. Could I also ask why the code has taken you so long to develop?

MR STANHOPE: I will take that on notice, Mr Speaker.

Youth support workers in school initiative

MS TUCKER: My question is to the Minister for Education, Youth and Family Services and is in regard to youth support workers in high schools. As I understand it, these workers will have both a community development function and a caseload of individual students. I also understand that these workers, as employees of the department, will not be able to have an unequivocal brief to see the student as their primary client.

Research, including that in our own committee reports, consistently demonstrates the need for the student to be the primary client and for students to know that support is seen to be safe, non-authoritative, not connected to negative experiences of the school, confidential, removed from disciplinary processes, independent enough to allow the school to be challenged and for sensitive issues within schools to be raised, and able to advocate outside.

So why have you made the decision to make these new support workers employees of the school and therefore less independent, and how are you working with students at risk to determine the role of these workers?

MS GALLAGHER: I have not made any final decision on the model that is to be used with the youth support workers in school initiative. There is a working party and a reference group, which are currently meeting to talk through these issues. The reference group has quite a wide range of stakeholder interest on it, such as the Youth Coalition, AEU, P&C and an advocacy organisation outside the department to provide us with advice on the most appropriate model.

The decision regarding whether they should be employees of the school was drawn to my attention as being a concern of the community after the budget initiative was announced. Prior to that my view was—and still is; I have had discussions with the Youth Coalition and other community organisations about this—that the idea behind the youth support workers initiative was to provide support to the existing counselling services. It had arisen out of the review of the counselling services in schools that they were core functions of the school.

With my IR hat on, I had some problems with the outsourcing of those core functions. These were jobs that had been within the education department and should remain there. It is also important to know that the department currently employees about 70 youth workers across the portfolio, so it is not new territory for them in terms of providing those positions and those support services for young people.

In relation to the independence of youth workers, I have not made any final decision. I am certainly interested to hear back from the reference group about their ideas. I understand about the role of the young person as the primary client. I also understand the need for this initiative to work—the need for the model that has been implemented to have broad support. Otherwise, it will be a waste of time, and it is a positive initiative.

In my discussions with stakeholders, particularly from the community sector, I have given them the undertaking that we need to ensure that the model that is used in schools is acceptable, protects young people and encourages them to use this support in schools.

In relation to students at risk, the question was: how are we engaging them on the issue of how this could best be used? A couple of focus groups with students will be held, in addition to the reference group, about some ideas they have on how this initiative could work for them. Those are yet to be held. Once the model is agreed to, the idea is to have eight youth workers starting at the beginning of next year and going to the full 17 the year after and that the initial eight should be placed in schools with populations of disadvantaged young people at the moment. They should be given priority for those services next year.

We know that those schools are in receipt of a school equity fund and whether they have low enrolments but high proportions of disadvantage. Those schools have not been determined yet, but that is the idea about the location of the first eight.

MS TUCKER: Thank you for that answer. Can you also tell the Assembly what the caseload of the youth support workers will be in terms of their work with individual students? I am also interested to know whether an estimation has been made of the resource implications for the broader community sector as a result of referrals from these youth support workers.

MS GALLAGHER: I have been given a figure of up to 15 clients for the individual caseloads. When I saw that advice, I had some immediate questions about it. For example, if you are a youth worker in a school and quite a number—more than 15—of young people want to access you, how will you stop that? I will get back to you on whether that is an average estimation of a caseload.

I will get back to you also on the resource implications. The information I have been given is that, rather than an additional load on the community sector, it is more of a sharing load. The youth workers in schools will to be able to share some of the work that may normally have gone out to the community sector through the school counsellors.

Environmental flows

MRS DUNNE: Mr Speaker, my question is to the Minister for Environment, Mr Stanhope. Minister, recently the Council of Australian Governments expressed its concern about the Murray River having its environmental flow reduced to 25 per cent. What are the current environmental flows in the ACT and surrounds for the Cotter and Molonglo rivers?

MR STANHOPE: I will take the question on notice.

MRS DUNNE: Mr Speaker, I have a supplementary question. It is a bit difficult to ask this, but I will see how I go. Minister, given that you don't know, do you know what the long-term impacts are of reduced environmental flows of the Cotter and Molonglo rivers?

MR STANHOPE: They are not optimal.

COAG meeting

MR STEFANIAK: Mr Speaker, my question is also to the Chief Minister. I would imagine he should not have to take this one on notice. Chief Minister, when you walked out of the COAG meeting, there was an item on the agenda relating to abuse of indigenous children. The *Age* reports that the acting head of ATSIC, Lionel Quartermaine, criticised the walkout by state and territory leaders before COAG addressed this very important issue. I quote from the article. It says:

> It would only compound the tragedy of our communities if, yet again, governments became distracted and diverted from taking decisive leadership on issues, which are tearing our communities apart …

Why did you allow pressure to show solidarity with your Labor mates to distract and divert you from showing decisive leadership at the COAG meeting on this important issue which is tearing indigenous communities apart?

MR STANHOPE: Thank you, Mr Stefaniak; it is an important issue you raise. Fundamental to the decision or actions taken by members of COAG at that meeting was the Commonwealth's determination to cut the Commonwealth's contribution to health funding in Australia by $1 billion.

There are a whole range of very important issues which come from COAG. There are a whole range of very important issues facing all Australians. One, of course, is the health of all of us, including the health of indigenous Australians. The attitude and actions of the Commonwealth, in taking the steps it has taken in relation to health, are fundamental to the wellbeing of all of us.

There was that little issue, Mr Stefaniak, of the determination by your federal colleagues to reduce health funding by $1 billion over the term of the next Australian health care agreement. You might want to reflect on that. You might want to reflect on the effect or impact of a reduction of $1 billion in health funding by your Liberal Party colleagues—not just on indigenous people but on all of us. You might want to reflect on that, as well as on the other issues to which we need to respond.

I wonder what those public servant appointees of the Commonwealth are doing engaging in, essentially, a political stoush with heads of government from around Australia. I guess there is an issue there to be addressed as well. Talk about politicising the public service! Talk about unleashing your public servants to do your political dirty work when you know you are in strife in relation to your commitment to health and the health of all Australians!

Mr Smyth: Like appointing media advisers!

MR STANHOPE: I have not read the article the member refers to, but I would assume Mr Woodward, in his comments, did not take account of the fact that each of the Labor leaders had quite explicitly—

MR SPEAKER: Order! Mr Smyth, I have now called you to order twice, on the question of interjecting. I warn you.

MR STANHOPE: Thank you, Mr Speaker. As I say, I have not read the article but I assume that Mr Woodward, in his overtly and quite obviously political comments and interjection into this matter, did not refer to the fact that each of the Labor premiers, before abandoning that meeting—and abandoning it for good reason—had committed to the course of action recommended in the COAG papers in relation to each of the other items, including the item you raise.

Hence, it is simply not right to suggest that the meeting was abandoned without other agenda items being dealt with. They were dealt with and they were dealt with explicitly by each of the Labor leaders. The eight heads of government dealt with them, committed to them and publicly confirmed their commitment to each of the actions in relation to every other agenda item at COAG, including that in relation to the status and wellbeing of indigenous children, and issues around violence and domestic violence in indigenous communities.

It is interesting to see a member of the Liberal Party daring to stand in any parliament of Australia and raise issues around indigenous wellbeing and reconciliation. Have a think about your commitment to indigenous issues, reconciliation, and the damage you and your colleagues have done to that cause in this nation.

Mrs Dunne: I wish to raise two points of order, Mr Speaker. When will the Chief Minister be brought to book—that, when somebody stands in this place to make a point of order, he should stop speaking and sit down?

MR SPEAKER: Get on with your point of order.

Mrs Dunne: My original point of order is that the Chief Minister is in breach of 118 (a). He is debating the subject, rather than answering the question.

MR SPEAKER: He was asked questions about the indigenous community. That is his ministerial responsibility. I invite him to continue with his answer.

MR STANHOPE: Thank you, Mr Speaker. I will conclude by repeating the point I made. I am constantly surprised and, I guess, staggered whenever I see that anybody from the Liberal Party dares to stand in any parliament of Australia and upbraid the Labor Party on anything to do with indigenous issues, having regard to the absolutely appalling response by the Liberal Party to reconciliation and issues around indigenous welfare and wellbeing in Australia. It really is quite staggering.

Mr Cornwell: Mr Speaker, I wish to raise a point of order. The Chief Minister is now debating the matter. Sit down when I am on my feet with a point of order, please!

MR SPEAKER: Order! Resume your seat, please, Chief Minister. Mr Cornwell, I will be the one who invites people to sit down. What is your point of order?

Mr Cornwell: My point of order relates to standing order 118 (b)—that the Chief Minister is now debating the matter again, sir.

MR SPEAKER: The Chief Minister is addressing a question which was raised by Mr Stefaniak in relation to indigenous people. He now indicates that he has concluded.

MR STEFANIAK: Chief Minister, you mentioned a Mr Woodward. The article was actually by a Meaghan Shaw. The acting Aboriginal and Torres Strait Islander Commission chairman, Lionel Quartermaine, made the comments, not some public servant. He did urge all government leaders to ensure the issue was not obstructed by differences over issues such as health funding.

My question is: why, then, did you let down indigenous Australians by pulling a stunt at COAG?

MR STANHOPE: Mr Speaker, neither I nor any of my Labor colleagues let down indigenous people in any way by any action that we took at COAG. As I indicated before, each of the Labor leaders acted responsibly in relation to these issues. We considered them separate to matters in relation to health and the Murray Darling Basin. We committed to the actions outlined in the agenda papers in relation to each of the other items, including that relating to issues around violence within indigenous communities. Indeed, this is a most serious issue. Issues around continuing indigenous disadvantage are issues of continuing concern—I have said it often and I will say it again—and of continuing shame to Australia.

It is not the Labor Party that purports to adopt the black armband view of history in relation to indigenous affairs; it is you and you colleagues, Mr Stefaniak; it is the Liberal Party; it is the conservatives in Australia that refuse to say sorry. It is you, your Liberal colleagues and the conservatives in Australia that refuse to commit to reconciliation. It is you and your colleagues who refuse to acknowledge two centuries of disadvantage and

discrimination—it is absolutely. Your record in relation to these issues is simply disgraceful.

Mr Stefaniak: Why don't you sit down?

MR STANHOPE: You just asked me a question, Mr Stefaniak, and I am letting you know that your attitude and your response to issues around indigenous disadvantage, reconciliation and discrimination are simply outrageous. I and my Labor colleagues—

Mrs Dunne: On a point of order, Mr Speaker: again the Chief Minister is debating, not answering a question. He is out of order under 118 (b).

MR SPEAKER: Mrs Dunne, the question which was asked was political in nature and I think it invites a political response. I heard Mr Stefaniak asking the Chief Minister something about what was alleged to have been a political stunt. I think that sort of question deserves a political answer.

MR STANHOPE: I will conclude on the point, Mr Speaker, that I and my Labor leader colleagues dealt explicitly with each of these issues. We committed to the actions outlined in the agenda papers. We did certainly draw attention during that meeting to the Commonwealth's abandonment of the health, welfare and wellbeing of Australians by the reduction of funding to the states and territories by a billion dollars—a significant round figure; a billion dollars less funding over the next five years from the Commonwealth in relation to issues of primary health care of Australians. We did deal explicitly with each of the other agenda items and we committed to them.

Disabled people—employment

MS DUNDAS: My question is to the minister for disability. Minister Wood, I understand that, Australia wide, the number of public sector employees who identify as having a disability has dropped from 6 per cent to 3.6 per cent in the last 10 years. Has employment of people with a disability fallen in the ACT public sector?

MR WOOD: I cannot answer that in detail. It is a matter of concern to the government. At various times in recent years, I think when the Liberals were in government and more recently, we have argued quite non-politically when workers have been threatened. I know that recently some of the workers in DUS were likely to find their jobs reallocated and we argued strongly in their defence.

Certainly, in earlier years, Rosemary Follett had a very strong campaign to employ people with a disability. As to the current situation, I simply repeat that I do not know, but it is a good question and I will check the detail for you.

MS DUNDAS: I will look forward to that information if it is available—

MR SPEAKER: That is preamble, Ms Dundas. Come to the question.

MS DUNDAS: Thank you, Mr Speaker. Minister, can you inform the Assembly what programs are in place to encourage the recruitment and retention of people with a disability in the ACT public sector?

MR WOOD: There is a deal of information on that and I will get it to you.

Community fire units

MR PRATT: Mr Speaker, my question is to the Minister for Police and Emergency Services, Mr Bill Wood. Minister, how did you determine which eight suburbs in Canberra were chosen to have community fire units?

MR WOOD: I guess you should rephrase your question "how was it determined" because I did not determine it. It was determined by a process within the Emergency Services Bureau. I do not know the exact details of that process but I will find out for you.

I do know, as your question hints, that there are other suburbs that would like to have been part of it. I know that some of my colleagues have asked why wasn't this or that suburb part of it. It is pretty obvious that the suburbs that were selected were certainly those adjacent to bushland, to the Canberra Nature Park or on the urban fringe, and they are all logical selections.

It is certainly the case that quite a number of other suburbs could also logically have been included, and residents in some of them would have wished that that had been the case. But I do point out to you that this is a trial program; it is not the total program. We are running this to see how it goes. My expectation is that it will expand but let us wait and see. In the future, Mr Pratt, you could be confident that other suburbs that are logically needing that sort of protection will be attended to.

Housing tenants

MRS BURKE: My question is to the minister for housing, Mr Wood. Why is the government planning to sell off the homes of ACT Housing tenants in various streets in Yarralumla?

MR WOOD: There has been a long-running program of asset sales by ACT Housing. It goes back into history. I guess someone sitting up in the back knows about that. ACT Housing sells and acquires properties all the time. We look around the place. I am involved on occasions with properties in fairly desirable areas, so-called, that are beyond their useful life and are sold. We can buy other properties as a consequence.

I do not know the particular program in Yarralumla. I do know that, as a general rule, a property is not sold if the current tenant is very keen to remain in that property. When I was sitting where you are, Mrs Burke, I had approaches from a number of people in Yarralumla when it was suggested to them by ACT Housing that property might be sold. The outcome of that was that there was a hold put on it. People had lived there for 30 or 40 years. One lady had lived there for 50 years or thereabouts and it was accepted that, after a very long term of residence, that house would not be sold. If you want to come to me with details about property sales that perhaps people are concerned about, I will certainly pay attention to that.

MRS BURKE: I have a supplementary question, Mr Speaker. I thank the minister for the answer. Minister, why would you be applying subtle pressure on certain tenants of Novar Street to encourage them to move on, which we all know is code for booting them out?

MR WOOD: I think that you are prone to making fairly strong statements that you cannot support. It is unquestionably the practice—it was when I was sitting over there—that tenants have sometimes suggested that we can find them a nice new place. I know that in opposition I negotiated with tenants on a couple of occasions when a house was really beyond its economic life and it was hard to justify putting money into it and occupational health and safety issues came into it. I was able, working cooperatively with government, to say to people, "Here's a beaut place for you. Would you like to go there?"

I do not think that that is booting someone out; I really do not. I do not know the detail of what you are talking about; but, if it is suggested to someone that we cannot justify spending where they are and we can find them a very nice place in a pretty good circumstance, I think that that offer is a fair one to make. If the tenant absolutely does not want to accept that, I think that that is fair enough. But that is a little bit of the negotiation that goes on and I think that at that level it is reasonable.

I can remember a long way back in history—I do not know for certain that Mr Lamont was the minister at the time—when there was a property in Barton up for sale and the minister at the time intervened, saying, "Okay, it is run down and all that, but while these persons are alive, having lived there for most of their life, they will stay." That is pretty much the attitude that has persisted over a long time and is the situation today.

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

Supplementary answers to questions without notice

Bushfires—fuel reduction program

MR STANHOPE: Mr Speaker, I took a question on notice from Ms Tucker yesterday in relation to matters pertaining to Oakey Hill and I would like to provide the following response.

As members know, the disastrous ACT bushfires of January 2003 cost this community the deaths of four people, injuries to many others and a very heavy loss of private and public property. The event was unprecedented in the history of the ACT and, as a scale ranking, it is one of Australia's worst single day natural disasters.

In February 2003, in recognition of the urgent need to quickly understand the lessons of this terrible event, the government commissioned an inquiry into the preparation for, and operational response to, the bushfires. The report of the McLeod inquiry into the ACT bushfires made a number of important recommendations regarding future fire and land management practices for the non-urban areas of the ACT and measures to reduce the levels of bushfire threat in the future.

As I previously announced, Mr Speaker, the government's accepted the recommendations and is taking immediate steps to implement them. These actions are

designed to reduce fire risk to the community and to enhance our capacity to respond to similar emergencies. Recognising the need to act before the beginning of the 2003-2004 season, a program of accelerated fuel reduction works is under way across the ACT on government managed land with planning provided in the 2003-2004 budget.

An important feature of the program is the physical removal of trees and shrubs from areas of Canberra Nature Park, which constitute a higher fire danger because of their proximity to residential areas. This will create an effective fire management buffer zone behind residences and provide better access for fire fighting.

A report was commissioned and recently received on the treatment of fire damaged plantations from DSB Landscape Architects. This report, which I will table at the conclusion of this answer, as requested by Ms Tucker, finds that fire damaged blue gums are generally either dead or unlikely to fully recover. The plantations will present an escalating bushfire danger problem over the next few years. Based on this report and fire advice, the government accepts that the removal is the best course of action.

The report notes that the locally occurring species the plantations should be retained as they are likely to fully recover. The report provides advice on rehabilitation of areas from which significant numbers of trees are removed and which lack naturally occurring local species.

Advice was also sought from John Nicholson of Community Safety Services, who is providing input to the Urban Edge Review. This is the report that, once again, Ms Tucker referred to yesterday and which I will table at the conclusion of this answer.

The advice from Mr Nicholson focuses on the fire behaviour of blue gums in these locations, knowing that many have high ground fuel loads and suspended bark. This material has a high potential to convert to firebrands or embers. For the information of members, I will just quote from that part of Mr Nicholson's report on the blue gums at Oakey Hill. Mr Nicholson says this:

> I reiterate my expression of anxiety over the fuel load under many of the blue gums, given their close proximity to dwellings and strong likelihood that in the event of wildfire occurring in this area under the influence of strong wind from the relevant direction, heavy firebrand or ember attack on those dwellings should be expected. Also, high intensity fires burning under the "ribbon bark" eucalypts could be expected to ignite "ribbons" suspended up through the trees, thereby increasing the firebrand or ember load on the adjoining properties.
>
> Firebrand or ember attack into adjoining residential allotments is a cause for concern, given the poor standard of vegetation management, accumulation of combustible "rubbish" in many of those allotments and dilapidated timber boundary fences. Also, many of the dwellings and sheds are not constructed to withstand firebrand or ember attack. Fires caused by firebrands or embers landing in these allotments could probably start fires that would lead to the loss of dwellings.

That is the advice on which Environment ACT responded. While all fire fuel close to houses is being evaluated for the fire risk it poses, blue gums and pines are receiving particular attention because they are known to pose a higher threat than locally endemic trees such as the smooth bark gums. Where introduced trees are present but pose little

fire danger to assets, they may be retained. This is the case, for example, with some blue gums on Mount Taylor and Farrer Ridge.

The National Capital Authority has demonstrated a clear understanding of the objectives of the bushfire fuel reduction program, unlike the Liberal Party, and it has cooperated with us in this work by giving approval for the work being undertaken.

Mr Smyth: Point of order, Mr Speaker. The Chief Minister said he was quoting from a report. Is there reference to the Liberal Party in the report?

MR SPEAKER: That's not a point of order. Chief Minister.

MR STANHOPE: Mr Speaker, the most significant changes will be the removal of the blue gum plantations from Oakey Hill, and the removal of blue gum and pine plantations from O'Connor Ridge that are not endemic to the areas. Should there be any consequential adverse affect on the environment from these activities, such as erosion or weed invasion, appropriate measures will be taken.

To date, work has commenced or been undertaken at Black Mountain, Gossan Hill, O'Connor Ridge, Mount Ainslie, Mount Pleasant, Aranda bushland, Oakey Hill and Farrer Ridge. Further hazard reduction activities are planned for the Duntroon Dairy, Black Mountain, Cooleman Ridge, Red Hill, Percival Hill, Mount Taylor, Isaacs Ridge, Farrer Ridge and O'Connor Ridge. The accelerated fire fuel hazard reduction program is expected to be completed by February.

The work being undertaken Environment ACT on Oakey Hill and other parts of Canberra Nature Park complements that being undertaken by Canberra Urban Parks and Places on urban open space throughout the city. The fuel reduction work is one aspect of the many actions the government has put in train as a result of lessons learnt from January's fires. These actions will reduce our susceptibility to bushfire damage and enhance our capacity to fight bushfires.

Residences adjacent to areas of Canberra Nature Park on which tree removal work is proposed have been provided with notification of Environment ACT's intention and three media releases have been issued. Residences adjacent to Oakey Hill and O'Connor Ridge were invited to meetings in recognition of the significant landscape change that must result from tree removal in these areas. The meetings were for the provision of information rather than for consultation, as the position reached by Environment ACT, after taking relevant expert advice, is that the trees should be removed.

However, it has been made very clear that residents will be consulted on future landscape remediation works. This consultation is planned to commence post the forthcoming fire season and, as I indicated yesterday, and I reiterate, every tree removed as part of this process, will be replaced by two plants.

But I must say—and I will repeat it here now—that I stand by Environment ACT and their actions, acknowledging that issues around communication perhaps could have been enhanced and we have now responded to that. The government, however, will not sit on its hands when it is clear that some areas of our community face significant danger from bushfires, even though so much of the Territory was burnt last January.

I recognise, and I think we all recognise, that some of the changes resulting from the fuel reduction program will be painful for nearby residents. They are painful for me, and they will undoubtedly be painful for some residents, but I will not resile from my determination and the determination of my government to make the community safe. I will not.

In the face of the sorts of reports and the sorts of advice that I have just provided to members in relation to the view of John Nicholson—the expert engaged by the ACT; a person whose CV in relation to issues around forest and fires is unimpeachable—it seems to me there is no other response that we as a responsible government or community to make other than the one that we are making.

I'll repeat what Mr Nicholson says: "I reiterate my expression of anxiety over the fuel load under these blue gums" and the dangers, he goes on to say, of allowing those blue gums at Oakey Hill to remain in situ. The advice to my department, advice which they accept—and their advice to me is that I should accept it, and I do—is this is a risk and a danger that is simply untenable. I accept that, and I know it is painful and I know it is difficult, and it is certainly regrettable, but we have no option but to take the steps that we have taken and I will not resile from it. If the Liberal Party wants to make cheap political points out of our attempt to make the community safe then be it on your head.

Mr Pratt: Is the ground zero approach the only one?

MR SPEAKER: Order, Mr Pratt!

Personal explanations

MR STEFANIAK: I seek leave to make a personal explanation under standing order 46. The matter relates to question time, Mr Speaker. Mr Stanhope on several occasions queried the right of any Liberal to stand up—

MR SPEAKER: Order! Unless you are going to confine yourself to a personal statement—

MR STEFANIAK: I am, Mr Speaker. He queried my right to ask the question in relation to indigenous affairs, and implied that I and other members of my party had done nothing. I would just like to remind him very briefly, Mr Speaker—

MR SPEAKER: No, he did not. Order, Mr Stefaniak! I do not think that Mr Stanhope referred to you in particular at all and standing order 46 is particularly confined to matters of a personal nature. If you want to talk about the Liberal Party, seek some other means to do it under the standing orders.

MR STEFANIAK: All right, but he said "you", meaning me, and he also went on to talk about the Liberal Party generally. I will just confine myself to a personal explanation. I am not going to go into the litany of things that my party did, or even what I did, for indigenous communities while we were in government, Mr Stanhope. I will just mention a couple, though.

MR SPEAKER: You are just going to go into the things that concern you personally, Mr Stefaniak.

MR STEFANIAK: This does. I will just remind him of a couple that occurred while he was here. Mr Stanhope, these are just two things. I was responsible for increasing the number of indigenous workers in the department of education. I am not going to go through everything. I will just give you two examples to show how wrong you were. You might remember indigenous literacy rates—

Mr Stanhope: On a point of order, Mr Speaker: this is not a personal explanation.

MR SPEAKER: Mr Stefaniak, just resume your seat for a moment. If Mr Stanhope does not have a point of order, you may continue, Mr Stefaniak, but confine yourself to the personal, all right?

MR STEFANIAK: I am confining it to the personal.

MR SPEAKER: And do not joust across the chamber.

MR STEFANIAK: No, Mr Speaker, I just intend to make two points. I am not even going to make a speech about it, and I could. Mr Stanhope, just to give the second of the two examples I mentioned, you may recall indigenous—

MR SPEAKER: Direct your comments through me, Mr Stefaniak.

MR STEFANIAK: I am sorry, Mr Speaker—and you may recall, Mr Speaker, that indigenous literacy rates were, I think, 67 per cent about four years ago. The year after that, under my stewardship, they had risen to 88 per cent. I just give those two examples to refute the arrant nonsense the Chief Minister went on about—which I find personally insulting and I am sure other members of my party do as well—in relation to indigenous people.

MR SMYTH (Leader of the Opposition): Mr Speaker, I also seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Please proceed.

MR SMYTH: Last night, the Chief Minister said, during the MPI:

> Here we have it, in this amazing speech given by Mr Smyth at his conference, that 24 new inquiries are to be conducted by the Liberal Party over the next 10 months.

Mr Speaker, I have not initiated 24 inquiries at all. The Chief Minister is wrong. What we announced was that we would be delivering 24 action plans.

Answers to questions on notice

Question Nos 843 and 844

MR PRATT: I want to pursue two outstanding questions on notice, please, Mr Speaker.

Mr Wood, regarding question on notice 843 on the bushfire fuel management plan, which was due on 19 September, do you have an answer?

MR WOOD: Not yet.

MR PRATT: The second one is question on notice 844 about the ACT emergency management plan, which was also due on 19 September.

MR WOOD: Okay, we will get them to you as soon as we can.

Papers

Mr Stanhope presented the following papers:

> Bushfire hazard reduction—
>
> > Communications Strategy—Hazard Reduction in Canberra Nature Park.
> >
> > Letter from Community Safety Services Pty Ltd to Dr Maxine Cooper, Executive Director, Environment ACT, dated 18 September 2003.
> >
> > Fire Damaged Plantations—Cooleman Ridge, Oakey Hill, Mt Taylor & Farrer Ridge, prepared by DSB Landscape Architects for Environment ACT, dated August 2003.

Estimates 2003-2004 (No 2)—Select Committee
Response to questions on notice—publication of paper

Mr Speaker presented the following paper:

> Estimates 2003-2004 (No 2)—Select Committee—*Appropriation Bill 2003-2004 (No 2)*—Response to questions taken on notice from Ms Dundas.

MR CORBELL (Minister for Health and Minister for Planning) (3.21): Mr Speaker, I ask for leave to move a motion authorising the publication of this response to questions on notice.

Leave granted.

MR CORBELL: I move:

> That the Assembly authorises the publication of the response to questions taken on notice.

Question resolved in the affirmative.

Paper—out-of-order petition

Mr Corbell, pursuant to standing order 83A, presented the following paper:

> Petition which does not conform with the standing orders—Legislation to further restrict the sale and use of fireworks in the ACT—Mr Pratt (721 citizens).

2003-2008 Australian health care agreement

Debate resumed.

MR SMYTH (Leader of the Opposition) (3.22): Mr Speaker, I rise to speak to this motion with some mixed feelings. It is amusing to see the government putting congratulatory motions on the notice paper for private members day when the truth of it is that all Mr Corbell had to do was talk to the federal health minister, Senator Patterson, because the major concessions won by the government are actually things that exist in programs. There is no new major concession here. These are all programs that were always accessible to the ACT government if it bothered to talk to the minister.

We advised the minister on many occasions, "Go and talk to the minister. Negotiate with the minister"—"negotiate", of course, a word of which Mr Corbell is very shy. We advised him several times, "If you just talk to the woman, go and talk to the minister, minister to minister, you might actually get somewhere." So, after weeks and weeks of bluster, weeks and weeks of drawing lines in the sand that we would never cross, and saying that we would never sign the agreement because it was so bad, who caved in first? Simon Corbell.

Mr Hargreaves: You are in the lower levels now. You are not in the federal parliament any more.

MR SMYTH: Who signed up first? Mr Corbell. Who got some additional benefits for the people of the ACT?

Mr Quinlan: If he went when you told him to he would have come away with nothing.

MR SMYTH: He may have got more, Mr Quinlan.

Mr Quinlan: So he did very well.

MR SMYTH: He may have got more, Mr Quinlan.

Mr Quinlan: By doing exactly what you described.

MR SMYTH: Mr Quinlan, he may have got more. I would quote the example of the 1998 health care agreement which Minister Carnell, at that stage the minister for health, signed very early, thereby gaining some of the best concessions for the people of the ACT that were ever achieved.

In the first instance, you almost have to laugh at the nature of this motion. We said on the day, when it was announced that Mr Corbell had signed up to it, that we congratulated him. He got the extra $58 million that was on offer, and it is a very generous offer from the Commonwealth. You could have CPI or you could have CPI and a bit, and Mr Corbell very wisely got the extra $58 million for the people of the ACT.

In Mr Hargreaves' speech this morning, there was talk of it not being enough. My memory of it is that funding of public hospitals by states has dropped from 47 per cent to

43 per cent over the last couple of years, so it is interesting that Mr Hargreaves says, "It is not enough." It is probably not enough because, in this case, this government has been potentially the one making it not enough. The minister may wish to clarify that if he has some figures to hand about how those percentages work and whether or not there has been that drop.

It is interesting that, at the health summit several weeks ago now, Mr Carr said that it is actually what you do with the money, it is actually about spending it more wisely and getting more for the taxpayer. Mr Hargreaves made the point that, yes, the Stanhope government has put large amounts of extra money into health—that is true. However, the taxpayer has not received a visible benefit from it, except for longer waiting lists, which are coming down a trickle but, if you look at the trend, have been heading up significantly since first the Chief Minister, and now Mr Corbell, took control.

We urged Mr Corbell to speak to the federal minister and, when he did it, what he actually found was a minister quite willing to negotiate. What he was able to do was access existing programs, programs that, had he spoken to her earlier, he might have accessed much earlier. It is interesting that the things that he got funding for were all items on which the opposition had been pushing for him to perform better.

Let's go through the items. We have several promises on after-hours access to GPs and GP clinics. I can get the documents down again, but I do not think I need to remind the Labor Party of what its own platform says: look at the trial, see how to make it better, see how after-hours GP clinics in our hospitals were performing, and work out how to extend it to the outer reaches. Two years after they came into government, they have made no effort whatsoever, just obfuscated and balked at the very concept of putting into practise their own policies.

We think that the initiatives to which the local minister has signed up are good initiatives. We expect to see the sorts of outcomes that John Hunter Hospital, in Newcastle, was able to achieve in a cooperative effort with the Commonwealth. Yes, Bob Carr, Labor, New South Wales Premier, worked cooperatively with Senator Kay Patterson, Liberal federal health minister, to achieve better outcomes for taxpayers. They did this in the John Hunter Hospital in a very innovative trial that saw GPs providing services.

Those people who needed immediate care got that immediate care. However, the community got an even greater benefit, because what it did was allow for something like an additional 2,000 elective surgery operations to be carried out at the John Hunter Hospital. I look forward to seeing those sorts of results, through the negotiating skills of Mr Corbell, but also the generosity of the federal minister, who has allowed that to happen.

Mr Hargreaves kicked another own goal. Mr Hargreaves is very good at kicking own goals. He spoke about the two-year delay from the point of approval of aged care beds by the Commonwealth to their delivery into the sector. He called it coming online. That is a matter about which the Planning Minister—Mr Corbell, wearing his other hat—should be condemned, because it is the planning process that is stopping these beds coming online, as Mr Hargreaves called it. It is the planning minister and the planning process

that are stopping it and causing the two-year delay that Mr Hargreaves so eloquently pointed out.

My understanding is that, by the end of the year, it will be something akin to 300 beds that could be in operation for nursing home-type patients that are causing the bed block in the public hospital system. It is the planning minister who must stop sitting on his hands and actually make the planning system work, in this case to deliver for aged Canberrans and their families, so that we can then use acute beds for acute patients, not acute beds for nursing home patients. This would have a sixfold benefit in terms of cost to the efficiency of the health budget because, when those nursing home patients are in an acute bed, they are costing about $900 a day, when in fact they should be costing about $150 a day.

When Mr Hargreaves scored his own goal, he talked about people being in inappropriate locations and he is absolutely right. The minister has left them there—the former health minister, the Chief Minister, left them there for a year, and now Mr Corbell has for almost a year.

I wish to move two amendments and I might move the first amendment now. The first amendment omits the words "the major concessions won by" and replaces them with the words "the agreement reached by the Federal Government and". What it says there, you will find if you read it in context, is that the Assembly welcomes the agreement reached by the federal government and the ACT government in negotiations towards the 2003 to 2008 Australian health care agreements.

I move amendment No 1 circulated in my name, which reads:

> (1) Paragraph (1)—omit "the major concessions won by the" and substitute "the agreement reached by the Federal Government and".

The purpose of this amendment is to make the statement accurate. We are very pleased with what the minister has been able to negotiate with the federal minister. We have said that. We think that these extra concessions, on top of the $58 million that the ACT has received from the federal government, are worth welcoming. That would be the first amendment.

I will foreshadow the second amendment, Mr Speaker. The second amendment goes to paragraph (3). I believe we should omit the statement that says "expresses dismay at the tactics of the Commonwealth Government". Negotiation is an interesting thing that we carry on in government and often incentives are put before people. Indeed, if the negotiation had not occurred, we would not have got the "major concessions" that are touted by Mr Hargreaves in his speech. I do not think expressing dismay at the tactics adds anything to the nature of the motion. It is about negotiations.

The states and the territories are probably going to negotiate long and hard, every round, on every issue, whether it be about housing, disability or funding public hospitals. I think maybe what we should be doing is praising the federal government for the $58 million extra that we received. I notice that, following Mr Corbell's lead, once he had signed up to the agreement, all the states and territories, after demonstrating their fit of pique by

storming out of the COAG meeting on the day, signed up before the deadline so they too could get their extra funding from the federal government.

We will agree to an amended motion, if the amended motion gets up, simply because it is important to acknowledge the extra dividend that Mr Corbell has been able to negotiate, and to acknowledge the fact that that came from the federal minister for health. I note that Ms Tucker has some amendments as well and I think, in the course of time, the opposition will be agreeing with those.

Regarding this amendment, I think the aim of having a little bit more accuracy is worthy, which can be achieved by acknowledging that there were two contributors to the process. I commend my amendment and then the amended motion to the Assembly.

MR CORBELL (Minister for Health and Minister for Planning) (3.32): I welcome the motion from my colleague Mr Hargreaves and I welcome the fact that we are able to, in this place, debate the outcome of the Australian health care agreement process. It is very clear, Mr Speaker, that the approach the ACT government adopted was one which enabled us to get the Commonwealth government to shift its policy position.

Mr Smyth can present it any other way he likes, but the reality is that we got the Commonwealth government to shift its policy setting. Consecutive governments have made representations to the Commonwealth government at officer level and otherwise in an attempt to get it to change the application of these policies, and it simply has not. The ACT is a small fish, Canberra is a Labor Party town federally, and usually the federal government just does not care.

It is that simple: the Liberals do not care about Canberra in the bigger picture of things around the country. Mr Smyth can present it any other way he likes, but he knows that, of the two federal seats and two senators in the ACT, three of the four are Labor, and that the federal government, when it is a Liberal Party government, does not give a damn.

What was this government presented with when it had to negotiate? For once we had some leverage. We had some leverage because the federal government wanted someone to sign and they knew that perhaps we would be willing to sign if we got some shifts. We needed these shifts because, as Mr Hargreaves pointed out, we have one of the lowest levels of GPs per head of population in the country, 30 per cent below the national average. We have one of the lowest rates of bulk-billing of any metropolitan centre outside Darwin, and we have serious issues in relation to access to care for older Canberrans and access to GP services after hours.

The approach the government adopted was to say, "We need these issues addressed." I was saying that from day one. From the day I became health minister, I was saying, "We need these issues addressed." So, when the negotiation came about for the Australian health care agreement, I went to Senator Patterson and I said, "We need these addressed." I thank her for her cooperation, and I am very pleased to say that we were able to get those issues addressed. These are major changes on the part of the federal government. They are major changes because they were not previously looking at changing their policy.

For example, they classified all of Canberra as inner metropolitan, like Sydney and Melbourne, where there is 98 per cent bulk-billing and the number of doctors per capita is well above the national average. They were classifying us as inner metropolitan. They still classify Darwin as inner metropolitan and that is a disgrace because, in Darwin, the GP numbers and the bulk-billing rates are even worse than ours. It demonstrates that the approach the government adopted was to push the federal government to recognise these issues and to change the application of its policy on the district and workforce shortages of GPs. This policy was not applied previously to the ACT, even though our GP numbers are 30 per cent below the national average.

The change in that policy now means that the Commonwealth will assist with applications from ACT GPs to fill vacant positions in their practices in areas where there is shortage, so they will be able to recruit overseas-trained doctors who would not previously have been allowed to practise as GPs in Canberra. We have already had two doctors apply through that scheme. To get two new doctors coming into Canberra just in the last month or so is a win in itself. That is the significance of the shift and that is why we adopted the approach we did.

We adopted this approach because you have to have some negotiating power. If I had done what Mr Smyth had wanted me to do, then I would have capitulated early, I would have just signed up, and we would not have these results. You have to push the person you are negotiating with. That is what the states and territories were doing and, when it became clear that the Commonwealth was not prepared to shift at all, we took the steps we could take to get the best possible outcome for the ACT.

I have said to Senator Patterson, and I will say it again in this place, that the deal itself is inadequate. It is inadequate because, as Mr Stanhope said in question time today, it is a billion dollars less for public health nationally. That is the Liberals' legacy: a billion dollars less than they themselves predicted in their original forward estimates in the budget before last. It is a billion dollars less for public hospitals. It is a disastrous legacy that they are leaving for future governments to address.

The tactics of the federal government really were quite close to blackmail when it came to the Australia health care agreement, because it was either sign or get even less money. The options that states and territories had at the end of the day were get less money, or get even less money. Sign or do not sign, but either way you are going to end up with less money than the federal government itself originally predicted. It was a pretty unattractive option for any state or territory leader, or any state or territory health minister, because they know, we know and I know the pressure our system is under and what is needed to adequately resource it. To come up with a solution that delivers less money is not generous.

Mr Smyth comes into this place and says, "Oh, but they are going to index it by CPI." It will be indexed not by the health CPI, Mr Speaker, but by the general cost wage-indexed CPI. That CPI is less than the rate of growth in the cost of health services, so what the Commonwealth is actually delivering is less money. They are not asking us to do more with the same. They are asking us to do more with less, because the CPI is less than the rate of growth in the cost of delivering health services. In previous arrangements, at least there was an opportunity for an independent arbiter about what the CPI rate of growth

should be for health. The Commonwealth knocked that out in this agreement. It said the Commonwealth will decide what the CPI is. This is not a generous agreement.

The federal health minister, Senator Patterson, did not change one bit, one sentence, one full stop in the Australian health care agreement that the territory signed. We did not get any new money by signing it, but what we did get is a shift in the policies, as they were previously not applied to the ACT. The only reason we got that shift was that we played hardball, but we were also pragmatic. We did not do what Mr Smyth wanted us to do, which was roll over, play dead, be nice and just sign. We were pragmatic but we played hardball, and we got the outcomes that we felt were realistic and on which we could actually get the Commonwealth to agree.

What does this mean for the people of Canberra? What it means is that the outer metropolitan GP incentives are now applied to Belconnen, Gungahlin, Weston Creek and Tuggeranong. That means doctors from inner metropolitan areas in other cities now get a $30,000 relocation bonus if they bring their practices, or if they choose to relocate, to Gungahlin, Belconnen, Tuggeranong or Weston Creek. It is good result for those areas and we will be promoting that incentive hard.

We also got the declaration of the ACT as a district of workforce shortage for GP services. This means fast-tracking for overseas-trained doctors to come and work in an existing ACT practices to fill the gaps where there is a shortage of doctors. We have already seen two doctors take advantage of that in the past month.

We got $5.5 million from the Commonwealth's pathways home program to meet the cost of our new subacute facility—that is a significant change—and we got 50 transitional aged care beds. Those are important wins for the ACT.

MS DUNDAS (3.43): I will take the opportunity to actually speak to the substantive motion as well, so I only need to speak once to the many amendments that are here before us. I will be supporting the motion, but I will be supporting amendments circulated by Ms Tucker that water down the self-congratulatory note of this piece of private members business and allow us to get on with the greater issue of looking at health care in the ACT.

I am supportive of the measures that have been obtained during the negotiations, specifically including declaring the ACT a district of GP shortage and including Belconnen, Gungahlin, Weston Creek and Tuggeranong in the outer metropolitan GP incentive scheme. I believe that these measures that have been obtained through the federal health care agreement will go some way to alleviating the crippling shortage of GPs in Canberra and improving bulk-billing rates.

In March this year, the electorates of Fraser and Canberra had the third and sixth lowest rates of bulk-billing out of the 150 federal electorates across the country. This situation is nothing short of appalling and it is about time both the federal government and the ACT government did something to address the crisis. I understand that Minister Corbell believes that reaching this agreement is a step in that right direction. I do understand that he believes that some concessions have been won through the negotiations that will allow the ACT government to alleviate the situation that we are currently facing with the GP crisis.

He says that two doctors have now stepped forward to offer their services under this new regime. I hope that number will increase because it will take more than just two. We not only need to encourage more doctors to become residents of the ACT and provide their services here, but we also need to look at how we can manage the workload of those of our current doctors whose books are closed, who are not taking new patients and who are having problems with bulk-billing. We have to address the concerns of the doctors who are here.

I want to draw attention to the measures for increasing funding for after-hours access to GPs, because we know illnesses and accidents rarely happen between 9 and 5, Monday to Friday. It is very important that after-hours access is improved. This is particularly important to working parents who are sometimes put in the unfortunate situation of having to weigh up the cost of taking time off work to take their child to a doctor with the cost of seeing their child get sicker.

That is not just a question about GP shortage: it is a question about work and family and the demands that we are putting on parents and families. They face having to weigh up the loss of resources and money, because they are not at work, with the care of their child, and that is a situation that nobody should have to face.

Regarding after-hours access and how it will help the GPs currently, I would ask the government to be a bit more receptive to other ideas about addressing health problems. When ideas and suggestions are put forward to government about different concepts and ideas regarding health care, the government unfortunately seems to take a very dismissive attitude.

I have put forward a number of ideas to the minister that appear to have been dismissed out of hand without investigation, specifically an online doctors' website, which is an idea that has been implemented already in Victoria. It is running quite successfully in Victoria. Doctors can allow their patients to access them online.

This only applies to patients that the doctors have already seen and for whom the doctors already have a case history, and is only for minor ailments. However, it does free some of these doctors to deal with these cases simply, as opposed to doing sit-down consultations. It also means that people are not waiting in doctors' surgeries for what they know will be simple processes.

Maybe the idea will not work in the ACT and maybe it will but, instead of having the debate about it and investigate it, the minister just dismissed it. I think, if we are going to work as an Assembly and work as a democratic community, and try to come together to resolve the issues of our health care system, we need to be working together.

I do share the concerns raised in this motion and raised in debate today that the Commonwealth's offer simply was not good enough, and that the states and territories were effectively held to ransom over health funding. It meant the ACT and the other states and territory had to accept a second-rate deal which seems designed to weaken the public health sector. As it has demonstrated with its proposed changes to Medicare, the federal government seems determined to take us down the path of a user-pays health

system, something that sits very uncomfortably with the majority of Australians, and certainly the majority of Canberrans.

Health care should be a universal right and access to it should not be determined by the ability to pay. It is not as though the federal government is short of money when it comes to the health budget. If a private health insurance rebate was means tested or abolished altogether, more than $2.3 billion, around 5 per cent of the Commonwealth agreement, could be freed. The public health system would then be able to access those resources to help improve its services.

Regarding the amendments that are floating around before us, I am still waiting for a little bit more debate about Mr Smyth's initial amendment, but I do support both amendments put forward by Ms Tucker. I will not be supporting the second amendment put forward by Mr Smyth, as I think it is important that we do express our dismay at the Commonwealth government's tactics which would have seen the ACT people suffer substantial financial penalties.

In the area of health care, I think we do have to find a way of working better together. This is something that affects every Australian. The bullying negotiation tactics that have been used by governments in this area are quite disappointing, when really we should have the same core goal at heart and that is promoting a healthy Australia.

MS TUCKER (3.50): I will not be supporting this amendment of Mr Smyth's. I do see this as a rather self-congratulatory motion, but it is about a matter of great importance to the territory. I have to admit that I do not know all the details of the new agreement. I have not yet had time to have a briefing. I have not requested a briefing yet but I can certainly talk about the general issues.

I do believe that it is clear that, by signing up early, the ACT did get some benefits which it may not have, otherwise. Finally getting recognition of the extremely low bulk-billing rate and of the difficulty getting to see a doctor is a good thing, although it is appalling that it took this type of bribe to get that accepted. For that reason, I will not be supporting Mr Smyth's amendment.

I would also say that using the outer metropolitan model does not assist the inner city need. Apart from the specialist youth health service, there are no bulk-billing practices in the inner city. The only practice which was bulk-billing had to shut off that option last year in order to stay open. That is not to discount the problems of Tuggeranong, Belconnen and Gungahlin, but the model of inner city metro/outer suburbs is not a great match for the reality of Canberra's demography and problems.

The fundamental problem with the federal health system is that Medicare is no longer seen as the central means of delivering primary health care. Instead, the federal government has spent millions and millions on bribing people to take up private health insurance. The Medicare rebate, in real terms, is much, much less than it needs to be to allow general practitioners to run their practices, even on the basis of bulk-billing concession card holders. There are some means of treatment that are not available in the public health system.

I am not entirely happy to welcome the particular initiatives that make up parts of the agreement. The tiny incentives for particular programs are an administrative burden and they do not go to the heart of the problem. For example, in April this year, the AMA raised doubts about whether the bulk-billing incentive program would be enough to persuade significant numbers of doctors to provide bulk-billing again, and contested the federal health minister's assessment that the vast majority of doctors would be better off.

The Public Health Association's comment was:

> The title, "a fairer Medicare" for the changes being proposed to Medicare is nothing but misleading claptrap. The changes will destroy Medicare and the PHAA will continue to work with our colleagues in the National Medicare Alliance and others to do all we can to oppose those that will increase "co-payments" and/or create a two-tier health care system.

I am actually having a problem—do you mind speaking a little more quietly?

MR SPEAKER: Order!

MS TUCKER: It is just so loud. I normally do not mind whispers. Thanks.

This is because there is not enough of an increase to keep pace with doctors costs and, in the end, patients will have to cover it. Evidence given to the Senate yesterday by Victorian researchers showed that costs paid per doctor visit will have to go up 53 per cent, as I understand it, because the federal government has failed to increase Medicare payments across the board.

The increase would not be so great if the Medicare rebate were increased for all patients, not just for Commonwealth concession card holders. The incentive for outer metropolitan GPs to bulk-bill is an extra $2.95 per bulk-billed patient for holders of Commonwealth concession cards. Again, the problem included bribes for what should be basic improvements. If doctors signed up, then the federal government would provide nurses to assist in the practice. The ACT's nurse practitioner program may also help to augment the work of busy GP practices, but this is not set up as a bribe program.

It is difficult to welcome such initiatives. This means of working out funding between states is reprehensible. It can also lead to shortfalls later. Mr Stanhope said in a media release on 2 July this year that the ACT government had to come up with an extra $2 million for elective surgery at Calvary because:

> The Commonwealth's sweetener for the Carnell Government to sign up to the last Australian Health Care Agreement, the Critical and Urgent Treatment Scheme (CUTS), ran out last year leaving Calvary with a $2.7M funding shortfall.

Let's be clear on how much help this is going to give us. The areas listed in Mr Hargreaves' motion are areas of need: bulk-billing, access, workforce shortage, transitional aged care beds and after-hours access for GPs.

I think it has been clear for some time that the Commonwealth is not going to fund the ACT to the level that is needed to meet our health care needs. There are a number of

ways to deal with that. I have moved motions here calling on the government to address problems of GPs and bulk-billing, and after-hours bulk-billing access. I have suggested investigating, at the very least, re-establishing community health centres with salaried doctors and other complementary health care workers, to provide a diverse range of care.

Health care also requires attention to the things that support health, not just the absence of illness: safe, secure housing for one. I have proposed an amendment to the final paragraph of Mr Hargreaves' motion because I think it takes the wrong tone, the wrong approach. I do not know that we can recognise the ongoing commitment to reform the health care system and I do not know that that should be the goal. I think the goal is really to improve the health care system for the people who need it, not reform for reform's sake. Having said that, though, I do welcome the move away from the purchaser/provider model and other so-called reforms.

We are still, I believe, experiencing the effects of a reform process in the ACT alcohol and drug program of a number of years ago, which removed the duty counsellor drop-in system and the specialist education position, and seems to have precipitated what was reported, in consultations with the drug and alcohol task force, to be a very high turnover of skilled staff. These services are for some of the most vulnerable, and for people in very difficult circumstances. The work is not easy and that is why the management of the service is so critical—management for the clients.

Reform is necessary to improve the health system, in particular, in the area of embracing complaints, of shaping the services according to feedback. Improvements, which do not always means spending more money, have also been suggested by committee inquiries over the years for particular areas of need: the health of Aboriginal and Torres Strait Islander people, the health of school-age children and the status of women.

Suggestions include moving Winnunga Nimmityjah to better facilities immediately. Regarding mental health, we see continual talk about more community support, which is widely acknowledged as a need. Let's see it happen and let's see a capacity to respond to all calls for help. Let's see much more of the health care programs that help people to find balance and long-term, good-quality counselling, programs such as the Rainbow, which provide places to go every day. That will reduce critical needs.

Respite care affects the health of the person cared for and the carers very significantly. The recent report on needs in respite care identified the need for ongoing support to prevent the necessity for respite care in some situations. However, meanwhile, FaBRiC has had to cut 35 care places from its books and the health of the people concerned will suffer. This has to be seen as part of the health system too.

Attention to the issue of access to clean syringes and needles, based on the Assembly committee's report, is also relevant. This is not a priority list, just one that gives some examples.

While it is good that we finally have recognition of the GP shortages and bulk-billing access problems by the Commonwealth, there is much more work to be done.

Amendment negatived.

MS TUCKER (3.59): I move amendment No 1, circulated in my name, which reads:

> Paragraph (1), line 3, omit 'welcomes', substitute 'notes'.

This amendment deletes the word "welcomes" and replaces it with the word "notes". The last sentence of para (1) of Mr Hargreaves' motion will now read: "In particular, the Assembly notes the agreement to".

Amendment agreed to.

MR SMYTH (Leader of the Opposition) (4.00): I move the second amendment circulated in my name, which reads:

> (2) Paragraph (3), omit the paragraph.

Amendment negatived.

MS TUCKER (4.01): I move the second amendment circulated in my name, which reads:

> Omit paragraph (4), substitute
>
> 'encourages an ongoing commitment from the ACT Government to improve the health system for health consumers in the ACT'.

I have already spoken to this amendment.

Amendment agreed to.

MR HARGREAVES (4.02): I thank all members in the chamber for their support. It is remarkable that, as we all know, the health care system in the ACT is in need of a shake-up. The minister is doing what he can in that regard. I note the commitment of the opposition to such an important issue. At one stage, there was only one member there. As usual, there are at least twice as many people on the government side.

I am concerned at the opposition. Quite frankly, that is pathetic for an important issue such as this. Even the shadow minister was missing for a greater part of the debate. That shows the kind of commitment he has to his portfolio!

Mr Smyth said that all the minister had to do was go and talk to the woman. That is a patronising statement, to start with. Then he said, "You ought to go and talk to the minister." The minister did exactly that. He negotiated with the federal minister and came away with major concessions to the agreement, as put down by the bully-boy tactics of the federal government.

The Minister for Health has gone in to bat for the people of the ACT and has delivered major concessions. I am grateful that this minister has delivered for the people of the Tuggeranong Valley. I would have thought that the members for Brindabella, the members for Ginninderra and the members committed to Gungahlin would have stood up in this place and said, "Thank God this minister has the concerns of our people as

a high priority in his mind." On behalf of the people of Tuggeranong Valley, Brindabella electorate, I say thanks very much to the minister for a brilliant piece of work.

Motion, as amended, agreed to.

Safety of young people

MRS CROSS (4.04): I move:

> That this Assembly calls on the Government to introduce a trial, similar to the 'out of harm's way agreement' trial currently being implemented by Warringah Council, New South Wales, that increases the safety of young people through strengthening the relationship between young people and their parents or guardians.

The out of harm's way agreement operates with the support of the northern beaches police. The agreement is a positive initiative, designed to make alcohol and substance use by younger people safer, through strengthening the parent/child relationship. In essence, parents and younger people sign an agreement setting out their responsibilities. This agreement is not enforced as such, but is kept and discussed within the family. It is a simple method of highlighting the great importance of communication between parents and their children.

Parents agree to be there for their child, or their child's friends. They agree that they can be contacted at any time, and they agree to organise transport home or to a safe place for their child and their child's friends. Further, and probably most importantly, the parents promise to discuss any issue in an open manner, without showing signs of anger or disappointment. Instead, the issues will be dealt with at a later time.

This is extremely important because it helps the young person feel less threatened and freer to discuss any issues troubling them. The importance of having a family dynamic like this, rather than a situation where a child is punished without defence, or discussion of the real issue, is immeasurable.

Young people must also agree to discuss an issue in an open manner, at a time that suits both parties They also agree to reach out for help if they or their friends need it; to not abandon any of their friends; to not leave their friends alone while intoxicated or under the influence of drugs; to seek medical assistance if required; to not drive while intoxicated, or get into a vehicle where the driver is intoxicated; and to contact their parents or guardian if there is a major change in plan.

This openness is extremely important. It eradicates the gap that exists between what parents think their children are doing and what their children are actually doing. In essence, it eradicates fear. Parents live in perennial fear for the safety of their child, especially when they do not know what they are doing or where they are. Conversely, young people live in fear of being punished for taking part in activities like underage drinking. A program such as this eradicates, or at least reduces, these fears.

Young people push the limits, and they always will. They will try new things and experiment with life. They take risks. There is nothing new about these phenomena—they are simply facts of life. Punishing the child is not going to stop them.

This is what being young is about. It is the only time you are allowed to get away with testing things to this extent—aside from what we do in this chamber. Doing stupid things when you are young is just a part of life. I am sure most people sitting in this Assembly today can relay at least one story of drunken stupidity when they were young. Luckily for most of us, these incidents occurred a long time ago.

MR SPEAKER: Speak for yourself!

MRS CROSS: Yes, Mr Speaker. Rather than aiming to stop young people from pushing the limits and testing things, we must make it safer for them to do so—and make the choices about those activities better educated decisions. There is no reflection on you, Mr Speaker.

I am not advocating giving teenagers alcohol or introducing teenage drinking rooms, as advocated at a recent alcohol forum, or even reducing the legal age limit for alcohol consumption—I am merely being realistic. In my attempt to be realistic, I am assuming your advice to me is that you have never had alcohol in your life, to any increasing degree!

Trying to stop all young people from experimenting with alcohol and drugs is impossible. Regardless of the rules which are in place, young people are going to try new things. We all know prohibition does not work, and we must accept that.

There are various education programs in place to make sure that as much information as possible is available to young people. We also need to make sure that, if young people so choose, they experiment in safe environments and at least with the knowledge that their parents are there for them if they get into strife.

The safest environment for young persons to experiment is an environment where they feel they can speak openly and freely with their parents about alcohol and drug-related issues. Further, children need to be able to feel that they can contact their parents for help at any time. They can do this only if they do not fear punishment.

If young people feel they will be punished because they are drunk or under the influence of drugs, they will not call their parents. They will be secretive about their movements and take part in dangerous activities—and to dangerous extents. It must be realised that, in most cases, the dangers of alcohol use are not necessarily the alcohol or drug use itself, but where the alcohol is consumed and the behaviour of the young person when under the influence.

I am in no way discounting the dangers of underage alcohol abuse, especially when it is noted that one in five people aged 12 to 20 are considered to be binge drinkers, and that 40 per cent of people aged 16 to 24 drink at levels which place them at risk of short-term harm. I realise that the largest social problems are young people drinking in alleyways or at the parties of strangers; young people drink-driving; young people drinking alone and getting sick—and young people drinking and provoking violence.

These are very real social issues and social problems—not only for young persons and their parents, but for society as a whole. When a young person gets drunk, drives a car

and a crash occurs, it severely impacts on the life of that person and on the lives of his or her family members. It also impacts on the families of other people involved. When a person steals a car and crashes into a young family taking an evening stroll, there is a much wider impact.

It is a problem when a young person gets drunk and gets into a fight with another young person who has been drinking, but that is a problem for those two people. A wider social problem is created when a person gets hold of a weapon, goes to a party to cause trouble among a group of young people who are drinking responsibly, and uses that weapon on a number of other people.

If there were more open communication lines between these young people and their parents, perhaps the first young person would have called his parents and asked for a lift, instead of trying to drive home. Perhaps the group of young people would have had their party at one of their homes, where their parents could have helped.

I am not saying that more open communication will completely stop this behaviour, but it will reduce it. So far, with the trial being in place less than a year, the results in Warringah have been positive. Whilst they are difficult to quantify and evaluate, Warringah's community safety officer suggests all respondents have been grateful for the introduction of such an initiative. This is clearly a result of the program being tailor-made to suit both young persons and parents.

Before the program was introduced, a trial was conducted at a local high school, involving 110 students and parents. Ninety-five per cent of the people involved thought it was a good idea, with most contributing ideas on how it could be improved. This program was a positive response to an ongoing problem of alcohol-related incidents among young persons on the north shore.

Whilst it is easy to wax lyrical about such an innovative yet simple program, I can hear the government perhaps saying, "How do you plan to pay for this?" It is not expensive. The only cost is that of public education, which the government should be undertaking anyway.

To demonstrate how cheap such a program is, I shall look at the history of funding for the program in Warringah. Originally, Warringah Council applied for funding through the NRMA. That application was rejected. As it was deemed to be necessary, Warringah Council went ahead with the program, running it on the smell of an oily rag. Since then, the largest cost—printing—has been covered by the internal printing budget. The only other real expense has been the production of about 30 CDs, at a cost of $400.

As you can see, Warringah Council has run this wonderful initiative on virtually no budget at all. Surely the ACT government can find room in its budget to fund such a simple and cheap, yet undeniably effective, program. This is a magnificent project and Warringah Council should be applauded—especially their community safety officer, Tryphena McShane, who initiated the program.

This is such a good program—and one that is simple and relatively cheap—that the government should look at introducing it in the ACT. I encourage members to support this motion, and to call on the government to introduce such a program.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (4.14): I will speak to the substantive motion and seek leave to move the two amendments circulated in my name.

Leave granted.

MS GALLAGHER: I move the amendments which read as follows:

(1) delete the words "introduce a trial, similar to" and replace with "refer the";

(2) add the words after the word guardians "to the Ministers Youth Council for advice and report back to the Assembly, with a view to introducing a similar trial in the ACT".

I seek leave to amend the first amendment.

Leave granted.

MS GALLAGHER: The word "the" is added after the word "to". The first amendment now reads:

(1) delete the words "introduce a trial, similar to the" and replace with "refer the";

MS GALLAGHER: I thank Mrs Cross for bringing this interesting idea to the Assembly's attention. On the amendments I have circulated, as to looking at the idea of a trial project similar to the out of harm's way agreement, there is a caveat that we would seek the advice of the minister's youth council and report back to the Assembly, prior to agreeing to a trial of this proposal.

That is in line with the government's commitment to consult with young people on youth policy matters, as they affect them in the ACT. We have quite a targeted program under Youth InterACT, whereby we consult with young people and encourage them to participate in initiatives affecting them. The goal of Youth InterACT is to encourage more young people to get involved in the community and in government. This seems like an excellent idea to refer to the minister's youth council.

The minister's youth council provides advice to me on a number of matters. They have already established nine portfolio groups, which address several of the issues raised by Mrs Cross. Those nine portfolio groups are health and wellbeing, alcohol and other drugs, education, employment and training, entertainment and recreation, legal, justice and safety, housing, transport, and environment.

The council is supported by the youth services branch of the Department of Education, Youth and Family Services. The youth services branch works to implement the government's four youth policy themes—participation, access, transitions and support.

Last weekend, I opened the second Youth InterACT conference called "Kapow! empowering young people". At the launch of Kapow, I was able to announce the establishment of new Youth InterACT grants and scholarships totalling $25,000. These

new grants and scholarships are designed for young people to apply for small sums of money to look at research and proposals which facilitate and support young people's involvement in youth policy development.

We are also expanding the Young Canberra Citizen of the Year award to include two new categories which acknowledge a group achievement. That followed from a group of young men this year getting special recognition for the work they did around the bushfires. We have decided to keep that award going—and an encouragement award for young people under the age of 18.

The government is committed to working with young people to develop our youth policy and achieve positive outcomes. That is why I am happy to consider Mrs Cross's motion—as long as we take advice from young people themselves. The avenue I obtain a lot of advice from is the minister's youth council. The government is happy to support the motion, with the amendments I have circulated.

MS DUNDAS (4.19): I am speaking to both the amendment and the substantive motion. I thank Mrs Cross for bringing this debate in front of the Assembly today. I think the amendments moved by Ms Gallagher are important. We must ensure that we are speaking with young people about how they think this should work and how it should be applied.

When researching this, I was struck by the similarity to a program that I participated in when I was at high school here in the ACT. A contract was developed by a community organisation. It was discussed between us and our parents as to what would happen if we were using drugs and alcohol; that they would collect us if something was going wrong; that we would have a discussion about the issue the next day; and that we would deal with the important focus of keeping everybody safe, at that point in time.

I was interested to see this motion on the notice paper. I thought this was already happening in ACT schools, but it appears that the schools were running it on a case-by-case basis. The schools which had found out about the program, and wanted to run it, were introducing it into their curricula.

It was not necessarily being done in a well-coordinated way, so there was no research being done on it. That is why we are talking about a trial here today. The ACT government can monitor how that is going and have it working in all ACT schools. I know the program worked in certain instances. I clearly remember a situation where one of my friends made a call for their parents to come out and help, and it worked.

This is a program which has merit. It is about encouraging young people to talk with their parents and guardians. I admit it does not work for all, so it should not be compulsory. Nevertheless, I know, from personal experience, that it can make a difference. Being a young person is not easy—and neither is being a parent of a young person. Quite often, there are difficulties in communicating about going out, attending parties, drinking and drugs.

If young people are continually getting into trouble for doing these kinds of things, they will simply stop telling their parents that they are doing them. That means that these

things become more dangerous; parents are less aware of what is going on; and there are situations where people are at greater risk of harm.

We need to recognise that young people want to grow up in their own way. They want to experience life in their own way and try things out. Simply telling them that something is bad is not going to make them stop. Encouraging them and supporting them to do things in a safe way is the most sensible thing we can do. An agreement such as we are discussing today will encourage communication and may help people to lead safer and more aware lives.

As I said, I am supportive of the amendment from the minister, so this can be referred to the minister's youth council. Advice can be obtained from young people and brought back to the Assembly. As to the processes of this Assembly, I am quite interested to note the fact that it will now be on the books that we have referred something to a ministerial advisory council. I believe this is a good initiative, and I would like to see how it works. I know that those councils are set up to advise the minister, not the Assembly. I want to see how we can improve communications with the different networks of experts out there.

The experts about being young people are young people themselves. It is good that the ministry is allowing us to access the youth council in this instance. I will be interested to see how that goes. I hope the young people on the council will be able to provide us with some interesting advice from their experiences—and how they are dealing with communication with their parents, as well as the idea of what is being discussed—that is what happens when they go for a good night out.

As I said earlier, I am supportive of the substantive amendment. I think it is important that we are discussing how young people are experiencing their world, and how we can make that experience a safer one.

MR PRATT (4.24): I rise to support Mrs Cross's motion—I think it is a winner. The safety of young people is of paramount concern to the community. Society is faced with commercial, trend and other social pressures, which have certainly added pressure to family life. There is cultural freedom, which we now take for granted. I sometimes wonder whether our sense of responsibility for individual actions is declining, but these are the circumstances in which families now live.

Parents are under a lot of pressure. Where both parents are working, we do not always have the same parent-child contact that society enjoyed in the past. Hence, it is very important that, when our children go out to enjoy themselves—when we, as families, allow our children to go into town, or wherever—which they should be able to do, they can do so safely. Against that sort of background, we are faced with a challenge to ensure our kids are able to exercise the freedoms that all children should have. All kids should grow up feeling carefree—and they should be able to do so safely.

As an aside, I was looking at how we might improve our network of youth centres in the ACT. I certainly echo Mrs Cross's comment earlier—that we need to destroy the ridiculously irresponsible concept of safe drinking rooms, and all other forms of irresponsible infrastructure.

For whatever reason, our youth centres are not necessarily so attractive. We need to find out why that is the case and do something about it. I will have a lot more to say on the subject of viable, attractive and safe youth centres a little later. Mrs Cross's Warringah Council plan looks pretty attractive to me. I think she has hit on a winner. As my son would say, "It looks pretty cool." In fact, I cannot wait to enter into a contract with my son. It will be a marvellous occasion!

As to Ms Gallagher's amendment, I am attracted to that if, by that amendment, she is simply saying that perhaps we should look at the Warringah trial, learn from it and, if we like it, then simply adopt it. The idea of learning from other people's trials, rather than running yet another trial, is attractive. We run a lot of trials, and we do not need any more. Let us have a look at that. So I commend the motion put forward by Mrs Cross. I believe this is a positive initiative for making our environment a safer place for our kids. To that end, I support the motion.

MS TUCKER (4.28): Mrs Cross's motion looks at the way young people and their families communicate about alcohol and drugs. It is about developing an agreement within the family about how they will deal with difficult situations when they arise. The Greens support harm reduction methods, when dealing with drugs and alcohol in the community. From my reading of the out of harm's way agreement, this program takes steps to achieve this. For that reason, I am supportive of the program.

This motion is particularly interesting, in the context of the federal Standing Committee on Family and Community Affairs report into the inquiry into substance abuse in Australian communities, which supports a zero tolerance/harm prevention approach to drug use—harm prevention, as against harm reduction or harm minimisation.

This approach, which is the current federal government's approach, has failed to stop the wave of drug-related crime sweeping through Australian communities. The recommendations from this report ignore the bulk of international and Australian research and evidence now available. It concerns me deeply that the zero tolerance approach is the best a federal committee can come up with.

However, the out of harm's way scheme seems to take a number of steps to create lines of communication between parents and young people about difficult issues, encouraging young people and parents to consider situations which may arise when drugs and alcohol are involved, and to make the effort to create some kind of plan when this occurs.

I support these ideals. Nevertheless, in a discussion like this, it is important to not generalise about all kids. I was at a forum last week where that statement was made. A young person was quite offended by it and said, "I don't take drugs and I don't drink too much. Don't generalise!"

There are situations where some kids can get into trouble, but it is important to acknowledge that the out of harm's way agreement may not be suitable for all families. In many families, discussion about drugs and alcohol is extremely difficult, and barriers preventing consideration of these issues are very strong. I do not know that this will work for some of those families.

To pick up on something Mr Pratt said—he was suggesting that this is a real issue because, in many families, both parents are working—my understanding of the issue is that you can have dysfunctional communication in a dysfunctional family where neither parent is working, or where one parent is working and the other is not. It can be a cultural issue as well, where children are seen and not heard.

That is definitely a cultural issue with a number of ethnicities in Canberra. Recently, I have been working on Pacific youth. The culture there is very much about children listening and never speaking. Babies are held with their backs against the mother or father. The idea is that the child is always listening.

There are many issues which need to be taken into account when looking at this sort of question. It is much more complicated than whether or not parents work. That is a worrying statement.

The other issue is that many families will not need a contract at all, because they already have good communication. This is just one option, which I support, to stimulate discussion in families where communication is difficult. I think it is useful.

I refer to the part of the agreement which says that they agree to organise a form of transport—for example, come and collect you myself, send a taxi to pick you up, pay for a taxi, or provide a phone card—to get the child and/or their friends home, or to a safe place. That could be simply unworkable for some families, because it requires a family to have a car, or money to pay for a taxi. That is not a reality for a serious number of families in Canberra, particularly single parents who are on benefits, who are living on a couple of hundred dollars a week, if they are lucky.

It must be acknowledged that those issues are going to cause restrictions. That is an argument for having adequate night bus systems and so on where, if kids cannot find that sort of support from home, they can catch a bus. It is an interesting idea, but having this clause makes it a bit restrictive.

If a family does have a problem because of limited finances, that does not mean there is not a capacity for a conversation to occur, where a plan is made. Okay, the mum is not going to be able to pay for a taxi, or she does not have a car. Nevertheless, there could be a plan negotiated, as to what happens if the young person finds themselves in a dangerous situation. There is certainly room to move on that.

Mrs Cross said that this type of contract removes the fear of consequences from an angry parent. However, in the contract I have seen, that is only the case for the immediate circumstance. They are saying, "We will delay the discussion until later." I know that some kids would say, "Oh, right. I don't get yelled at on the night, but I'll be grounded next week, when we have an open and calm discussion!" So the consequences could still be there. That is an important point as well, as far as the effectiveness of this is concerned. Good faith will be needed.

I think it is really important that these sorts of ideas are given to kids to evaluate. From the web page, we obtained documentation on Warringah and the evaluation. Although

you said that 95 per cent of the kids thought it was a good idea, quite a few of them seemed to think it would not work for them.

Mrs Cross: Did you get those statistics from the council?

MS TUCKER: Yes, off the web page—so it is from the council. An evaluation occurred there. I am interested to know how that has been used to inform what you are proposing and, if the evaluation was made by the kids, whether perhaps it has not translated into a different contract, or another contract.

That is why it is really important that, with any of these ideas, you talk to the young people, to see what the issues are for them so you can elaborate, change or give different options for this sort of contract so it works for different groups of kids. That is why I support Ms Gallagher's amendment to consult with the minister's youth council on this. I am interested in knowing more about the evaluation that came out of Warringah Council.

MRS BURKE (4.35): I will speak to the motion as a whole. I was not going to say anything but I have been listening to the debate. I was interested, once I opened the website, to have a look at what was happening in Warringah. It strikes me that communication is a crucial element in that.

We all want positive outcomes for young people in our community and, in particular, positive outcomes where parents, guardians or carers are involved. I believe that is a crucial element in the development of young people, so they are not left to flounder on their own, but have support networks. Those networks would consist mostly of their parents.

The idea of a trial similar to the out of harm's way agreement seems a positive one. I congratulate Mrs Cross for putting the motion on the notice paper today. In fact, any program that nurtures and fosters young people talking more with their parents or guardians is positive. I think we would all agree that young people are presented with a very different set of challenges in society today than most of us in this place, when we were girls and boys.

It is not about a one-size-fits-all approach. As with many issues we face today, we must look at a raft of options that will fit the circumstances and needs of the people seeking help. Involving our young people is fundamental to the success of this. I am sure Mrs Cross will look to take on board all the suggestions from speakers so far. We know that communication is the key to any relationship. Young people often bottle things up, and feel that they do not want to talk to people—least of all, to their parents.

I commend this motion. This is a move that must occur in society today. Young people must be encouraged to speak to their parents, rather than run from them. However angry they may seem with the child, parents are the ones who generally have unconditional love for that child.

It is worth while to look at other models in existence. I don't know if Mrs Cross has seen this, but I was taken with the website of the New South Wales Commission for Children and Young People—I refer to the Arcade. They offer an interactive website to help

young people with relationships. The only thing is that it does not involve the parents—and your suggestion does. It goes into many areas, such as parents breaking up, handling family conflicts when home is tough, fighting with friends, helping a friend, and best of friends. You might want to have a look at that website—it is www.kids.nsw.gov.au.

That is very one-sided—and it is really for the child to do. What I love about this idea is that it engages the whole of the family. It may be that you broaden it to all of the family, including siblings. It may be that other members of the family are being impacted by one member of the family, and that everybody needs to be engaged in that process. I suggest we broaden that a little to say "whole of the family". We do not have to be as prescriptive as that.

Young people find themselves in unsafe circumstances, for many reasons. We should be equipping young people with the tools to deal with issues such as those on the website—the Arcade. We are hoping to model our trial on that. As I said, whilst the website is helpful for the young person, it does not, like the proposal suggested by Mrs Cross, directly involve the parents.

I think this motion is worthy of our consideration and, at the very least, a trial. I call on the government to strongly look towards working with Mrs Cross, to see if it can be implemented. I therefore have no problem in supporting this motion.

MRS CROSS (4.39): I want to thank members for their support, not only for the substantive motion but also for Ms Gallagher's amendment, which I also support. The minister has been kind enough to invite me to a discussion with the minister's youth council, which I have accepted. I believe that will go some way towards looking at the possibility of introducing a trial in the ACT.

Initiatives and ideas cannot be all things to all people, but they are the beginnings. I was extremely impressed with what I saw Warringah Council doing. I believe it will help to address a number of our problems, in looking at communication issues, reducing the fear factor and introducing a safety net. It is a harm minimisation approach—and that can only ever be a good thing.

Amendments agreed to.

Motion, as amended, agreed to.

Rail services between Canberra and Sydney

__Mr Pratt__, pursuant to standing order 127 and at the request of __Mrs Dunne__, fixed a later hour for the moving of the motion.

Concession scheme on property rates for people on low incomes

MS DUNDAS (4.43): I move:

> That the ACT Government develop a proposal to provide rates concessions to all people on low incomes, including more generous concessions for pensioners, and present this to the Assembly by the last day of sitting in December 2003.

Prior to the last election, ACT Labor expressed concern about the affordability of property rates for low-income people, following big rises in house and land prices. From the outset, I have agreed that there are many people who may be, or have already been, forced to sell their houses and move, because their rates have become unaffordable. I agreed that this was undesirable.

Back in May, the government proposed a new property rating scheme for the ACT, which it claimed would be fairer than the existing system. However, this proposal was labelled as inequitable by both the welfare and business sector. The majority of the Assembly agreed with that view. My office received many phone calls from ACT residents who are already struggling to afford their rates bills. Working single parents in low-paid jobs were strongly represented among the people who contacted us.

The government proposal in May did not include concessions for people already having difficulty paying their rates. I have urged the government to revisit the concession scheme, to create fairer outcomes for the community. As the government has not yet come back with a proposal to help low-income home owners, I have introduced this motion today. I hope it is successful, to enable us to revisit the rating system concession scheme, to make it fairer and more equitable.

I understand a review of all ACT government concessions has been underway since the year 2000. That was in the term of the previous government. However, we still have no reporting date on this review and no reason for confidence that it will lead to a solution to the rates problem—if we are ever to see the outcome of it.

The report of the Affordable Housing Taskforce documented many cases of acute housing stress among home owners. Of the households in housing stress, over 40 per cent were either purchasing their homes or owned them outright. The home owners in housing stress are a mix of pensioners, self-funded retirees on low incomes and working people who have only part-time work, poorly paid jobs, or moderate incomes and several dependants. All these people need a concession scheme, if they are to be able to keep their homes.

The current rates concession scheme under the Rates and Land Tax Act applies only to pensioners. The concession limit is 50 per cent, or $250 per property, whichever is the lesser. This concession does not go far to reducing the total rates bill in most parts of Canberra—the inner north and inner south, in particular. The threshold of 30 per cent of household income going to housing costs could be the basis for a concession scheme, provided that an upper limit of eligible household income was also established.

Alternatively, the scheme could be based on a measure which divides household income by the number of people supported by that income. There may be a simpler and fairer method—work needs to be done to explore the options. It would be reasonable to put the onus on the applicant for a concession to prove their eligibility. I think it would be possible to devise a scheme that is not excessively expensive to administer.

There are many different ways of shaping a concession scheme to help those in need. I am confident that the government has the expertise to work through these alternatives—all it needs is the will to do it. I hope the Assembly supports the motion to call on the government to do this work. The ACT government has at its disposal experts working in the Department of Treasury. It also has the ability to coordinate communication between economy experts, the welfare sector and people currently living in housing stress. This is the reason we have governments.

I believe the ACT government needs to be doing this work. When we had the debate earlier this year, there were many calls for this work to take place, but nothing happened. It is now time for the government to revisit the rates scheme, open up the debate again and have the dialogue with the community at large, as to how we can make the rates system in the ACT fairer and more equitable, and apply concessions to those most in need.

There are a number of amendments floating around at the moment. I hope the debate on those will be substantial—so we can see where they are coming from. I think Mr Cornwell's concerns are already addressed in the motion. I would like to hear the Treasurer's concerns behind the amendment he has circulated.

I hope the Assembly supports this motion, which we think is quite basic, to call on the ACT government to develop a proposal to provide rates concessions to all people on low incomes, including more generous concessions to pensioners. Hopefully, this will be on the table by the end of this year. The debate can then take place, and we can come up with a fairer rates system for 2004-05.

I trust the government will consult with economic, welfare and housing experts, to determine the most effective concession scheme and eligibility criteria, so we will get an ACT rates system that is both fiscally responsible and equitable. I commend the motion to the house.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (4.48): I move the amendment circulated in my name, which reads:

> Omit "ACT Government", substitute "Public Accounts Committee".

I will speak to both the motion and the amendment. I am sure members are aware that the government already provides concessions. This government does not claim to have invented that, by any means. There is a rates concession scheme on foot, but it applies only to pensioners. In practical terms, that makes it a very workable system.

The condition of being on a low income is often a transient process—some people are in and out of work, but I do not particularly want to debate that. The government will generally support the motion. I think it is a worthy objective to analyse the position we are in, make comparisons and look at the practicability of bringing a scheme into place.

Referring to my amendment, I would consider that this would be more appropriately done by a committee of the Assembly. Only yesterday, many lofty words were used in

this place in relation to a minority government, and the relative representation of nine people who are not in the government, versus eight who are in the government. I am sure those people would want to put their shoulders to the wheel and assist in deliberating on this topic—not only from the aspect of being involved in the work, but also to make sure there is a balanced process.

After the rates system that I proposed was knocked back by this Assembly, I put in place, within Treasury, a review of the rating system. Included in the terms of reference was a request that the review include the social dimension of this. As recently as August this year, in response to discussions undertaken, a senior Treasury officer has written to me, saying:

> The issue of rates concessions will also be examined in detail as part of the rates review to be undertaken this year. Treasury will discuss with your office regarding the scope, options, and outcome over the next two weeks or so.

We intend to take those matters into account. We were—and still intend to—trying to introduce what we believe is the fairest possible rates system. Any system imposed by government is going to be arbitrary to some extent. It cannot be completely discretionary and, unfortunately, cannot address each individual case.

Members can be assured that the government, from its perspective, is looking at rates concessions as part of its review of the rating system, in pursuit of a fair rating system. Members can also be assured that the ACT has a concession system in place for pensioners. I believe it is the most generous concession system in Australia, at the moment. We provide a concession of 50 per cent, with a cap of $250. The nearest cap to that is $200 in the Northern Territory, and in other states it is less than that. The cost of that concession for pensioners is heading towards $4 million a year.

The point we need to hammer home is that this is a review, and that the government is doing its part. I refer to context of the debate yesterday in relation to a number of trees somewhere in the northern part of Canberra, and what members said, in this place, about roles and the division between the nine—the majority in this place—and the minority government of eight.

If we want the review to have the best input from all members of the Assembly, and to reflect the balance in this place in its deliberations, then it must be referred to a committee. I think the most appropriate committee would be the Public Accounts Committee; that is, at least supposedly, the committee with financial expertise!

I have moved the amendment that the motion be changed to a reference to the Public Accounts Committee. That is entirely appropriate, and consistent with much of what was said in this place yesterday. It is designed to ensure that the review is a balanced process. We would not want the government to come up with a number of ideas and then everybody virtually kicking those ideas around. We don't want everybody having several laps of the oval in relation to the review. It is obvious that this sort of review is appropriately referred to a committee.

MS TUCKER (4.55): I think it would be useful to remind members that the Public Accounts Committee is already at the end of an inquiry into revenue in the ACT, with

particular reference to equity and efficiency, but I do not have the terms of reference in front of me. From memory, the committee has had some submissions on the question of concessions. I am pretty sure that the ACTCOSS submission of July 2002 on ACT government concessions became a part of our inquiry into ACT revenue. Someone has just given me the terms of reference. They read:

> …inquire into and report on revenue raising issues in the ACT, with particular reference to:
>
> (1) the adequacy, equity, efficiency, certainty and sustainability of revenue raising in the ACT;
>
> (2) the impact of revenue raising on social equity, the environment and the overall economy of the Territory, in particular the employment and investment opportunities; and
>
> (3) the value for money of the cost-effectiveness of incentives which involve forgoing revenue.

I do not want to support Mr Quinlan's amendment. I checked with the acting clerk on whether there was a problem with having this motion on the notice paper in light of the fact that the committee is looking at that and it is in order.

Turning to the reporting date in Ms Dundas's motion, the Public Accounts Committee is hoping to complete the revenue raising inquiry by December 2003. What will happen is that we will produce a report for the government which, hopefully, will help the government to come up with a proposal generally around revenue, including the question of rates and concessions. The government already would have the benefit of the submissions, because they are authorised for publication by the committee, including the one by ACTCOSS on concessions.

I think that it is probably fine just to leave the process as it is right now. I think that it is fine that Ms Dundas has raised this motion and I think that it is appropriate for the government to be the one that comes up with a proposal. We can certainly support the government's thinking via the work of the committee. I do not know about coming up with the ultimate proposal at this point in time, but the committee can inform the government's work. As well, the government has a whole department, which we do not have, to help inform its thinking. I know that Mr Quinlan is concerned about being criticised for what he comes up with. Hopefully, the committee's report will help inform his thinking and that, in combination with his departmental advice, will produce something that is useful for the community.

MR STEFANIAK (4.59): This motion certainly does have merit. A number of rate concession programs have been available over the years to people on a low income. In fact, this proposal is not dissimilar to the study that we commenced in relation to this question in, I believe, early 2001. I think that it was commenced through one of the departments for which I had responsibility. I am not quite sure where that got to with the change of government; maybe somebody in the government can tell us that.

The motion asks the government to develop a proposal. I suppose that it does not actually commit it to doing so and, if the Treasurer tells us that there are some really big

problems with the motion, obviously we should take that into account. But it is eminently sensible to call on the government to develop a proposal to provide concessions to all people on low incomes. That is something that should be done. Rates have increased significantly. Property values have increased significantly.

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

MR STEFANIAK: Significant concessions have been provided to pensioners, including age pensioners. Indeed, they have the ability to elect to have the amount for their rates deducted from their estate. It would seem that lots of pensioners, being very family oriented, make an effort, and it is a big effort for a person on an age pension, to pay the rates at the time they fall due so that they will not be a burden on their estate, even though I think that it was a very sensible move to enable rates to be taken off the value of an estate.

Certainly, there are concessions now, but I think that the system should be looked at to see whether the concessions can be increased and whether there are other groups of people to whom concessions should be extended. My colleague Mr Cornwell will be moving an amendment to extend the concessions to include low-income, self-funded retirees. Those of us who have been around for a while will recall the very significant problems low-income, self-funded retirees experience.

They have basically a weekly amount which is not necessarily indexed. They are really badly affected when a low level of interest is available. Many people were very badly caught when interest rates went down considerably in the early 1990s. That affected low-income, self-funded retirees immensely. Lots of self-funded retirees were really hurt then. I think that it is important to include them in this proposal that the government is being asked to develop.

I tend to agree with Ms Tucker that it is more appropriate that the government do so than a committee. I am especially interested in seeing just where the various studies have actually led us to date. There might be something that the government can tell us today about that. Certainly, it is something that the government can build on in terms of developing a proposal to bring back to the Assembly by the last sitting day in December. I do recall some work being done. Probably a reasonable amount of work has been done in this area in the not too distant past.

Question put:

> That **Mr Quinlan's** amendment be agreed to.

The Assembly voted—

Ayes 6		Noes 7	
Mr Berry	Mr Quinlan	Mrs Burke	Mr Smyth
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Stefaniak
Ms Gallagher		Mrs Cross	Ms Tucker
Mr Hargreaves		Ms Dundas	

Question so resolved in the negative.

Amendment negatived.

MR CORNWELL (5.07): Mr Speaker, I move:

> After "pensioners" add "and low income self-funded retirees,".

This amendment recognises something that the Assembly agreed to some time ago in relation to low-income, self-funded retirees. Ms Dundas said in her opening comments that low-income, self-funded retirees were covered by the motion, but I have moved my amendment to include them as a belt-and-braces exercise.

The motion talks about "all people on low incomes" and then adds "including more generous concessions for pensioners". I am seeking to add to the phrase "including more generous concessions for pensioners" the words "and low income self-funded retirees". I do not object to rate concessions applying to all people on low incomes, but I do believe that low-income, self-funded retirees should be taken into account in any proposal for providing more generous concessions for pensioners. If they were to apply to pensioners, I would hope that they would also be looked at in terms of low-income, self-funded retirees.

I do not believe that this is a radical amendment. I think that it can be incorporated quite easily into Ms Dundas's motion, which, after all, is asking the ACT government to develop a proposal. That is all it is doing. We are not demanding that they do something; we are asking them to develop a proposal.

The Treasurer and I have argued back and forth across this chamber about just how low-income, self-funded retirees could be accommodated. The Treasurer has a different view from mine in this regard, but that does not necessarily call for an outright rejection. I see no reason why the matter should not be examined by the ACT government in relation to Ms Dundas's motion.

We must remember that many of these people are not by any means wealthy in terms of society in the ACT. Certainly, there are some self-funded retirees who are quite well off. I am not identifying those people. I am not making a blanket request for self-funded retirees to be examined. I am talking about low-income, self-funded retirees.

If one wishes to argue—pedantically, may I suggest—about how to classify low-income, self-funded retirees, I could simply return the question by asking the Treasurer how one identifies all people on low incomes, which is part of Ms Dundas's motion. I am saying that, if we can talk about all people on low incomes, we can talk about low-income, self-funded retirees. I have no difficulty in accepting both.

I urge the government and other members of the Assembly to accept this amendment simply on the basis, firstly, of fairness and, secondly, that it is not going to destroy the concept or the content of the motion that Ms Dundas has moved. I urge members to accept it. As I say, we would be happy to support Ms Dundas's motion, but, in the interests of fairness to a significant number of people in this community and in

conformity with what this Assembly has previously agreed to, namely, that low-income, self-funded retirees should be at least considered in concessions, I would urge members to support my amendment.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (5.11) Unless one can infer from anything that Mr Cornwell has said that he wants more favourable treatment for one group of people in the community over another, this amendment is entirely redundant. It has more to do with Mr Cornwell's identification with a particular group than common sense. This is a nonsense.

I am presuming that being a self-funded retiree on a very low pension does not disqualify the recipient from a supplementary pension and would not disqualify a self-funded retiree from classification as a low-income earner, so what the hell is the point of naming a group? You may as well say, as well as including self-funded retirees, all low-earning redheads, because there is no logic to describing a group if you are going to treat them equally anyway. I have to say that this is a nonsense and it is not the first time that this nonsense has been brought into the place by Mr Cornwell, either by this means or by questions without notice.

Mr Cornwell: You're very sensitive about these people, aren't you?

MR QUINLAN: There is no logic, Mr Cornwell. Through you, Mr Speaker, I challenge Mr Cornwell to stand up in this place one day and say what extra benefit he wants self-funded retirees to get over other concession recipients, what additional—

Mrs Burke: He doesn't. It's all about equality.

MR QUINLAN: They get equality automatically by other measures. If you are a self-funded retiree, you are not precluded from being a pensioner and you are not precluded from qualifying as a low-income earner, so you would get equality. This seems to me to be a prescription for setting up inequality. I have to say to Mr Cornwell and to Mrs Burke, who seems to be directly involved or passionate about this matter, that this is a nonsense.

Question put:

> That **Mr Cornwell's** amendment be agreed to.

The Assembly voted—

Ayes 5		Noes 8	
Mrs Burke	Mr Stefaniak	Mr Berry	Mr Hargreaves
Mr Cornwell		Mr Corbell	Mr Quinlan
Mrs Cross		Ms Dundas	Mr Stanhope
Mr Smyth		Ms Gallagher	Ms Tucker

Question so resolved in the negative.

Amendment negatived.

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

Discrimination and gay, lesbian, bisexual, transgender and intersex people

MR STEFANIAK: Mr Speaker, I seek leave to make a statement in relation to notice No 7, private members business, standing in my name.

Leave granted.

MR STEFANIAK: Mr Speaker, I have received satisfactory assurances and undertakings from the Chief Minister in relation to the notice. Accordingly, I will not be proceeding with it.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): I seek leave to make a statement on the same matter.

Leave granted.

MR STANHOPE: Mr Stefaniak and I have discussed the notice and, indeed, Mr Stefaniak's interest in obtaining certain information. Consequent upon that, I table the following paper:

> Gay, Lesbian, Bisexual, Transgender and Intersex People in the ACT: an issues paper, prepared by the Public Law Group, Department of Justice and Community Safety, dated April 2003.

Rail link—Canberra and Sydney

MRS DUNNE (5.20): I move:

> That this Assembly:
>
> (1) notes the critical importance of having a good rail link between Canberra and Sydney for the people of the ACT and the surrounding region;
>
> (2) criticises the NSW Government for the cancellation of rail services in August and April of this year and for cancelling the morning service from Canberra to Sydney and the evening service from Sydney to Canberra;
>
> (3) notes, with grave concern, proposals put forward by the NSW Ministerial Inquiry into Sustainable Transport to replace some CountryLink Services with buses including the Sydney-Canberra route;
>
> (4) notes, with strong disappointment, the failure of the ACT Government to make a submission to this important inquiry;
>
> (5) directs the Chief Minister to write a firmly worded letter to the Premier of NSW, Mr Carr, and the Minister for Transport Services, Mr Costa, advising them of the views of the Assembly on this matter;

(6) calls on the ACT Government to make every effort to secure a Service Level Agreement with NSW providing for appropriate services as soon as possible to replace a previous agreement between the Commonwealth Government and NSW; and

(7) considers that an appropriate service includes a morning train service from Canberra to Sydney and a return evening train service from Sydney to Canberra.

Mr Speaker, when Walter Burley Griffin designed Canberra, a train station and train lines were a part of his design. He understood the critical importance of rail links to the rest of the nation for this nation's capital. If he had heard nearly a century later that the New South Wales government had let the service run down to the extent that the service would not be available during August and April 2003, he would have been astonished at their poor management. The thought that they would seriously put forward a proposal to replace the train service with a bus service would have left him flabbergasted. The fact that the ACT government would let this take place with hardly a word of protest would have amazed him.

In Bathurst on the weekend, Labor member Mark Latham gave the annual "light on the hill" speech, in the course of which he claimed that the ALP was, essentially, the same party as when Ben Chifley was Prime Minister. In reading his speech, I asked myself what Ben Chifley, Australia's most famous train driver, would make of this decision to cut train services to Canberra. The Labor Party is fond of reinventing its history, but I was a little surprised to hear Mark Latham's description of Chifley that he was not, in fact, a working class hero, much less "covered in soot". He said:

> The engine drivers of the early 20th century were highly skilled and responsible workers—

who said they aren't today?—

> the equivalent of airline pilots today. Their employment gave them considerable social status.

Let's go back to the source. Let's go back to Ben Chifley and see what he said about the light on the hill. In that famous speech about the light on the hill, he said:

> I try to think of the Labour movement, not as putting an extra sixpence into somebody's pocket, or making somebody Prime Minister or Premier, but as a movement bringing something better to people, better standards of living, greater happiness to the mass of the people. We have a great objective—the light on the hill—which we aim to reach by working for the betterment of mankind not only here but anywhere we may give a helping hand.

I do not know about you, Mr Deputy Speaker, but it seems to me that in the matter of CountryLink services Bob Carr is showing himself to be more interested in being the Premier or Prime Minister. Ideally, I think he would like to be both. But what is he doing about bringing something better to the people?

We are all aware of what has happened to CountryLink—the replacement of the service by buses through all of August and, when the trains came back into service, the abolition of the early morning service from Canberra to Sydney and the corresponding late afternoon or evening service from Sydney to Canberra. That means that people who want to travel to Sydney by rail for medical appointments will have to pay for a night's accommodation in the most expensive city in Australia or try to arrange their appointments in a much briefer period in the afternoon.

Before self-government, there was an agreement in place between the federal government and the New South Wales government that New South Wales was to provide a good service to the ACT. What is a good rail service? Certainly not what Bob Carr is providing to us in the ACT at the moment. A good rail service, I contend, is essential for Canberra's economy and is essential for the quality of life of many people in Canberra. The reason Fyshwick is located next to the train station is that it made sense to locate industries and semi-industrial businesses next to the rail link and transport materials to where they might be manufactured, put together, processed or sold.

The rail service is also very important for our tourist industry, especially for events such as Floriade that attract an older class of visitor to the ACT. I hardly need remind members of this place of the environmental benefits of rail over road. There are many research papers that show that a huge reduction in greenhouse gas emissions could be achieved if we put our freight on rail rather than on road. There is also the great saving of life and there are the great benefits of getting people around much more cheaply than they do on road.

CountryLink's bookings were so heavy during Floriade in the past year that it had had to put on extra services. After what we have seen, you do start to wonder what is driving the New South Wales government. I can assure you, Mr Deputy Speaker, that I have received a trainload of calls on this matter and I know that all my colleagues in the opposition have as well.

I think that the people in this Assembly need to know that they are not from doctors, lawyers and stockbrokers; they are from the people that Ben Chifley would have called battlers, the people that Ben Chifley and his successors claimed to particularly represent. A lot of them are aged and disabled persons for whom the only option, because of a combination of health and financial reasons, is travel by train.

There are a vast number of people who for various reasons, mainly financial and health, as I have said, choose to travel by train and really are not in a position to travel by road or by air. As I have been out collecting signatures on this subject and talking to the people who ring me on this issue—I know that my colleagues have experienced the same things—the anecdotes have been endless.

An elderly lady who lives in a retirement village in south Canberra rang me the other day and said that rail is the only way she can get about. She cannot travel by plane because of her health. She has a son in the Southern Highlands and another one on the Central Coast. They come to visit her, but she would like to go to visit them. She said that, effectively, the changes in this regard have meant that she will no longer be able to travel

to the Central Coast to visit her son. That is what Bob Carr and Michael Costa are doing to the people of Canberra.

When I was at the Kippax shopping centre on Saturday morning talking about the train service I met a lady who has a knee injury and cannot travel easily on a bus or plane. She is a fashion buyer for a store and gets a train to Sydney of a morning, gets out at Central Railway, goes to the factories and things like that and then gets back on the train and has three or four hours in which she can do the day's paperwork. She can get out her calculator and her buying book and do all her pricing before she gets home. That is what these people will be deprived of. It will mean that that lady will have take an unsuitable, unsatisfactory, uncomfortable flight or pay for accommodation to stay over. That is not satisfactory.

The biggest thing about this matter is that the ALP government has cut out the popular morning service from Canberra to Sydney and the reciprocal Sydney-Canberra service in the afternoon. One constituent said to me that she thought that it was done in that way to become a self-fulfilling prophecy and the service has been set up to fail. We have gone from Chifley's light on the hill to being light on for concern for citizens. It is almost the case that there is a light on for Labor, but nobody is home. The federal ALP seems to think that Bob Carr is their light at the end of the tunnel. It is certainly the case that he is ensuring that there is not an oncoming train at the end of the tunnel.

Mr Latham, in his "light on the hill" speech on Saturday, also said:

> First and foremost, Ben Chifley was a citizen of Bathurst. He believed in the value of localism—so much so that, even as Prime Minister of Australia, he continued to serve on the Abercrombie Shire Council. He believed in the importance of community and social solidarity.

But what of the successors of Chifley, the people who should hold out the light on the hill and have Chifley's laudable objective of serving people by doing good wherever they can and work for the betterment of mankind? Working for the betterment of mankind has gone out the door with Michael Costa and Bob Carr with the CountryLink service to Canberra. The people of Canberra, Goulburn, Braidwood, Tarago and all through the Southern Highlands are being disadvantaged in a major way by the failure of the government of New South Wales to do anything to address the maintenance on this track and the ongoing needs of public transport.

I do not know how many times I have read bleeding heart articles from Bob Carr about how we need to be nicer to our environment. We have a caring and sharing green Labor Premier who, when it comes to a bread-and-butter issue of environmentalism, that is, making sure that you have an active and viable public transport system, has just thrown it all away. There will never be a sustainable public transport policy for New South Wales and for the people of the ACT if Bob Carr and Michael Costa are allowed to replace CountryLink services with buses, which is what they plan to do in many places, but particularly in the ACT.

I am appalled that during this controversy, which has been going on since August, the people opposite have been silent. The Labor Party has been silent on this issue. The

Labor member for Monaro, who got himself elected on being "your local voice in Bob Carr's Labor government" has been silent. He was hit by a broadside and did not understand what was happening. The voice of the people of Queanbeyan in Bob Carr's Labor government was left outside when this decision was made.

Government members opposite, with all their good relationships with their mates in Macquarie Street, have not done anything for the people of the ACT. The minister for transport in the ACT had the audacity to get up in this place and say, "I'm not responsible for trains." Today, well over a month after I wrote to him, he wrote back to say, "I'm not the minister for trains and I have passed it on to the Chief Minister."

What has the Chief Minister done? After people on this side of the house raised the issue continually over a week or so, he finally got his act together sufficiently to write to Bob Carr. It was not a very good letter to Bob Carr. It was one that said, "I'm going through the motions, Bob, but if you can't do anything for us I'll understand."

That is not good enough. The motion today calls for this government to really and truly represent the needs of the people of the ACT, the needs of the battlers, the needs of the pensioners, the needs of the people with disabilities, with bad hearts, with bad knees, with dickie hips, and take those needs of the people of the ACT to Bob Carr and Michael Costa and get a better outcome for the people of the ACT.

This is a most important issue for the people of the ACT, for their quality of life, for the economy of the ACT, for the tourism of the ACT, and if we are ever going to have a good rail link, a moderately fast train or a very fast train, we need to maintain the train service that we currently have. It is incumbent upon all of us in this Assembly to send a very strong message to the people who run the train that we expect it to continue.

I commend the motion to the house.

MS TUCKER (5.35): I will be supporting this motion and the government's and Ms Dundas's amendments. Rail services are vital to any sustainable transport infrastructure for this country, and it is crucial that we start to wind back some of the shift towards air and road travel that we have seen over the past 40 years.

In terms of energy efficiency in travel and general physical comfort, no other form of mass transit comes close to rail. In a developed society like ours, public transport becomes attractive when it is both fast and frequent. But given the enormous subsidy we give to road infrastructure and given the way the high-energy extravagance of air travel is not accounted for, the present economics of transport militate against Sydney to Canberra rail. In other words, leaving the question of a very fast train aside, a frequent Canberra to Sydney service will not be economically viable in the short term until there is some real expenditure to upgrade the line and so significantly shorten travel time. That is unlikely to happen without a major public investment from both national and state governments.

The point is that the rail link between Canberra and Sydney could quite easily be improved. The existing trains could travel faster. New machines could easily run faster again on conventional tracks if they were upgraded. While a world based on speed is perhaps unhealthy, the viability of public transport hinges on convenience, which is both

frequency and speed. While the very fast train might catapult the Canberra-Sydney link into a new dimension, more moderate improvement would nonetheless make a substantial difference.

The question is really one of money. We can and will call on the New South Wales government to shift its transport thinking and commit to a long-term, ecologically sustainable transport strategy and so invest more in rail. The New South Wales public transport inquiry, which proposed substituting our rail services with buses, seems to focus only on economic sustainability and only in the context of a form of economics that fails to factor in long-term social and environmental costs.

I would like to see a more profound analysis that takes those more important benefits and costs into account. I understand the ACT government is making a submission in response to the inquiry's interim report, and I trust some of these issues will be raised then. Then we can come to the question of federal funding.

It will be interesting to see what flows from the new Alice to Darwin railway, which has just been completed. It is going to take quite a few years before the main business of the service—freight—starts to make money, although I think the first few passenger services are filling up already. It is being touted, however, as a crucial new component of the economic future of both the Northern Territory and South Australia. Of course, that rail link is the result of major federal investment.

If John Howard had not wanted to see it built, it almost certainly never would have been. In fact, the decision was made more or less at the time that the same Prime Minister decided not to lend his support to a very fast train link between Canberra and Sydney.

The recent talk about Canberra airport picking up some of the Sydney traffic simply presupposes an endlessly growing air travel industry and ignores any issues of the environmental cost of air travel and diminishing supplies of fuel. Nonetheless, if the Canberra Airport were to become the more significant national or regional hub that its owners hope it will, links to an efficient and effective rail service would make an enormous difference to its viability as well.

Perhaps, now that the north-south railway has been completed, to general enthusiasm and pride, we might be able to put the Sydney-Canberra link back on the national agenda—the national capital, linked through clean, fast, and economic transport to the major port of arrival and premiere city of Sydney. Clearly, it is all fairly challenging when the New South Wales government is backing away from its railway responsibilities. This motion calls on the ACT government to keep the pressure on New South Wales. It is important that it does so.

The Greens take the view that the railway will play an important and growing role in the future of transporting this country as its inherent environmental, social, and economic advantages become more apparent and the hidden subsidies for road and air travel are abandoned. We probably need to make a particular effort now to ensure the most basic services are maintained before the changes take effect.

The day return service is one such basic element. Constituents have contacted my office to explain how important that service is in order to access medical services, visit families

and enjoy social occasions. For many people, air travel is in most instances unaffordable, while coach travel is physically difficult. Furthermore, as a government service, the provision of concessions is a fundamental dimension of the service, so rail plays a particular role in the lives of students and pensioners.

While it could be argued that substituting state rail coaches for trains would allow for the same concessional structure, it is inarguable that patronage would drop even further once the trains stopped running. In order to maintain a service, then, we may require some further commitment from the ACT government in addition to the submissions and negotiations mentioned in this motion. In regard to Ms Dundas's amendment, while I am not sure how best the ACT government can encourage greater use of the rail link, I do believe it should be investigated.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.41): Mrs Dunne has raised an important issue. It is an issue of significant concern to a number of Canberrans. Indeed, I have had a number of representations on the matter, as I am sure most members have. I think it is appropriate that the Assembly indicates through its deliberations that this matter demands the attention of the Assembly and requires that we do all we can not to lose this very vital service for the people of Canberra.

Mr Speaker, I wish to indicate that I have an amendment to Mrs Dunne's motion and to foreshadow that I will move it in a moment. In terms of the substantive matters that go to the motion moved by Mrs Dunne about proposals to limit the number of train services, it is the case that the train service between Canberra and Sydney carries a significant number of Canberrans. It caters specifically for pensioners, disabled people, other people who find it difficult to travel by coach or air and numbers of Canberrans who simply enjoy or appreciate train travel and would choose it as a method of travel over and above road or air.

In 2002 the Canberra-Sydney rail service carried 84,595 passengers from Canberra and, interestingly, 85,660 people to Canberra, a total of around 170,000 rail journeys. That compares to 43,000 bus passengers and 1.8 million air passengers travelling to and from Canberra. There are around 170,000 rail journeys a year between Canberra and Sydney. Interestingly, more people come to Canberra by rail than leave it.

It is important that we maintain the rail service that we have. As members know, I wrote to Premier Carr as soon as the service suspension was announced, and I advised him of the ACT government's concerns about the suspension, asking him to ensure that the rail service would be resumed.

I share Mrs Dunne's disappointment that CountryLink, whilst returning the service, has effectively reduced it by a third. In the format that it was in, the train service met a very significant community need. I am also concerned, as are other members, about the implications of the Parry report for the remaining services on the Canberra-Sydney route. It is completely inappropriate to eliminate the train service. We all know that, and it cannot be gainsaid.

In effect, it does not need to be debated—we should not even be having this debate—that this is a fundamentally important link between Canberra, the nation's capital, and

Australia's pre-eminent city, Sydney. Once a service has gone—this is the history of all rail services around New South Wales and Australia; we see the sad remainders of rail services of bygone times—it takes an enormous effort to have it re-established. The infrastructure runs down, the costs grow and—perhaps our greatest fear—if it is removed, it will never be restarted. We must ensure that that does not happen.

It would make much greater sense to use the rail infrastructure and the assets that we have to make the train trip more attractive to passengers to generate more revenue. That is the approach we should take, and it is the approach that the ACT government will be putting in a submission we are currently preparing for the interim report on the ministerial inquiry into public passenger transport, expressing our very strong views on the possible closure of the rail service.

That issue, and perhaps some of the other, more gratuitous aspects of Mrs Dunne's motion, led me to propose the amendment I am proposing. The government is currently preparing a submission, which will be expressed in strong terms. It will convey all the sentiments that Mrs Dunne has expressed, sentiments which the government shares about the vital importance of this rail link to a significant number of Canberrans.

As I said, 170,000 trips a year, essentially 85,000 each way, is a significant number of journeys by Canberrans. Indeed, it is more journeys than are undertaken by bus. Through that submission, we will pursue the restoration of the full train service to include the morning and evening runs, which have been replaced by bus services that we fear will become permanent.

For the information of members, we have continued efforts commenced under the previous government to develop a service-level agreement. Our experience in relation to those negotiations is the same as the experience of the previous government. They are complicated negotiations. They are complicated now, as they were under the previous government, by issues of developing a formal basis for the New South Wales occupancy of the Kingston rail yards. The negotiations also involve track infrastructure, railway buildings and the identity of the actual service provider.

Another complication that has made the negotiations difficult is the corporatisation of the New South Wales rail service. That has led to difficulties, which we are still battling with, identifying which organisations are to be responsible for which parts of the operation and, indeed, the management of the agreement.

We are continuing to negotiate that service-level agreement. We took over the negotiations from the previous government. They have not been easy. They have been complicated and difficult for us, as they were for the previous government. But we are continuing to pursue the completion of a service-level agreement with New South Wales. The basis of that is to ensure that this agreement restores full train services between Canberra and Sydney.

On that note, Mr Speaker, I move the following amendment:

> Omit all words after "That this Assembly:"

Substitute:

1) notes the critical importance of having a good rail link between Canberra and Sydney for the people of the ACT and the surrounding region;

2) criticises the NSW Government for the cancellation of rail services in August and April of this year and for cancelling the morning service from Canberra to Sydney and the evening service from Sydney and Canberra;

3) notes, with grave concern, proposals put forward by the NSW Ministerial Inquiry into Sustainable Transport to replace some Countrylink Services with buses including the Sydney-Canberra route;

4) notes that the Government is preparing a submission to the Interim Report into the Ministerial Inquiry into Public Passenger Transport (The Parry Report), released by the NSW Minister for Transport on 8 September;

5) notes that the Chief Minister has already written to the NSW Premier seeking retention of the rail services between Sydney and Canberra;

6) notes that, for the past three and a half years, the Government has been engaged in negotiations to secure a service level agreement for the provision of rail services; and

7) calls on the Government to continue its efforts to secure an appropriate service that includes a morning service from Canberra to Sydney and a return evening service.

MR STEFANIAK (5.48): Mr Speaker, I will speak to the amendments to date and note that my colleague Mrs Dunne has another small amendment, which she will speak to. I, along with most members, have received a lot of correspondence. I was with Mrs Dunne at Kippax when she was talking to the people she mentioned. There is a lot of angst in our community about the train service. Sadly, over the last 15 years or so, a number of train services in this country—certainly in New South Wales, which surrounds us—have been cut. It is very sad that, first, the service to Bombala and then the service to Cooma were cut.

Rail can move a lot of freight. It can move a lot more freight, in a much more environmentally friendly way, than large trucks can. It is with concern that we see a lot of rail services cut on financial grounds, which are the grounds generally given. But a rail service to the national capital is essential for a number of reasons. Mrs Dunne, most eruditely, went through the history of the rail service to Canberra and the need for it.

Virtually every capital in the world has a rail service and railway lines going through it. I am not too sure about Lhasa in Tibet, although they probably do as well now. I cannot think of any country which does not have a rail service linking its capital with somewhere else, and it is mind-boggling that the New South Wales government should even contemplate ceasing such a service. As the Chief Minister says, it brings a lot of people to Canberra.

There are a lot of people who have great difficulty in travelling any other way. They may not have access to a car, or they are elderly. It is often much easier getting into a train than clambering up the steps into a bus. If they are disabled or have any sort of injury that restricts their mobility, they find it much simpler to walk onto a train. Indeed, train

travel is far more appealing to a lot of people than being cooped up in a bus. Anyone on a train can get up and walk around.

The people whom Mrs Dunne referred to as battlers and whom Ben Chifley would have regarded as battlers need a train service because there is no other suitable service for them. It is crucially important for those people to have a train service. It is also a great way of getting around. A lot of tourists prefer to use the train, for the very reasons I have stated: you can get up and walk around, you see more and it is a far more relaxing and environmentally friendly way to travel than be cooped up in a bus or car. For all of those reasons, it is essential that we make the strongest possible representations to the New South Wales government to fully restore this train service.

I assume that most members of the Assembly have used the train service to go to Sydney. Growing up in Canberra, I regularly used it. It is not a lot quicker now than it was then. It is about four hours now, and it was five hours by diesel. If you went by steam train—I am old enough to remember them—you would leave Sydney at about 8 o'clock at night and get in at 5.00 in the morning, stopping at every conceivable station and watering point along the way. Nevertheless, I have always found train services most enjoyable and a wonderful form of transport.

I will let you into a little secret here. I can only remember three things from 1956, when I was four: moving in a big delivery truck, because we did not have a car, sitting up in the front with mum, dad and the driver; the 1956 Canberra flood, which went in the direction the lake is at present and covered that sort of area; and the Canberra to Sydney train, which I could quite clearly see go backwards and forwards at about 12.30.

My mother tells me I had an imaginary friend, because there were no other kids in the neighbourhood then—we were the second house. That was the train, and she said I called it Finney, so I suppose I had a great affinity with it. From my earliest childhood I can certainly remember it, and I have travelled on the service many times. It is a very pleasurable way of travelling.

We do need a train service. It is absolutely ludicrous that the New South Wales government is doing what it is doing. I have a great deal of admiration for a lot of things Bob Carr does—his law and order measures are eminently praiseworthy—but this is just crazy. He has arbitrarily got rid of this train service.

I, like Mrs Dunne, am amazed that Mr Whan, our new sitting local member over the border, has been quite incapable of doing anything about it and probably did not even know anything about it. If he is to earn his salt as a local member, he should make stronger representations on behalf of his constituency—especially the people of Queanbeyan, Bungendore and Tarago—than he is making at present. This is important for not only the people of the ACT but also our surrounding region.

I recall that Akister, a local member and minister in the Unsworth government who lost his seat in the 1988 election, was the minister at the time the train service to Cooma and Bombala was cancelled. That was not a very good call in the electorate. Mr Whan needs to learn from the mistakes of his predecessor, the Labor member before Peter Cochrane took his seat, and get cracking; represent the people of Queanbeyan and the region; and press his new boss, Mr Carr, to reactivate this essential train service.

I am pleased to hear today that the Chief Minister, after initially sending an obviously fairly ineffectual letter to Mr Carr, is now prepared to pressure his colleague in much stronger terms to reactivate this train service. That is a welcome sign. There is obvious concern about this in the ACT community, and it has evoked real interest. So many of our citizens who have no other form of transport and who need this service because they are elderly, have a disability or cannot travel in any other way would be very badly affected. The government has belatedly realised that that is the case.

This motion has served a purpose in ensuring that the ACT exerts a lot more pressure on its New South Wales counterpart to reactivate this essential service than it has exerted in the past. I thank Mrs Dunne for bringing forward the motion, and I commend it to the Assembly. It is timely and, if we are successful in forcing the New South Wales government to restore the full service, we will have done a lot of people a service.

Ms Dundas has an amendment that has a lot of merit. It calls on the government to investigate any means available to encourage greater utilisation of both passenger and freight services. It is important to encourage people to use this wonderful form of transport. Trains can carry a stack more freight than those big trucks can: 1,000 or 2,000 tonnes of freight in a decent goods train as opposed to a maximum of about 50 tonnes in any large truck that travels around here.

In the territory they do not call big trucks with three or four compartments "road trains" for nothing. They approach a real train, which has 50 or 60 carriages to carry goods. Ms Dundas's inclusion is a most useful one. We should encourage more people to use this service and more businesses to use the freight services. That will assist in making the service more economically viable as well.

It is like the New South Wales government's hide to interrupt a service to the national capital. They get a lot of benefit from the territory. I can recall being asked that we pay for it. We provide a lot of services to New South Wales residents. Over 25 per cent of people coming to our hospitals are from the region. About 12 to 14 per cent of all of our TAFE students come from the surrounding area, and so they should. We are the regional centre. But there can be a quid pro quo. Because we provide a lot to them, it is only fair that the New South Wales government at least continue this service to the national capital and from the national capital to Sydney.

MS DUNDAS (5.58): I will take this opportunity to speak to Mr Stanhope's amendment and the substantive motion moved by Mrs Dunne. I foreshadow for members that I have circulated an amendment, which I will be moving at the conclusion of the debate on Mr Stanhope's amendment and any subsequent amendments that are put forward to his amendment, which is being discussed at the moment.

Rail services in Canberra have a long history. According to the ACT branch of the Australian Railway Historical Society, the past 80 years have seen a cavalcade of change for the railways of the capital, invariably reflecting broader social and economic tides sweeping both the nation and the globe. The first revenue earning train services arrived in Canberra on 25 May 1914. The first passenger service was introduced on 15 October 1923, and it ran twice daily.

I was interested to find out that a rail line to Civic was an essential element of Burley Griffin's original plan for Canberra. In 1921 a temporary standard-gauge construction line opened from Kingston to Civic, crossing the Molongo River near Russell, running through Reid, Glebe Park and terminating in present-day Garema Place. Unfortunately, a flood washed the bridge away two years later. A further goods line was built to Civic via Scotts Crossing and Constitution Avenue, with a spur to the Hotel Canberra in 1925. In the early years of federal parliament in Canberra, the majority of passenger and freight journeys to the national capital were by rail.

Rail history in the ACT has been characterised by lots of talk but very little action. Over the years, huge numbers of proposals for railway lines have been put forward. In 1914 a survey for a rail link from Canberra to its proposed port at Jervis Bay was completed. In 1916 surveys were undertaken for a Canberra to Yass rail link. In fact, the Commonwealth's Seat of Government Act still contains a provision that, if a rail line from Canberra to the northern border is ever built, New South Wales will be obliged to build a railway line from near Yass to meet it.

The project for a Yass rail link was revived in 1965, and in 1968 the Commonwealth announced a rail link to Belconnen as part of its forward planning. In 1982, a bicentennial high-speed rail project proposed to build a fast train between Canberra and Sydney, to be completed by the bicentenary in 1988. In the 1990s the idea of a very fast train was proposed, as well as a light rail system to service the suburbs of Canberra. But as members of the Assembly are very much aware, none of these proposals were ever implemented.

Equally, over the last few decades, rail services in and around Canberra have been successively cut. In 1972, New South Wales commenced deregulation of road freight, leading to a heavy loss of rail traffic. In 1974 the world energy crisis saw many services temporarily cut, including the Canberra mail service to Sydney and the *Spirit of Progress* service to Melbourne. However, neither service was ever restored.

In 1983 Canberra got its first XPT service, but this was cut within eight years. This year we have seen Canberra passenger services cut by two services, from three per day back to the level of service we were receiving in 1923. In fact, it is a reduction in service from what we were receiving in 1923 because it only goes as far as Kingston and not into the city, as it originally did.

The successive ignorance of rail development has meant that no long-term rail infrastructure has ever been built in the territory. The private vehicle, followed by coach trips and air services, now dominates the bulk of trips in and out of the territory. The short-sighted decision making of previous Commonwealth, New South Wales and ACT governments has meant that the ACT is now the most car reliant capital city in Australia and continues to promote the use of unsustainable transport modes.

At the moment, rail is the most sustainable form of long-haul transport, especially when it is used with many carriages over long distances. It has lower energy consumption than car, bus or plane and has far lower levels of emission for freight transport than trucks. Rail transport is also far safer than that of road. Australian Transport Safety Bureau

statistics show that every 1 per cent of freight moved from road to rail will save the lives of two Australian motorists per year and save five others from being injured.

However, despite mountains of economic, social and environmental benefits of rail services, Australian governments continue to fail to invest in rail. And the ACT is no exception, with the transport minister recently ruling out any improvement of the ACT section of the interstate rail line. However, he has said that a hugely expensive road tunnel under City Hill sounds like a great idea. I question where the benefits are of building a road under the hill versus improving our rail system. It is something that needs to be further explored.

The ACT Democrats are supportive of Mrs Dunne's motion. Mrs Dunne has already rightly pointed out the importance of the existing rail services to Canberra and our community. They are especially important to the elderly and the disabled, who are unable to utilise coaches or planes, both due to their inaccessibility and their costs.

I have no issue with the amendment put forward by Minister Stanhope today to further clarify what it is we are talking about. Paragraph (6) of Minister Stanhope's amendment notes that for the past 3½ years the government has been engaged in negotiations to secure an SLA for the provision of rail services. Minister Stanhope has pointed out that these have been quite difficult negotiations, and there are quite a number of issues that need to be resolved. I would like to see an end point to these negotiations and see that we actually have a new SLA in place. It appears that negotiations are still ongoing on that point.

I will speak further to my amendment when we debate it, and I also note that Mrs Dunne has an amendment to Mr Stanhope's amendment that I am also supportive of in terms of putting forward to the New South Wales government the Assembly's views about the transport and train system in the territory.

MRS CROSS (6.05): I will speak to Mrs Dunne's motion and to the Stanhope amendment. I rise today in support of Mrs Dunne's motion. A Canberra to Sydney rail link is extremely important for the residents of the ACT, and for some people it is the only feasible way to get from Canberra to Sydney and back. To not have a rail link between the nation's capital and Australia's largest city, when they are less than 300 kilometres apart, is disgraceful for so many reasons. The argument that we won't have one because of staff shortages is a spurious argument at best.

Firstly, this rail link is a public service. Train linkages between all major cities are necessary for the mobility of residents. For some, such as pensioners, it is the only way to get from Canberra to Sydney. Buses do not always provide the necessary services and space that less-mobile citizens require when travelling, and not everyone has a car. To take away the option of many ACT residents to travel to Sydney is disgraceful. This Assembly represents the people of the ACT, and I am sure the people of the ACT want a rail link between Canberra and Sydney, if for no other reason than for the comfort and convenience trains offer and the extra option they provide.

Secondly, the removal of this link will have a highly negative effect on ACT tourism. Canberra has many tourist attractions, from Old Parliament House and the National Museum to Cockington Green and Summernats. Many overseas visitors decide they

want to see Australia by train and will bypass Canberra if they cannot get here by train, meaning that Canberra will miss out on much-needed tourist dollars. Similarly, many Sydneysiders wanting a day trip with friends where they can socialise and eat and drink as they travel, as well as enjoy a day in Canberra, will no longer come to Canberra without a rail service between Sydney and Canberra.

Thirdly, having a rail service between Canberra and Sydney is far more environmentally sound than having bus services. This cannot be disputed. Trains can carry more people than buses, while still only using the one engine. This is far more environmentally sound than having a number of half-full buses riding our highways.

Whilst I understand that this was not the ACT government's decision, I am not aware of any overt effort made by the government to salvage the service. Not making a submission to the New South Wales ministerial inquiry into sustainable transport to defend the Sydney-Canberra rail route is the height of laziness and reflects the contempt in which the ACT government holds the residents, particularly the commuters, and tourist services of the ACT.

Not making a submission to the New South Wales ministerial inquiry into sustainable transport is even more contemptible when it is noted that rail services between Canberra and Sydney were ceased due to staff shortages. What kind of reason is that to close a major rail link between the nation's capital and Australia's largest city? The last time I looked, there was still unemployment in Australia, so why couldn't New South Wales rail hire a few more staff, or at least restructure the 9,733 staff they currently have, to keep the line up and running?

To reduce transportation options between Sydney and Canberra, impacting negatively on both tourism and the environment, because of staffing levels is ludicrous. What a spurious and ridiculous argument that is when it is further considered that the line is not underutilised. Surely the Chief Minister could have used his contacts in the New South Wales Labor Party, going all the way up to Premier Carr, I am sure, to try to keep the service in use. Surely the Chief Minister could have done something to keep the rail service in operation.

Given that the train was not underutilised, it would surely be beneficial to everybody to look at a more efficient way of running this service or to look at making the service more attractive to encourage increased patronage. Closing down the service and replacing it with a bus service is a waste of infrastructure as well as providing a less convenient and less popular transportation option. It is time the government stuck up for the ACT and its residents. I call upon the government to support Mrs Dunne's motion.

I will not be supporting the Chief Minister's amendment, which states that the government is in the process of preparing a submission to the New South Wales ministerial inquiry into sustainable transport. Isn't this a little too late? Is this real or has he just been galvanised into action by this motion? I also note, with great interest, that the Chief Minister has graciously decided to put his name to the whole motion by amending every paragraph, even though his first three paragraphs are seemingly identical to the first three of Mrs Dunne's substantive motion. I hate to say so, but this looks to me like some particularly petty and self-indulgent behaviour from the Chief Minister.

MR CORNWELL (6.10): It is ironic that we should be debating the future of the Canberra-Sydney rail line when the Alice Springs to Darwin line is just about complete. There is a deep irony in that. Of course, there is an irony anyway in the fact that our Chief Minister, who is sitting over there all by himself—it looks like the Canberra railway station—tells us that this is an important matter for the Assembly to address.

Why didn't you people discuss it earlier? We in the opposition had to raise the matter of this service in question time before we got any sort of response. Then we were advised that you had written to Mr Carr. I think it is further ironic that this is the Labor Party, who purports to look after the battlers. Who uses the train services? The battlers—the aged, people with a disability—

Mrs Cross: Young people.

MR CORNWELL: And young people. Thank you, Mrs Cross. A reasonable cross-section of people who you could say cannot afford airfares and many who do not want to use buses. We have discussed the disability problem, the problem of people not being able to walk around a bus with the same ease as they can on a train or, may I say, use toilets to the same extent as they are able to on a train. That is a very important factor for older and elderly people.

May I also say that pensioners are currently entitled to a couple of free train trips a year—and I am sorry the Treasurer is not here—unlike self-funded retirees, who are not entitled to a couple of free train trips interstate. But these matters have already been canvassed, Mr Speaker, and I do not want to go over that ground.

In our concern for the battlers, which this Labor government does not seem to be too concerned about, we are in good company. I received a letter from a CountryLink driver, representing some 12 drivers from Goulburn, protesting about the closure of this rail link. They have sought help so that seven shifts a week can be reinstated on the present reductions. The cancellation of these two services will involve 14 fewer visitor opportunities—and we are spending $14.5 million to encourage people to come to Canberra. This does not seem to be a very positive way of doing that.

Mr Stanhope himself said that there are 170,000 Canberra-Sydney and Sydney-Canberra rail trips on an annual basis. We do not seem to be doing much to encourage it. However, the people in Goulburn were concerned about this. Just to give you an indication of what has been happening, Goulburn used to have 660 people working on the railways. It was a rail hub. The gentleman concerned explained this to me and broke it down to the extent that there were 300 train drivers, 300 firemen/observers and around 60 shunters and station staff, et cetera. This has now been reduced to an appalling, piddling 12 drivers.

We talk about Canberra and Sydney and that rail link. I think we should also consider the intervening stations, because by closing off rail lines you are severing the arteries of a state, and that has been happening for years. It is no good replacing them with buses or with trucks for your produce or your freight. One could be suspicious about whether the truckers are not getting involved in this issue.

The *Goulburn Post* has commented that, although the press release announcing the temporary cancellation of these two trips to Canberra stated that the return of those two trains would be subject to a late October review of both staff and patronage demand on the corridor, the train has been removed completely from the internal computer.

While buses have been replacing all Xplorers in the two weeks the trains were withdrawn, due to the staffing difficulties, spokesmen said that there were not even provisions in the timetable from 1 September to replace the withdrawn morning and evening Xplorers. The new timetable due for release from September 21 has no provision for the morning and evening trains. So it looks as though they have taken them out completely.

The question then is: what is going to happen to the rest of the service between Canberra and Sydney and, I repeat, the intervening stations for people who live en route? What about Bungendore and various places like that? What is going to happen to Mittagong and Bowral? Maybe we will chop out trains from the entire region and replace them with buses. We do not know.

But I believe that this ACT Labor government has been remarkably tardy in taking action to raise this matter with Mr Carr and, equally, the federal ACT Labor members have been remarkably quiet. Mrs Dunne has already mentioned our new member for Monaro, who has been remarkably quiet. You have to wonder why. I think there is extreme embarrassment, and I can understand that.

I urge this government, as I urge this Assembly, to do something about this whole matter. I believe that the battlers they purport to represent will be the people who are most disadvantaged. The one thing that you have in train travel is time. That time is sometimes imposed upon people because of costs; others—the retired, et cetera—can enjoy the travelling because time is not of great importance to them.

I believe that we owe it to those people; they have as much right to travel as anybody else. They do not necessarily have the right to travel as they would always like, but that is a matter of financial circumstance. Nevertheless, they have every right to travel, the same as everybody else.

I have read a lot in the newspaper of Carr for Canberra—the Premier of New South Wales coming up to save federal Labor. May I conclude by saying that, if he does come to Canberra, it won't be by rail!

MRS DUNNE: (6.20) I am glad that this important matter has created so much interest, and I am pleased to see that the Chief Minister is sufficiently moved to consider what is being said and whether or not it needs to be amended. The Liberal opposition will not be supporting paragraphs (1), (2) and (3) of his amendment, for the very simple reason that they are the same words as are in the existing motion.

This is a pathetic attempt by the Chief Minister; he has done it two or three times today. It happens often in private members business with amendments that say, "omit all words after," with a view to substituting something else. It is as though, on a private members

business day when the government has been caught out, it feels the need to impose its imprint on what is going on by omitting all words and substituting something else.

In this case, the Chief Minister proposes to substitute the original words. What is the point? In a sense it is lazy. It is too hard to say, "insert after" or "delete paragraph". I take the Chief Minister's point. I am gratified that the ACT government is now making a submission to the Parry inquiry. I wonder when they decided to do it. I would like to hear from the Chief Minister whether it was today that he decided to do that or whether he has been doing it for some time. I hope he has been doing it for some time.

I am quite happy to note that the Chief Minister has already written to Bob Carr on this matter. But this is not what the motion is about. We are not here for the gratification of Jon Stanhope and the Labor Party; we are here for the people of the ACT. I will not support the deletion of the paragraph that was in the original motion calling on the Chief Minister to write again to the New South Wales government.

It is paramount that at the end of this debate the New South Wales government knows the views of this Assembly and the people of the ACT about what it is proposing to do. It is imperative that this Chief Minister write to his counterpart in New South Wales and to the Minister for Transport Services, Mr Costa, who in this infamous affair has been remarkably silent.

I am pretty relaxed about the wording, one way or the other, of the last two paragraphs. No—actually, I am not. He substitutes "calls on the ACT government to secure a service level agreement" with "notes that we have been doing it for 3½ years". For 3½ years we have been trying to get a service-level agreement, and look at the level of service we have got—diminishing every day. There is nothing to be very proud about.

We should not be patting ourselves on the back, puffing out our chests and saying, "We've been working really hard for 3½ years, and we have failed." We need to be better than that. The Liberal opposition will not support paragraph (6) of Mr Stanhope's amendment. Although there is a similarity between paragraph (7) of his amendment and our paragraph (7), our paragraph (7) is stronger. We need to send a message to the New South Wales government that the people of Canberra, Goulburn and the Southern Highlands need that trip to Sydney in the morning and need to be able to come back in the afternoon.

This is not just about us. This is about the Australian capital region and the services that are provided to the Australian capital region. The Treasurer, in his—as the Leader of the Opposition calls it—yellowing white paper, is always talking about the Australian capital region. But when it actually comes to doing a small thing for the Australian capital region, they do not want to do it.

They do not want to push the view that the people of Canberra require a service to Sydney in the morning and another one back in the afternoon, so that the elderly ladies who want to go and visit their sons on the Central Coast can get a connection in Sydney and get there in one day. This is what we are asking for and, if this Chief Minister is not prepared to do it, shame on him.

In addition, Ms Dundas has foreshadowed a laudable amendment, which is an adornment of the original motion, and we will be supporting it. I have had an amendment circulated and foreshadowed to re-insert our paragraph—if Mr Stanhope succeeds in taking it out—that requires him to write to New South Wales again.

I move:

> After (5), add new paragraph:
>
> "(5A) directs the Chief Minister to write again to the Premier of NSW, Mr Carr, and the Minister for Transport Services, Mr Costa, advising them of the views of the Assembly on this matter.".

Mrs Dunne's amendment to **Mr Stanhope's** amendment agreed to.

MRS DUNNE (6.25): In accordance with standing order 133, I move:

> That the question be divided.

Question put:

> That the question be divided.

The Assembly voted—

Ayes 6		Noes 5	
Mr Cornwell	Mr Smyth	Mr Berry	Mr Stanhope
Mrs Cross	Ms Tucker	Mr Corbell	
Ms Dundas		Ms Gallagher	
Mrs Dunne		Mr Hargreaves	

Question so resolved in the affirmative.

MR SPEAKER: Pairs are in operation between Mr Pratt and Mr Wood, Mr Stefaniak and Ms MacDonald, and Ms Burke and Mr Quinlan.

Question put:

> That paragraph (1) be agreed to.

The Assembly voted—

Ayes 7		Noes 4
Mr Berry	Mr Hargreaves	Mr Cornwell
Mr Corbell	Mr Stanhope	Mrs Cross
Ms Dundas	Ms Tucker	Mrs Dunne
Ms Gallagher		Mr Smyth

Question so resolved in the affirmative.

Paragraph (1) agreed to.

Paragraph (2) agreed to.

Paragraph (3) agreed to.

Paragraph (4) agreed to.

Paragraph (5) agreed to.

Paragraph (5A) agreed to.

Question put:

That paragraph (6) be agreed to.

The Assembly voted—

Ayes 6		Noes 5	
Mr Berry	Mr Stanhope	Mr Cornwell	Mr Smyth
Mr Corbell	Ms Tucker	Mrs Cross	
Ms Gallagher		Ms Dundas	
Mr Hargreaves		Mrs Dunne	

Question so resolved in the affirmative.

Paragraph (6) agreed to.

Paragraph (7) agreed to.

MR SPEAKER: The process is that I will now put the question that the motion as amended be agreed to. I expect Ms Dundas will then move her amendment to add an additional paragraph 8.

Mrs Dunne: I seek some clarification. I am not sure whether we have actually voted on "Omit all words after 'that this Assembly'." Have we done that, Mr Speaker? If that is the case, paragraph (6) from the original motion has been deleted. If it has, I would like to move to put it back in, in the same way as we did with paragraph (5).

MR SPEAKER: That could be my mistake because I went straight to paragraph (1). With the leave of the Assembly, I will put the question that the preamble "Omit all words after 'that this Assembly'" be agreed to.

Question resolved in the affirmative.

MS DUNDAS (6.38): I move the following amendment, circulated in my name:

Add the following clause after paragraph (7):

"(8) Calls on the ACT Government to investigate any means available to it that

> will encourage greater utilisation of the train line, for both passenger and freight services.".

The debate we have been having is quite important, but I would also like to argue that the ACT government needs to go further than simply lobbying the New South Wales government and letting us know what it has been up to for the last three years. The amendment that I am moving today asks the government to take the first step towards assisting greater use of interstate rail services by investigating methods by which it could support those services.

Our rail line does not get very good press, except when it is threatened with closure. I noted today that the Chief Minister put out yet another press release supporting the Canberra airport, one of many he has put out this year. Unfortunately, our railway station has never received this sort of treatment. I cannot recall a press release from the Chief Minister congratulating our Kingston rail train centre for being such an important part of the transport infrastructure of the territory.

One of the strategies of the newly named Australian Capital Tourism has been targeting car-based tourism from Sydney. Why not also let potential tourists know that they can travel comfortably to Canberra by train? The transport minister has recently mentioned in the media that buses adequately service the railway station. But could this be improved on? Could we offer a free shuttle bus, or at least ensure that all services to the railway are on wheelchair accessible buses?

It is not good enough for the ACT government to simply blame the New South Wales government when services are cut, as has been done over the last decade. What are we doing to ensure that services remain viable from our end? One issue that led to the recent closure of services was the cost of accommodation for the New South Wales train staff, who come in on the last service at night and drive the first service out in the morning. Maybe we could foot that bill as part of our commitment to the New South Wales train service. It is one of the many issues that can be explored from our end.

I hope that the Assembly is willing to accept this amendment and that the government takes some time to investigate the promotion of rail transport to and from Canberra. We also need to look at the long-term future of interstate rail connections. The very fast train project was a great idea, and we as Democrats continue to support it. But perhaps we should also be looking at alternatives to rail in the near future, especially as the VFT does not appear to be likely in the foreseeable future.

The Railway Technical Society of Australasia has put forward one interesting option: to build a railway line from Yass to North Canberra, providing a T-intersection service with the main Sydney to Melbourne link. This track is in better condition and would immediately provide fast travel times to both Sydney and Melbourne. Combined with track upgrades and the introduction of tilt trains, this idea could result in a service to Sydney in around two hours and to Melbourne in around six hours at a far lower cost than any VFT proposal and in a far safer way than any car transport.

These are things we should be looking at and, if the ACT government is serious about reducing the greenhouse gas emissions associated with the territory and providing sustainable transport for the people of Canberra, it cannot continue to sideline rail as

a transport mode. We need a serious commitment to rail services from this government and an end to the automatic rejection of any ideas to improve real services. Indeed, we should encourage more ideas for improving rail services, have the debate and look at what we can be doing from this end to make rail transport an integral part of linking the ACT to the rest of the nation. I believe my amendment should now be agreed to.

MR BERRY (6.43): As a longstanding train buff I cannot help myself saying a few words about trains. One does not have the opportunity very often to talk about these things. Since I have been a member of the Assembly, since the beginning of self-government, there has been a fascination with very fast trains, which has occupied the minds of governments of various flavours almost totally. The very fast trains, in their various guises, have been offered to the people of the Australian Capital Territory as the alternative to the road system to assist the establishment of a major airport here, and so on.

Some time ago I had the luck to visit various train systems in Europe on a study tour. I was able to travel on the Spanish Talgo trains in their various guises—a 200-kilometre an hour train, which would be very nice in the ACT. It is a tilt train. I had the opportunity to travel on the TGV in France, a very nice train, which goes at 280 kilometres an hour, and is very comfortable. I had the opportunity to travel on the prototype maglev train—very comfortable—on a short-trial circuit. That travels at 412 kilometres an hour—quite extraordinary.

In all cases, these trains were intended for routes between major population centres with very high patronage and very high loads. To get to these various trains I travelled on very ordinary trains in Europe. Compared to the very ordinary trains in Australia the very ordinary trains in Europe were very fast—in Germany 160 kilometres an hour was quite common. It struck me at the time that we had all been distracted from doing something about the existing rail alignment by the glittering prize of a very fast train system.

Mr Corbell: On a point of order, Mr Temporary Deputy Speaker—I cannot resist this: there is a standing order that requires members to speak from the place they are allocated in the chamber.

MR TEMPORARY DEPUTY SPEAKER (Mr Hargreaves): The point of order is upheld, Mr Corbell. Thank you for your assistance.

MR BERRY: Thank you, Mr Temporary Deputy Speaker. It has been unfortunate that the Stanhope government has been caught because for all of these years the rest of us—and I was one of them—were mesmerised by the prospect of getting a very fast train. One of our earlier colleagues, Mr Moore, went over there and was seen on the television promoting the idea of a very fast train in the ACT. Most of the people in the ACT thought there was a real prospect of it.

As it turned out, it was never going to happen without massive subsidy from the taxpayer, bearing in mind that we have a centre of 300,000 people, and Sydney has 6 million or so within the greater area. But it was always a doubtful prospect without massive subsidy.

It was a matter of great sadness for me to see the early morning and afternoon services abandoned by the New South Wales government. I trust that, between all of us, we are able to influence the government in New South Wales to restore those services. In the long term, we need to build on a very ordinary train service that exists now and make sure that it services the people of the ACT—but not only the people of the ACT who want to travel on it; also those people between here and Sydney that need to travel on the train system. There are also those who are ideologically rusted onto rail systems, like me, who would like to see the establishment of better rail systems throughout this country.

The Stanhope government is rather lumbered now with the prospect of dealing with something that has been quite out of its control. I know that every effort will be put into ensuring that something happens which, to the best of our ability, ensures that there is a restoration of a better train system and improvements in the future.

MRS DUNNE (6.49): As I said before, the Liberal opposition considers Ms Dundas's amendment is an adornment, and we will support it for many of the reasons that Mr Speaker has outlined. We face the situation that we have run down our rail stock while we were mesmerised by the very fast train. The situation has come where other jurisdictions have said, "Perhaps it is not time for the very fast trains. We will have a moderately fast train." One that goes would be good.

Then we should be moving on to one that goes reasonably fast. Queensland has introduced the tilt train between Brisbane and places north. When he was a schoolboy, my husband calculated that the train between Rockhampton and Queensland used to go marginally slower than Stephenson's *Rocket* for most of the time, but now it runs at 200-odd kilometres an hour. We, too, should aim for those improvements on this route and make, at this end of the line, a significant contribution to ensuring that that happens.

Amendment agreed to.

Motion, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Mr John Hargreaves

MRS DUNNE (6.49): I raise just a small matter, Mr Temporary Deputy Speaker. This morning one of the members for Brindabella, Mr Hargreaves, rose in here to talk about solipsism. When challenged, he decided to inform us that that was his interpretation of the word. While a very able member representing the people of Tuggeranong, he is not yet a bibliophile. Don't give up your day job to try to work it out. You said, Mr Temporary Deputy Speaker, that solipsism was your interpretation of what it meant. We have to beg to differ. It is wrong, and don't give up your day job.

Question resolved in the affirmative.

The Assembly adjourned at 6.50 pm.