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Tuesday, 25 November 2003

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

**Legal Affairs—Standing Committee
Scrutiny report No 40**

MR STEFANIAK (10.32): Mr Speaker, I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 40, together with the relevant minutes of proceedings.

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

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

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

Leave granted.

MR STEFANIAK: Mr Speaker, Scrutiny Report No 40 contains the committee's comments on one bill. I commend that report to the Assembly. As members can see, it is a short report. It relates to one particular bill, which I understand will be listed on Thursday. It is basically self-explanatory. I understand my colleague Ms Tucker may well wish to say something in relation to one issue.

MS TUCKER: I seek leave to make a statement on the scrutiny of bills committee report.

Leave granted.

MS TUCKER: These are the scrutiny of bills committee's comments on the Electoral Bill, which will extend the term of the Assembly, and I just wanted to make a brief comment. There is always the potential to see rights issues or potential infringements of rights if you see the term of parliament extended by that parliament. I am not saying that that is the case at the moment with the extension of the term by one extra year. Basically this is the case in a number of states and territories already, but I just think it is important to make the point that the scrutiny of bills committee's terms of reference do require us to look at whether or not a bill introduced into the Assembly unduly trespasses on

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personal rights and liberties. I just want to make the point that there is obviously the potential for a bill such as this Electoral Bill to do that.

Inquiries Amendment Bill 2003

[Cognate bill:

Royal Commissions Amendment Bill 2003]

Debate resumed from 28 August 2003, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No 2 relating to the Royal Commissions Amendment Bill 2003? There being no objection, that course will be followed. I remind members when debating order of the day No 1 that they may also address their remarks to order of the day No 2.

MR SMYTH (Leader of the Opposition) (10.36): Mr Speaker, the opposition will be supporting both this bill and the one following, the Royal Commissions Amendment Bill 2003, as they both do much the same thing. As this is a cognate debate, members can assume that the comments I make in relation to this bill apply to the next.

The Inquiries Act 1991 provides a mechanism for the executive to establish a board of inquiry to conduct an independent inquiry into an issue of significant public importance. The most recent inquiry established under the act was the inquiry into disability services provided within the Australian Capital Territory. As members would remember, there were some difficulties with the presentation of the report and some flaws were identified with the bill as a result. Following the presentation of the Gallop report and the subsequent brawl in the media, the ACT Supreme Court, and indeed in this place the government, requested a review of the act. That review recommended amendments to the act which, we are told, are incorporated into the Inquiries Amendment Bill 2003.

Mr Speaker, specifically the bill allows the Chief Minister to table reports in the Assembly regardless of whether or not the Legislative Assembly is sitting and whether or not the report or part has been presented to the Assembly. The Chief Minister is thus not civilly or criminally liable in relation to the publication of a report. Whilst the bill forces the board of inquiry to comply with the rules of natural justice, it is not bound by the rules of evidence but may also inform itself of anything it considers appropriate. It may do whatever it considers necessary or convenient for the fair and prompt conduct of the inquiry.

The amendments also allow a right of reply for those adversely named in a report and provide protection against defamation for those giving evidence. In summary, Mr Speaker, the opposition will be supporting this bill as it makes commonsense improvements to the act.

We will also be supporting the Royal Commissions Amendment Bill 2003. The amendments reflect those included in the Inquiries Amendment Bill and as the two acts are similar it is quite appropriate that similar arrangements are made. Accordingly,

members will refer to the previous points I have made in regard to the Royal Commissions Bill.

In summary, the Liberal Party will be supporting the Inquiries Amendment Bill 2003 and the Royal Commissions Amendment Bill 2003.

MS DUNDAS (10.38): Mr Speaker, the ACT Democrats will not be supporting these bills today. The central reason that we will not be supporting these bills is that we believe that they go in entirely the wrong direction by further removing the Legislative Assembly from the conduct of inquiries and royal commissions. The ACT Democrats fundamentally disagree with the statement made in the Chief Minister's Department's review that inquiries and royal commissions are fundamentally a tool of executive government. Inquiries and royal commissions are the highest form of investigation available in our parliamentary system, and this has important consequences for both the executive and the Assembly.

While instigating an inquiry or royal commission may have a substantial dollar cost that must be taken into account in the preparation of budgets, this is a very weak excuse for placing the province of inquiries and royal commissions in the hands of executive government alone. The involvement of the Assembly has considerable consequences for royal commissions and inquires, particularly in the trust placed in an inquiry by the public, and the authority and legitimacy that it carries in the eyes of the people.

We have seen numerous examples of royal commissions being used in Australia as political tools to attack a particular group or political opponent. The use of a royal commission to inquire into the Penny Eastman affair in Western Australian and the federal appointment of a royal commission to inquire into the construction industry are just two examples that come to mind.

We also saw in the Assembly a consistent refusal by government to appoint a board of inquiry into disability services, despite the fact that an investigation was clearly warranted. The question of political interference by executive government is a far more fundamental concern about the construction of the Royal Commissions Act that the government has completely disregarded in its review.

The abuse of royal commissions in Australia has undermined public confidence in royal commissions and boards of inquiry so that they have begun to be perceived as yet another arm of the executive government. This downgrading of public confidence undercuts the independence of inquiries and may create barriers for members of the public who would otherwise give evidence more freely.

MR SPEAKER: Order! Would members please lobby each other outside of the chamber.

MS DUNDAS: Thank you, Mr Speaker. We have already seen the unwillingness of some participants to give evidence in recent federal royal commissions as the process has become a political tool rather than an independent search for truth. This is a direct result of executive control of the appointment and terms of reference of inquiries or royal commissions. Whilst I acknowledge that the Gallop inquiry raised significant questions about the protection of witnesses and the legal liability for government, to go down the

minimalist path of trying to address these issues in isolation without looking at the role and position of inquiries and royal commissions is an irresponsible approach and an abrogation of duty by government.

I note that this government sees these bills as an end point of the debate and there will be no further investigations of legislation on these issues. The proposal the government has put forward basically removes any role for the Assembly in the process and clearly makes boards of inquiry and royal commissions creatures of executive government. This is consistent with the government's continuing disrespect for the processes of the Assembly and its general desire to downgrade the powers of the Assembly and turn it into a rubber stamp for policies of whichever government happens to have power on the day.

The government's approach presents a missed opportunity to improve public confidence in the appointment of inquiries and royal commissions, including drafting their terms of reference and opening up their lines of reporting. Members are well aware that I have previously attempted to improve the role of the Assembly by trying to amend the Inquiries Act last year. I also attempted to draft amendments to these bills to make the appointment and reporting of boards of inquiries and royal commissions more open and accountable. But I was advised that the scope of these bills is so narrow and constrained that my amendments would likely be ruled out of order. I think this illustrates my point entirely.

These bills present a narrow-minded and constrained approach to amending the whole issue, and the government has thrown away any opportunity to improve public confidence in the use of these bodies to independently inquire into highly pertinent areas of public concern. Instead it has finalised the idea that royal commissions and boards of inquiry are just other political weapons to be wielded by governments.

I understand that Ms Tucker proposes amendments to these bills. I won't oppose the amendments as I see them as an attempt to reinsert some tiny role for the Assembly in the process, but even if these amendments are successful it is not enough for me to support the bills as I believe the government has to go back to the drawing board entirely and look at the issue more holistically. I think these bills are unsalvageable and will not be supporting them.

MS TUCKER (10.44): These two bills implement three changes recommended in the review of the act by Crispin J following the fracas that surrounded the release of the Gallop report. The three aims are to clarify the arrangements for tabling reports in the Assembly or otherwise publishing them and privilege attached in those circumstances, to require procedural fairness, and to clarify protection for persons giving evidence.

The report that these amendments are based on is itself a useful document. This report covers the quite complex legal context of parliamentary privilege. I do think this will be a useful reference for future work that requires some thought to privilege.

This bill deals with the problem of giving privilege to the report of a board of inquiry or a royal commission in essentially the same way that I amended the McLeod inquiry act, rather than deeming these inquiries to be in effect proceedings of parliament when they are in fact set up by and accountable to the executive. This amendment defines the report

as a proceeding of public concern under the Civil Law (Wrongs) Act 2002, sections 128 and 129. This definition will then provide protection from civil law action such as defamation.

This report and the amendments today still leave open the question of whether there is an expectation that the Assembly will be informed of a report from a board of inquiry. There is nothing in the legislation for a board of inquiry or a royal commission—serious formal public inquiries into a matter of import and at great expense—that requires the Chief Minister to publicise the report or to put it before the Assembly. While it will be argued that no government worth its salt would try to get away with hiding the report once such an inquiry has been conducted, I think we know that not all governments have been or will be worth their salt. There seems something very wrong with an arrangement that does not ensure some accountability.

The report on privilege notes that boards of inquiry are not in all jurisdictions creatures of the executive alone. In Tasmania, New South Wales and the Northern Territory there is a statutory requirement that a report from the equivalent inquiries—royal commission in New South Wales—be tabled in the house or houses. The time limit is 10 days in Tasmania and 14 days in the Northern Territory. Because the reports must be tabled they automatically are considered to be proceedings of parliament and so receive parliamentary privilege. I think there is something worth considering in that idea.

We saw, with the need for what became the Gallop inquiry, that the government of the day was somewhat reluctant to establish such a powerful inquiry into problems on its watch. While the government did the right thing and established the inquiry as called for by a majority of Assembly members, it is fair, I think, to say that it did not do all it could to ensure it would run smoothly—for example, selecting a chair with no experience in the area to be inquired into.

Ms Dundas has said that this legislation is irresponsible and an abrogation of responsibility because she believes that it should be the right of the Legislative Assembly to initiate such inquiries. It is an interesting debate and we had it at length when we were looking at setting up the Gallop inquiry. Of course, the debate crosses over into the whole basic questions about the role of the executive in a parliament and the capacity for a parliament to keep an executive accountable. The flip side of the argument that Ms Dundas is putting of course is that it is actually the wearing down of this separation that in fact diminishes accountability, and that was certainly the argument that was put by the clerks at the time.

So I think it is an interesting debate. It is really about looking at parliamentary practice and the role of executive in parliament. I understand where Ms Dundas is coming from in her statements but I think it is not a debate to be had today, although I am quite happy to have it another day because it is certainly important.

I have proposed amendments which are a slight adjustment to the proposed new arrangements for privilege that would require the Chief Minister if she or he did not put a report before the Assembly or otherwise make it public within a certain time to provide a written statement to the Assembly setting out the reasons for this. I have proposed one month, which allows enough time for consideration to be given to whatever issues might

persuade the Chief Minister not to make the report public. It also ensures that there is some feedback within a fairly short time after the report is complete.

I would like to make it clear that the amendment still would not require the report itself to be tabled and does not make the inquiry in any way a proceeding of parliament. Neither would it alter the current balance of protection from defamation as against the ability to take legal action. It will however ensure that the Assembly can hold the Chief Minister accountable for making the report public.

There is certainly a public interest in knowing the outcome of the inquiry or royal commission. Indeed, government amendment No 7 defines them as proceedings of public concern. Therefore it is useful to have some mechanism for a time limit for publication and a requirement that the Chief Minister explain his decision if he has decided not to make it public. We know that prompt feedback is an important element for people who have suffered some hurt or who are seeking a change. If the government for whatever reason was not prepared to release the report, then the Chief Minister ought, at the very least, give an account of that decision to the Assembly.

This bill also introduces a requirement that boards of inquiry and royal commissions comply with the requirements of natural justice. This provision is modelled on provisions in other ACT legislation. It is an important requirement to have spelled out both for its own sake and for the sake of smooth proceedings. It could be argued that those requirements for natural justice were in fact already in place. That was the judgment Crispin J came to after problems with the Gallop inquiry report. However, given a procedure for natural justice is spelt out in other legislation, such as the Coroners Act, it makes good sense to put those same provisions in this act and obviate the possibility of similar failures in the future.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.51), in reply: I thank members of the Assembly for their contributions to the debate today. As members have indicated, following the completion of the board of inquiry report into disability services by John Gallop J, and the subsequent decisions in the ACT Supreme Court by Crispin J, I requested a review be conducted of the Inquiries Act to see if it could be improved. A review was conducted within the department and reports suggesting amendments to the Inquiries Act and the Royal Commissions Act were prepared and tabled by me.

The review of the act—and these are the issues that we have discussed this morning in this debate—identified three areas in which improvements need to be made. The first relates to procedural fairness provided by the board during the inquiry; the second relates to uncertainty in relation to protection provided under conventions of privilege following the receipt of a board of inquiry report; and the third relates to protection of the persons reporting on issues arising from the inquiry report.

Following the presentation of the disability services report it became clear that the provisions relating to inquiries processes needed to be strengthened in relation to procedural fairness. In this regard, two improvements are proposed by these bills. The first is to require the inquiry to provide natural justice during an inquiry. The second is to require a board of inquiry to notify a person or agency, if it proposes to make an adverse finding concerning that person or agency, of that finding and to provide an opportunity to

make a submission or statement in response. The bill provides that the inquiry must include that submission or statement or a fair summary in its report. These two amendments provide persons appearing before an inquiry with statutory rights of fairness. It is fair to acknowledge that those arrangements are based on the provisions that currently apply in relation to inquiries undertaken by the auditor.

The uncertainty created by relying on parliamentary privilege is at least in part brought about by the fact that inquiries are established by the executive rather than the Assembly. The board reports to the Chief Minister, again rather than the Assembly, and the Chief Minister has a discretion whether or not to table the board of inquiry report. The amendments provided in the bill make it clear that any fair and accurate comments made in relation to the board of inquiry are protected from any civil action. This protection is extended to members of the Assembly and to members of the community.

A further benefit to allowing the proposed protection is that protection is provided in relation to the report without the need to wait for the Assembly to be sitting in order for the document to receive absolute privilege, which will allow for earlier release of reports.

The third issue of providing protection to anyone publishing a fair and accurate summary of the board of inquiry report extends the current protection given to anyone who publishes a fair and accurate summary of proceedings before the inquiry.

These amendments are important in making the inquiry process under the act fairer, in providing certainty in relation to protection for fair and accurate comments made in relation to the inquiry's report, and to provide protection for a person publishing and reporting fairly on the board's report.

I have—and we will get to these in the detail stage—circulated amendments which essentially simply provide for renumbering of some sections and respond to comments made by the scrutiny of bills committee in relation to a view by that committee of one particular provision. Perhaps the more significant of those amendments is the one to remove proposed section 38 (4). That decision has been made on the basis of the scrutiny of bills committee's report on its appropriateness.

For the sake of completeness, I also advise members, Mr Speaker, that in my presentation speech I did assert that only two previous inquiries had been undertaken pursuant to the Inquiries Act. In fact, that should have been three, so I just wish to correct the mistake I made in the presentation speech in that regard. I thank members for their contribution to this important debate.

Question resolved in the affirmative

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

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Clause 4.

MS TUCKER (10.56): I move amendment No 1 circulated in my name [*see schedule 1 at page 4628*].

As I have already explained, this amendment ensures that if government does not make public the report of an inquiry under the royal commission or board of inquiry acts within a month of the board or commission reporting to the government, the Chief Minister must make a statement to the Assembly explaining that decision.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.57): Mr Speaker, the government is happy to accept that amendment and we will support it.

MR SMYTH (Leader of the Opposition) (10.57): Mr Speaker, it is a reasonable amendment and keeps control on the government and brings accountability back to the Assembly. So the opposition will be supporting the amendment.

MS DUNDAS (10.58): Just briefly, as I said earlier, the ACT Democrats will not be opposing this amendment. I understand that it will go some way in making the executive report to the Assembly about how inquiries have progressed. But I don't think it goes far enough in making this legislation as a whole worth supporting.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 and 6, by leave, taken together and agreed to.

Clause 7.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.59): I seek leave to move amendments 1 to 3 circulated in my name together.

Leave granted.

MR STANHOPE: I move amendments 1 to 3 circulated in my name together [*see schedule 2 at page 4628*].

Mr Speaker, the amendment bill, as I mentioned just a moment ago, was considered by the Standing Committee on Legal Affairs, the scrutiny of bills committee, which reported in September, having considered proposed subsection 38 (4) to provide a very wide immunity which was not adequately explained in the statement.

On further consideration, the government has agreed with the committee's view, reassessed the need for the provision and included proposed new subsections 38 (1), 38 (2) and 38 (3) to provide a sufficient and a more appropriate balance of immunity protection under the Civil Law (Wrongs) Act 2002.

Two further amendments are proposed to new section 30 of the Inquiries Act as a result of recent amendments to the Civil Law (Wrongs) Act, basically requiring paragraph renumbering in the Inquiries Amendment Bill 2003. Consequently the amendments that I have tabled provide for that renumbering and propose the deletion of proposed subsection 38 (4) of the Inquiries Act 1991.

So essentially there are two consequential renumberings of subsections and removal of the proposed subsection 38(4) on the basis of advice from the scrutiny of bills committee in relation to concerns it expressed about potential liability and the wideness of the protection provided in the proposed 38 (4).

Amendments agreed to.

Clause 7, as amended, agreed to.

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

Bill, as amended, agreed to.

Royal Commissions Amendment Bill 2003

Debate resumed from 28 August, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

MS TUCKER (11.02): I move amendment No 1 circulated in my name [*see schedule 3 at page 4629*].

This amendment is a similar amendment to the one that I moved to the Inquiries Amendment Bill.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 and 6, by leave, taken together and agreed to.

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Clause 7.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.03): Mr Speaker, I seek leave to move amendments 1 to 3 circulated in my name together.

Leave granted.

MR STANHOPE: I move amendments 1 to 3 circulated in my name together [*see schedule 4 at page 4630*].

Amendments agreed to.

Clause 7, as amended, agreed to.

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

Bill, as amended, agreed to.

Affordable Housing Taskforce Final report—government response

Debate resumed from 28 August 2003, on motion by **Mr Wood**:

That the Assembly takes note of the paper.

MS DUNDAS (11.04): When the affordable housing taskforce reports were tabled I understand that the government was not intending to table a response, but I am glad to see that they have changed their mind and that we can have this debate about the government's response, as the response does give us a good idea of what action we can expect from the government.

Minister Wood has demonstrated far greater commitment than his predecessor did to public and affordable housing, and I do commend him for that. I know he understands the fundamental role of public and community housing as part of a safety net for low-income people living in our territory and the need for affordable private housing for less-well-off people who cannot or choose not to access public housing.

I was encouraged to see that most of the task force recommendations were accepted by the government, with only a minority noted. I am particularly glad that some of the task force recommendations have already been acted upon, such as the rental bonds loan scheme. It is good to see not only a community report and a government response but also the immediate implementation of some of those recommendations, which gives us some faith that these reports will be followed up on.

But I do have some reservations about the practicality of some of the recommendations that were put forward. The task force report had a strong emphasis on private sector involvement in the provision of affordable housing and this, of course, echoes the new provision in the most recent Commonwealth-state housing agreement that pushes the

ACT towards public/private partnerships without necessarily considering how they will work here in the territory.

Considering that private sector finance is more expensive and that the private sector needs to take away a profit, it is hard to see how these partnerships will create a larger stock of housing in the longer term. The exception would be if there are some amazing efficiencies I am yet to be aware of that the private sector can bring to housing provision.

I think we can look at moving from public/private partnerships to how the private sector provides housing. There has been enormous hostility from the government to ideas directed towards this end. I look forward to the economic white paper which the government response suggests and I hope it will put forward some alternative proposals in relation to the provision of private sector housing and how the private sector can be encouraged to bring about more affordable housing stock.

In the last 10 years ACT Housing has been forced to cannibalise itself by selling stock to undertake vital upgrades. Fortunately they have been able to justify the sale of high-value stock in the inner north and inner south to fund new housing in Tuggeranong and Gungahlin, as well as Belconnen. Although the total number of dwellings has decreased, the decrease has not been as large as it would have been if their initial stock had been concentrated in areas with lower land values. However, we will reach the end of this road soon and a stronger commitment to ongoing capital injections from the government will be required if our stock of public housing is not to be run down to nothing.

Often the government's response when we talk about the amount of public housing stock is that the ACT has more public housing stock per capita than any other state or territory. Whilst that is an important statistic, I think we also need to look at the age of our stock, how the stock is being utilised and what the future provision of that stock will be. The lines in the graphs are actually meeting, and the provision of public housing stock is decreasing as the population grows.

I was glad to see the government accept the task force recommendations relating to barriers to investment presented by our existing planning system. The fact that affordable housing providers have so far been required to pay a full change-of-use charge has prevented a number of developments, including ones to alleviate our aged persons accommodation shortage. I hope to see a greater emphasis in the work of ACTPLA on promoting affordable housing.

We need to have a vehicle to develop a broader direction in relation to affordable housing, and that vehicle needs to be part of the planning system. Whether or not it is LAPACs, whether or not it is community planning forums or something else, we need to have that vehicle. So I encourage the Minister for Planning and the minister for housing to give more emphasis to broad planning measures that promote affordable housing throughout our suburbs.

Overall, the tone of the government response is positive and shows that the government recognises that a shortage of affordable housing is one of the key risk problems it has responsibility for addressing. I believe this represents a change from possibly a few years ago and I think it is a result of a high level of media attention given to spiralling property

prices and the huge increase in government revenue that has flowed on from these price increases.

Yet again we see quarterly results for the territory showing property revenue exceeding projections. I know the Treasurer will say that this will not last forever and that the federal Treasurer has talked about the end to the property boom. But at the moment the government can afford to implement task force recommendations such as selling land more cheaply to affordable housing providers and providing tax concessions to affordable housing providers. These can be short-term, one-off recommendations that will see the revenue increase the government has had from property sales being put back into the housing market and supporting those who are not part of the property housing boom.

I hope that we will see in upcoming budgets greater implementation of the Affordable Housing Taskforce report.

MRS BURKE (11.10): The affordable housing issue has been raised recently in this house, so many of the points have been made. However, I would like to make a couple of comments. I think it would probably be worth while to restate the terms of reference relating to strategies for action set out for the government. Those terms of reference were:

1. define the nature of affordable housing;
2. identify the factors, extent and incidence of housing stress and lack of housing affordability overall within the ACT community;
3. identify and assess opportunities and constraints for the development of affordable housing in the ACT;
4. identify strategies used to increase housing affordability in other jurisdictions in Australia and overseas and assess their appropriateness in the ACT context; and
5. develop broadly based strategies for increasing housing affordability, taking into account financial, land use, planning, taxation and other considerations, as well as the role of both the social and private housing sectors.

I have just a couple of comments on those terms of reference. Firstly, I would like to refer to the definition of affordable housing. We all know that, as this government report quite accurately says, stable, secure and affordable housing is a critical element in the lives of all people in our community. I find it rather challenging that we still continue to seem to have a system that does not empower people but crushes them. We seem to be working on very old principles, practices and policies that really need a good overhaul and review. I have said in this place before that that is not an easy task. Indeed, it is something that needs to be looked at more closely.

I know that the government has made efforts in some areas, albeit a rather scattergun, bandaid approach. These efforts are not really being directed at the areas of critical need. People should be the focus, not the process. We should not be process driven—we should be people oriented and people focused.

Housing is an essential contributor to building the strength of individual capacity. It is the foundation of community activity. Really, having a roof over your head is at the heart of stability, being able to contribute to a community, being valuable members of society, being made to feel worth while. I think while ever we can we need to ensure that those

most disadvantaged in our community are given every opportunity to not only be responsible for their own actions but to be given a step up, not necessarily a handout. Life is not always about thrusting money into a person's palm.

I am pleased to say that I have a particular case at the moment on which the minister and I are working very closely, which is great, to achieve a positive outcome. This looks to me like being a benchmark for what could happen in the future, and I am sure the minister also sees it that way.

All members of a community should be able to access housing that meets their needs and underpins the sustainability of their future. So often, Mr Speaker, I think we forget that we are in this place to represent people outside of this place. Often we are driven by bureaucracy, the need for accountability and process and, in so doing, we forget the very people that we are trying to assist and help.

I think Ms Dundas made some comments in regard to private sector/government alliances. She spoke about businesses needing to make a profit. The report recommends that we look at other models outside of the ACT. The UK—and I know that I have said this before—which has obviously been doing this for a lot longer than we have, has many thousands of not-for-profit organisations providing a service. I have looked at this sort of community housing model. I congratulate the minister on re-looking at CHC and how it is set up. I think that could be a positive move and I will wait to see the outcome.

I know that Ms Tucker made comment in her media release in May this year that there were no costings or timelines or a strategic overall plan in the government's response to the report. A minister's role is to drive and lead strategy in an area that is so dear and close to many people's hearts. If you have not got a roof over your head, life becomes very challenging.

The report contains 46 recommendations and it is very rewarding to see that the government has taken on board and is chipping away at some of them. Of course, we cannot always give one single answer as to why housing affordability has become out of the reach of many people. David Dawes, in an article in the *Canberra City News* of 14 August, stated:

The factors that need to be looked at are those which impact on the cost of building a house, not least factors such as workers compensation premiums, building indemnity insurance, the impact of Government taxes and charges and the skill shortages which are tending to feed into higher labour costs.

He goes on to say—and this is really important:

... land shortages have placed a real premium on housing in the ACT and irrespective of what it actually costs to build a home, the market has pushed prices for existing homes higher.

Mr Speaker, I may have not fully understood the process that was followed in respect of the sale of land on which Burnie Court was located but I was greatly concerned that in effect the price of that land was pushed up because the price offered did not meet the government's reserve. Surely there is something that we can do about that sort of situation. Mr Dawes goes on to say:

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So the bottom line is there is not one single factor driving up housing affordability, but a range of factors which need to be understood before they can be appropriately addressed.

We have been hearing in this place about land tax and so on. So I think there are many things that we can do to alleviate the situation. Recommendation 12 of the report states:

... that the Government equitably and transparently apply taxes and charges between affordable housing providers:

- to reduce the cost burden for affordable housing providers, through possible exemptions from land tax, payroll tax, Change of Use Charge and stamp duty; and
- in a manner consistent with other States and Territories.

So I guess there are some areas that we can look at and there are things that we can do that we think we may not be able to do. I am happy to see the expansion of the community housing sector. It is a good model.

Mr Speaker, the government needs to ensure that it does not continue to sit on its hands. The government has now been in office for two years and many of these things could and should have been done possibly a lot sooner. In my honest opinion, we did not need a report to tell us about some of these things. We seem to have wasted a lot of time, money and effort in putting things on paper because actions speak louder than words.

MS TUCKER (11.18): One of the fundamental problems for affordable housing in the ACT, as the Labor Party noted in its policy platform for the last election, is that we do not have the kinds of ecumenical or boarding house options that other cities do. Our low-cost options are limited and private rental housing is, of course, vulnerable to changes in the private market.

We have, on a straight numerical comparison, a large proportion of public housing in the ACT, but it is an essential part of our affordable housing, more so than in other places. Unfortunately, the government has not committed to increasing the stock of public housing, and ultimately I think this is going to be essential.

I am pleased that the government maintained its commitment to security of tenure, in recognition of the importance of security and stability of housing to individuals, families and community. It is a little encouraging that the government has agreed to investigate the potential for planning rules to require a proportion of affordable housing; but only a little encouraging because an awful lot of time has passed, many people have been living in housing stress or have been homeless, and still we do not have a coherent strategy to increase the amount of affordable housing.

This is very disappointing when the proposal was one embraced and even promoted by the now minister when he was in opposition. In relation to Kingston foreshore, the minister and I both campaigned, you could say, for at least 10 per cent of the housing in that area to be publicly owned. Mr Wood at that time was quoted in the *Canberra Times*

as saying that it should be at least 10 per cent. I note that the report has not clearly defined affordable housing per se. It has operated on a definition of “affordability”.

The Affordability Housing Research Consortium, for instance, does define more clearly what affordable housing is, on the ground. The consortium, which reported in September 2001, had a cross-sector membership including ACOSS, the Housing Industry Association, the Property Council of Australia and the Australian Council of Trade Unions, among others. So their conclusions should be taken very seriously.

The consortium said:

Given ... that the availability of new, low-cost rental housing would not, in and of itself, lead to occupancy of the premises by low-income households under housing stress, the selected options also featured management of the new stock by housing authorities or other providers in the non-profit and community sector.

In other words, the consortium decided that the only guaranteed way to increase the stock of affordable housing is to increase public housing and community housing. The other mechanisms, to do with trying to tweak private investment to encourage lower rent, may have some effect, but it cannot guarantee that the people who are having difficulties will get access to that housing.

It is also difficult to require private housing to be maintained as low-income housing. In capitalism, housing is one of the fundamental assets that most people either purchase or want to purchase. That goal can conflict with community service or the greater public equity for the private individual investor even more so, than for large companies. Affordable housing is only going to be a dream if we wait for the private market to do it of its own volition. That is not how capitalism works in general.

So it is disappointing that both the affordable housing taskforce report and the government response have not grasped the nettle on the need to increase supply. It is not enough to hope that an unstructured, unrestricted land release program simply increasing the amount of land available will deal in any way with the most difficult problems of people unable to afford secure, safe and appropriate housing.

This is particularly concerning and difficult to believe when the new Land Development Agency’s purpose is focused on commercial objectives. One of the models for providing affordable housing that was canvassed in the taskforce report was the New South Wales land development agency, Landcom, which was originally established with a “strong social purpose and retains a statutory responsibility to sell land at the lowest viable price, although in recent years it has operated with a more commercial orientation”.

This is a political change, not a change in what works. The problem, of course, we are left facing is government resources. However, as the Treasurer pointed out in a letter to me, the question of resources is a question of priorities—I am paraphrasing here but that was basically the point. We are seeing, I think, a distinct failure of government to grasp the need to invest in what we all recognise is a fundamental for many other aspects of life.

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The current Commonwealth government, unsurprisingly, has emphasised public/private partnerships in its Commonwealth-state housing agreement. The ACT government's response in the document under discussion today was to note:

The ability of the ACT, like other smaller jurisdictions, to attract private sector financing for social housing will be limited and is likely to be focused on attracting non for profit contributions and joint ventures through the community housing sector; planning and land concessions, and changes to fiscal measures.

I proposed in response an issue of government bonds to fund public housing. While the ACT may not have many large private industries, we do have a relatively high proportion of our population on a higher income. The Affordable Housing Research Consortium assessed a range of public/private partnerships. It concluded that a bonds issue to fund construction of new public and community housing was highly efficient and effective. A recent report by Allens, which I have seen, also rated a bonds-funded construction program highly. Out of partnerships, tax credits and bonds, bonds was the highest rank on allocative efficiency and investor interest. It scored a low ranking on "political feasibility", and that I guess is what we are facing here.

The problem—the very worrying problem—with some of the ways that private/public partnerships can be arranged is that we need to ensure security of housing, we need to ensure some sense of control over homes, and this just is not possible in privately run housing. It is not stable, it is not guaranteed to deal with the affordability.

I take the government's point that affordability is the product not only of housing prices but also employment levels and also the general health of society. One of the consultant reports makes a seemingly passing comment on the amount of public housing stock, saying that the ACT has more than enough. I have serious questions about this assertion and I am a little disappointed that the government has not challenged the assertion more thoroughly itself.

On 1 April this year I asked the Minister for Planning a question on the Metropolitan development. I made the point that his decision at the time to call in the development application on the Metropolitan residential towers was made on the basis of high quality design and numerous social and economic benefits. The application was approved, with conditions. Under the environmental assessment finding, one recommendation was that affordable housing is provided within the proposed development in accordance with the affordable housing taskforce's recommendation for providing affordable housing in this location.

At the time the price of the units in this development started at \$270,000 for one-bedroom units or \$350,000 for two-bedroom units. I asked the minister how this could constitute affordable housing. I also asked how affordable housing was being structured into current developments such as the government's own Kingston foreshore. While the minister could not recall that particular condition or statement in the development documents, later advice from his office explained that the increase in top price accommodation in city west would somehow lessen the pressure on more affordable housing in the rest of Canberra. Somehow!

Similarly, while the minister explained that there are a lot of options open to it in terms of ensuring some a component of affordable housing in developments, it has failed to deliver. I note that in the spatial plan or the non-urban study—I cannot recall which it was—there is a commitment from government to ensure 20 per cent public housing in the Pearces Creek and Uriarra developments. That is obviously because they want to take into account the fact that communities who have been living there have a sense of community, have been living there for a long time, and most of them have been made homeless through the fires. So there is a capacity obviously to take leadership, show leadership, and make these things happen when the government wants to do so. We want to see that similarly applied across all other developments in Canberra.

It seems as though the government has chosen not to ensure that affordable or social housing is a part of the mix in regard to the Kingston foreshore, and that apparently is for commercial reasons. I think it is really important as a community to acknowledge the social benefit that comes from mixing public housing amongst other residential development. This social mix, which was certainly part of the original planning of Canberra, has been recognised as the one that delivers in the long term.

My final comment is that we want to see, as Mrs Burke reminded members and as I have said before, targets and timelines in any strategy because otherwise we have no capacity to keep government accountable to the claims that they make. I think that is especially important in this critical area of housing.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (11.28), in reply: Mr Speaker, I thank members for their contribution. Although the debate has been relatively short, I think it has been well considered and constructive, and I am pleased about that. There was a recognition that this is a particularly difficult area in which to move and in which to have an impact—certainly a significant impact.

I thank Ms Dundas for her comments that the approach of the government was positive and that most of the recommendations were accepted. Ms Dundas had some concerns about the practicality of some of the recommendations, particularly around partnerships and the public/private concept. Private sector involvement has long been sought. I speak to private sector people and they say, “Look, we turn out properties as economically as we can.” I suppose in some instances, when you look at some of the properties, that might be true. Nevertheless, they are beyond the capacity of many people to afford.

Ms Dundas made the point, as did other members, that there is need for a capital injection, and that is not something that has been forthcoming for a very long time, I might say. From the time well before self-government, funds have been allocated through the Commonwealth-state housing agreement on the basis of a 2:1 Commonwealth/state contribution—something like \$18 million to \$7 million or \$8 million. I acknowledge that there are some slight savings in the first year and then the amount grows as a result of indexation. But other than that agreement, there is no further injection of capital funds.

Ms Dundas made the point correctly that housing is now on the agenda. I think almost her first speech in the Assembly was about housing. Housing is also something that

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Ms Tucker and more recently, since her arrival here, Mrs Burke have been focusing on. Housing is certainly on the agenda nationally because it is now pretty much in a state of crisis around Australia as a result of the rapid increase in the price of acquiring a property. So, yes, it is very much on the agenda. I think Ms Tucker said that I have been talking about it for quite a while. I certainly have been and action is coming.

Mrs Burke said that the government is chipping away. Well, yes, we are. I acknowledge and I modestly claim that we are chipping away because this is such a difficult area on which to have an impact. Mrs Burke said let us have some action. I believe that I will be in a position before the end of the year—I am not in that position today—to make some more significant announcements. If you have been following the process during the year you will note that there has been—and I will acknowledge it—a chipping away in respect of rental bonds, access and the removal of the requirement of two weeks rent in advance. That is what I call chipping away and I guess these are significant steps. But I hope that before the year is out there will be more significant statements.

Mrs Burke said that housing is essential if people are to have stability and make a proper contribution to society. We know that. Every day we experience cases of people whose lives are in a mess because they do not have the security of housing and a roof over their heads. Mind you, sometimes their lives are in a mess before that, too. But it is essential that they have a roof over their heads. I agree with Mrs Burke that all members of the community must be able to access the housing they need, and that is, of course, the mammoth task that all governments around Australia face.

Ms Tucker made a considered speech. She said that an increase in the stock of public housing is essential. Well, I would like to agree with her. Maybe one day we will be in a position where I can say there is capital to increase the stock. My commitment in coming into this position was to aim to maintain the level of stock.

I will say where I stand: I think it is important that we increase the stock of public housing because the only housing that people in the lower two quintiles—and we focused on quintiles recently—have a chance of obtaining is public housing. They do not have the income, the assets or the ability to move into their own accommodation. Maybe some of them are already in it and they can sustain that but others who are in the lower two-fifths of the population of this territory who want to move from a position of having no housing into housing will need public housing. It is as simple as that and it is also simply the case that we are not able at this time to provide it all.

So, yes, Ms Tucker, I acknowledge that we do not have a strategy at this stage to increase the public housing stock. Maybe we might be able to do something about that as we continue with our tasks. To simplify the position, as Ms Tucker did, you increase the stock of public or community housing or you do some tweaking with friends, and that has not been too successful.

Yes, Ms Tucker, I do challenge the assertion that we have enough public housing. It is said to me from time to time that we have got more public housing than anywhere else in Australia; that we have got twice or more than twice what most states have, so we are in a good position. Well, I deny that. I challenge that assertion any time it is made, and I heard it made recently. If we have to wait for the right market conditions, affordability

will only be a dream. I am not disagreeing with much of what Ms Tucker or, indeed, any other members said in this debate.

Ms Tucker made some positive comments. She has proposed to the Treasurer the issue of bonds to provide funding. Depending on the current value, we have \$2.2 billion or \$2.4 billion of asset and yet this is so difficult to use because the income that we generate from our own resources is limited.

Ms Tucker made quite a fair comment about Kingston foreshore. Before we auctioned off ex-Burnie Court land we wrote into the documents a requirement for affordability of housing, and I do not think that had any impact. Regrettably, we did not sell that land—not yet—but we did have that requirement. I just find it difficult at this stage because, given our limited ability to purchase properties, people are paying higher prices than they need to. I cannot disagree.

As I have said to you before, I have not been able to fulfil the principle of the historical mix of public and private housing in all parts of Canberra. But I think as we move into future property developments—when Burnie Court does get up, as it will some time; sooner rather than later, I hope—that affordability requirement will be written in. I get told that it depresses the price, that it is a problem for some people, but I do not think that is a particular factor—it is not a worry for me.

Let me repeat: I hope I am in a position to make more announcements about housing before this year is done, and I know it is nearly done. It is a significant problem. I thank members for their generally constructive and productive efforts in this debate today.

Question resolved in the affirmative.

Bill of Rights Consultative Committee Report and government response

Debate resumed from 23 October 2003, on motion by **Mr Stanhope**:

That the Assembly takes note of the papers.

MR STEFANIAK (11.39): I was almost going to adjourn this debate, but this is somewhat separate from the bill. Debate on that will be very lengthy and it is important to hone in on the actual report and the government's response. I make no comment about the government's bill; that is for a later date. I have said, and my colleagues have always said, that this bill is something that is not wanted by the community. It is basically a diversion, a waste of time, really. There are much more important issues and much better ways of protecting rights than going down this path. Indeed, the end result could be quite scary.

Initially I turn to the report. One thing that really jumped out of the report to me was the nearly complete lack of real community interest in this particular matter. I have said in the past—and I am not going to repeat it in this debate but I will do it later, for very, very good reason—that Australia is the envy of many countries in the world because of our democratic system. Our rights are amply and ably covered and we tinker with our system at our peril. The real startling fact in relation to this was the community consultation and

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the six evening town meetings held last year. I went to four of them. Tuggeranong was an absolute doozy. I think I was the fourth member of the public to turn up. Chris Uhlmann from the ABC turned up and there were only four members of the public, and I was included in that number.

The meetings got better. There was one at Gungahlin, one at Phillip, one at Belconnen, one at Griffith and one at Acton. One actually had 40 people, that was at the university, and the others were in the range of probably 15 or 16—a total of 120 people. Last year I went to a community meeting concerned about Gungahlin Drive at the Aranda Primary School and it was absolutely packed. The hall was packed—something like about 400 or 500 people were there.

I don't think a bill of rights is a terribly crucial issue burning on the brains of Canberra citizens, despite what the Chief Minister might say. It is an important issue to some members, probably in the left wing of the Labor Party. Certainly a lot of academics like the idea of it, but for Mr and Mrs Isabella Plains or a Mr and Mrs Spence, they really couldn't care less about it and for very, very good reason. It is for very, very good reason that Australia has not gone down that path.

The consultative committee was an interesting exercise. In any disparaging comments I make in relation to bills of rights I certainly don't intend to make any derisory comments about the people involved in the panel. I got on very well with them. They were all very, very keen to have a bill of rights, and it is probably better to ensure that you have got people with varying views on a consultative committee instead of people with a like mind. That is something that should not be done again on a consultative committee. But I found them very pleasant people to deal with, albeit we did not agree on this particular matter.

When the report was brought down, there were a number of problems with it. Firstly, I was pleased to see that they didn't exactly go down the path of an entrenched bill of rights. There are good reasons for that. The basic reason is that you couldn't do it anyway in the Assembly because the Liberal Party is not going to vote for it. We are more than 33.3 per cent of the Assembly, so we can't have an entrenched bill of rights in our current laws. It would be very, very disastrous, too, for a number of reasons.

It was pointed out, even to this committee, that if we had entrenched our constitution back in 1901, the white Australia policy would be entrenched in there, and I don't think terribly many members in this place would like to see that happen. An entrenched bill of rights has all the problems one sees with the American constitution and some of the very strange rulings the courts have to make in relation to a bill of rights that was entrenched over 200 years ago—things like the right to bear arms, the right of free speech, which has allowed child pornography in some states, and sensible laws having to be redone because they are inconsistent with that bill of rights. So at least we can be thankful for small mercies that it wasn't recommended, but it wouldn't have worked anyway.

I am concerned about the rationale behind some of the recommendations of the committee. When the report came out, a couple of things jumped out at me. The committee spoke to the ACT Aboriginal Justice Advisory Committee about human rights in relation to Aboriginal people and others. One thing concerned me, and it was a quote on page 19, which said:

It was claimed for instance that police recruits practise their craft by targeting vulnerable groups, as seen in the recent wave of arrests of young Indigenous people. Other examples of overzealous policing were when Aboriginal and Torres Strait Islander people are assembling—school activities, sporting events, and even funerals have seen police attending in numbers ... Just one phone call from a member of the public advising that a number of Aborigines are assembling is enough for police attendance ...

I have been around this Assembly for quite some time. I have briefly been police minister, I have been Attorney-General and education minister, I have had many, many dealings, especially through education, with members of the indigenous community and I can't for the life of me think of any instances in the ACT, in recent years that would bear out that statement. Yet it is included in here as a statement and no-one is querying it, but I would certainly query it. I think our police strive to have excellent relationships with all sorts of people in our community, including indigenous people, and indeed some of the things they have done have been a real model for other jurisdictions. So for a bland statement like that to go in without anyone doubting that it is true is basically quite wrong, because I defy anyone to give me any evidence of something like that.

Some of the other worrying features concerned the rights of various people. An interesting point was made that because we don't have a bill of rights, children cannot argue a breach of rights if their eviction is a result of their parents' failure to pay rent. It is unfortunate that people are evicted for failing to pay rent but what is that supposed to mean—because we have to look after the rights of the child, no-one can be evicted? That means other people lose their rights to receive rent, to receive an income. As a result, many self-funded retirees, who might have one investment property and a very small income, can't get the income.

Some stark things in this report are somewhat concerning and go to the fundamental question that people like Bob Carr have said on many occasions—if you try to give one group rights, you invariably take away rights from some other group. He points that out as being one very, very good reason why Australia does not need to go down the path of a bill of rights. I think that is a very, very important point to make. The committee also wanted to go down the path of economic rights and made a number of recommendations to the government.

I now come to the government's report, and there are some worrying aspects to it. It doesn't go as far as the committee actually wants, but it does say it is going to introduce a bill of rights that includes the ICCPR rights; that requires courts and tribunals to interpret laws to be compatible with the Human Rights Act as far as possible; that requires pre-enactment scrutiny of the legislation, including a statement from the Attorney-General about whether legislation is compatible with the Human Rights Act, and establishes a human rights commission to review existing legislation and conduct education programs relating to human rights.

It goes on to say that through the interpretative provision, rights will be drawn into all areas of ACT law. For example, all statutory directions will be interpreted as having to be exercised consistently with the rights contained in the Human Rights Act. Legislation that did not clearly intend actions to be of a particular nature, regardless of human rights considerations, would be interpreted as requiring actions authorised by it to be consistent

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with the rights protected by the Human Rights Act. As a result, an independent review of an administrative decision—for example by the Administrative Appeals Tribunal—could overturn a decision on the ground that it wasn't compatible with the Human Rights Act. Courts will also be required to interpret laws relating to trials and other proceedings in a way that is consistent, as far as possible, with the Human Rights Act.

This will have a far-reaching effect within the ACT community, as decision makers in all government areas will incorporate consideration of human rights into their decision-making process. In this way, the rights protected by the Human Rights Act will be routinely considered and will be integrated into every day life. There is nothing much here about responsibilities. In the committee report and in the government response, that is an overriding thing. It is in the preamble, but there is nothing like what is suggested to be in the Human Rights Act in relation to responsibilities. Too right this is going to have a far-reaching effect within the ACT community. It is an effect that terrifies a number of people in our community who have thought about this issue.

People in our community are probably now just starting to think about this issue. For the first time, after about two years, I am being approached by people who are very scared about how this bill that we will be debating later, and which flows as a result of this government response and the committee report, is going to affect them—and affect them very much in an adverse way. The government response shows a naivety. In a subtle sort of way, which is probably beyond the government to appreciate, it backs up all the fears opponents of the bill of rights in Australia have spoken about.

Bob Carr makes a number of very, very good points that are borne out by this government's response—points such as bills of rights invariably take away someone's rights; affect one group adversely and maybe one group positively. That often turns communities into legal battlefields. Obviously whichever way we look at the government's response there is going to be a big increase in the time taken in court, the way courts deal with rights and the ability of decisions administratively to be overturned. As a result, there is the potential for problems, with the additional layers of bureaucracy that will be needed, and problems in giving to courts the role that is properly the role of elected parliaments, which can be tossed out at any election—something that cannot be done with a court. All of those things, which Bob Carr and other opponents have mentioned, will come home to roost as a result of what the government is proposing here. This is borne out by the government's rather naive response to the committee's recommendations.

The government does vary from the committee in one aspect, and I say thank God for that. It would be an unmitigated economic disaster if economic, social and cultural rights were actually enacted now. It does concede that is more of a challenge than civil and political rights and goes on to say why. It also indicates that it will look at these rights. They will initially be protected and incorporated into the social plan and we will see what happens as a result of that. More recently, the Chief Minister said that he is still looking at that, and it might well be something we do down the track. Well, we would certainly do that down the track to our peril.

Those rights, Mr Speaker, are the right to an adequate standard of living including adequate food, clothing and housing. That may not be so much of a problem, but here is one I think would be a big problem for any government—the right to the highest

obtainable standard of health. That in itself has the ability to bankrupt the territory. The right to education is pretty well established. Again, the right to work and to just and favourable conditions of work may not be too much of a problem because that is exactly what we have in Australia and in Canberra at present.

As I said, the government accepted the consultative committee's view that responsibilities are implied as part of the expression of human rights. So, a separate list of responsibilities isn't necessary. The committee recommends that in the preamble to the Act there should be explicit the notion that responsibility is inherent in the concept of human rights. That is a very vague statement and perhaps a rather dangerous one because if we are going to go down this path there is a lot of merit in having a separate list of responsibilities to counter some of these rights.

All in all, Mr Speaker, the government is absolutely hell-bent on pushing this particular piece of legislation. It does not even have the support of its own party interstate. Clearly, it does not have the support of probably the vast majority of Canberra citizens. It is all very well for the Chief Minister to say that 60 per cent of the submissions support it. There weren't a huge many, only people interested in this rather esoteric area of the law bothered to make submissions—and, of course, the Chief Minister will pooh-pooh percentages when it suits him. Nearly 90 per cent of people who wrote in about the gay and lesbian matters opposed such things as same-sex adoption. That didn't seem to concern him then but he certainly has jumped on this issue when only about 60 per cent of these written submissions support it.

If he feels that way I challenge the Chief Minister on something as fundamental to our system of democracy as a bill of rights, something that is going to affect every single act that is going to be passed in future, as well as existing Acts. (*Extension of time granted.*) Under this proposed model a court could indicate that the current acts we operate under are incompatible with basic human rights. Then the Chief Minister has to report to the Assembly and the Assembly might quite incorrectly take action on some of our very, very sensible legislation. All these things are going to have a very, very significant effect on the ACT.

This legislation—which has really snuck in because it is so esoteric and most people are not interested in it—is the most important and potentially most dangerous legislation we have ever seen in this territory. A lot of people are probably just starting to realise that this is something important, something we should be paying attention to. Because it is so important, because it affects everything that is going to happen in future—and has a significant effect too on a lot of existing legislation—it should not be rammed through the Assembly like the Chief Minister's pet hobbyhorse. Something as important as this should be put to the people of the ACT by way of referendum at the next election. It is going to have very significant ramifications on people's rights. It is going to have significant economic ramifications to the territory. It is going to have significant ramifications in every field of endeavour that people go about in this territory.

No other Australian jurisdiction has gone down that path. When it has occurred in democracies overseas in recent years there has been an increase in litigation. Criminals have attempted to get out of properly obtained confessions by seizing on human rights. It has been used probably more to the detriment of civil society than to the public benefit.

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It is something that should be put to a referendum. The Chief Minister is so proud of the legislation and thinks it is so important. I accept that he genuinely believes this is for the public good but I totally disagree. I think it is not, and will not prove to be, for the public good. But if he feels that way, at least give the people of the ACT a chance to vote on something that is going to have more of an impact on their daily lives than any other piece of legislation we have seen. Have the guts to put this to a referendum. I do not believe in lots of things going to referendums. Governments are here to govern, but on something as fundamental as this, where there is growing community angst about it, where it is going to have such a big effect, people should be given a chance to say whether they want it or not.

I certainly disagree very much with the Chief Minister that at the end of the day this will protect more rights than not. It will probably interfere more with people's legitimate rights than it will help. I know the Chief Minister has the numbers, but I suspect at the end of this process we will end up with something that will not enhance rights and, if anything, will probably have an adverse effect in many ways. No interest has been shown in this legislation during the consultative process. The government has responded and is now going ahead. It has introduced a bill that we will debate early in the New Year.

It could be far worse. At least as a result of the committee consultative process, some of the ideas have been honed back a bit. But it is still potentially a very dangerous piece of legislation. This is one of the freest countries in the world. Our rights have been protected by convention and by laws that in themselves have many sections that deal with rights. For example, part 10 to part 13 of the Crimes Act deals with the legitimate rights of people charged. Section 7 of the Discrimination Act lists a series of instances where people cannot be discriminated against. We have very strong conventions and we have the common law that is enshrined in our legal system. That is regularly updated by judgments made by superior courts including the ultimate court, the High Court. Our own free conventions and the type of place Australia has evolved into in the past 200 years are the things that protect our real rights.

These things give balance in our society. You cannot give balance by simply bunging in a bill of rights. When he introduced the government's response the Chief Minister quoted Eleanor Roosevelt. I agree with those statements. They show quite clearly that if people and society are not prepared and are not able to naturally provide rights and act in a civil way, a bill is certainly not going to do that. The bill of rights didn't work in the Soviet Union. It is one of the most brilliant documents to read about rights and freedom and people's rights being looked after. But in 1937 some seven million people had been bumped off in the Ukraine through a man-made famine caused by Stalin. Stalin was gleefully hoeing his way through 90 per cent of the upper echelon of the Red Army. He was an absolute dictator, probably even far worse than his nasty colleague to the west in Adolph Hitler.

I don't know if the Germans had a bill of rights—or a constitution either—but they probably did. A lot of other nastier regimes we have seen in more recent times also have bills of rights and human rights acts and of course they pay only lip service to them. So, real rights are not in bills like this. They are in a combination of things—conventions, the statute laws and the common law.

The general attitude of society ensures that people's rights are properly looked after. That is something we have had in Australia and in the ACT for many years indeed. The system is not perfect. It can be improved and we regularly try to improve it through legislation and deal with issues when they come up. That is far better than going down this path which I think is going to have a very, very adverse effect on people's real rights in the Australian Capital Territory. It is a sad day that the Labor Party is pushing this hobbyhorse, something that its colleagues in New South Wales and Queensland aren't remotely interested in doing. Again I simply call on the Chief Minister to have the guts, put it to a referendum if he feels it is so important and let the people of the ACT decide on an issue that is going to have such significant ramifications,.

MS DUNDAS (12.02): I start by congratulating the government on pursuing this initiative to ensure that the laws of the ACT specifically protect human rights in the territory. The Democrats have long championed the cause of human rights both in Australia and internationally and this process has been a significant step towards the recognition that governments at all levels have a duty to recognise and protect the basic universal rights of all human beings to which their laws apply. Contrary to Mr Stefaniak, I believe that public consultation was extensive. Comprehensive and complete public consultation is crucial to informing and debating important issues in this city. We can have a look at the deliberative poll and the consultation process that happened there.

Mr Stefaniak makes great reference to the public meetings that were specifically held by the Bill of Rights Consultative Committee but I draw his attention to page 125 of the report which lists other consultations that took place when the Bill of Rights Consultative Committee went out and talked to different groups including Rotary clubs, University of the Third Age, the Right Reverend George Browning, the Italian Australian Club, the Corrections Coalition, ACT Golden Key Society as well as the ACT ALP Legal and Administrative Committee and the ACT Democrats. I note that the Canberra Liberals did not ask to be part of this consultation process one on one with the inquiry. Whilst other members of this Assembly put in submissions to the Bill of Rights Consultative Committee, I couldn't find Mr Stefaniak's name on that list. So his concerns about the consultation process need to be taken with a grain of salt.

There were many opportunities for people to be included in the process and many did take up that offer from the consultative committee. It is a bit unfair for Mr Stefaniak to be criticising the consultative committee. However, I do think that young people need to be included in public consultation. Human rights will affect them throughout their lives. I note that whilst the Ministerial Youth Council was asked to be consulted on this it was disappointing to see young people not being included in the deliberative poll because they are not currently on the electoral roll. That process needs to be fixed up.

Another thing I liked about the report of the consultative committee was that it did address the terms of reference. It looked at all the questions that were raised about whether it is appropriate and desirable to enact legislation establishing a bill of rights in the ACT. That was the committee's main question. It comprehensively answered it through this report and raised a lot of very important issues as it looked at whether or not it is appropriate and, if it is appropriate and desirable, what form the legislation should take. When talking about human rights, it is important to look at the rights and responsibilities chapter from page 105 onward. The report starts by asking the questions:

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Are those rights that are not laid down in the law illusory, or is there such a thing as an inherent right to which an individual has access by virtue of their humanity?

Do rights arise from responsibilities, or the other way around? Or is there no necessary nexus between the two?

The report goes on to quote the National Children's and Youth Law Centre who said:

The enjoyment of rights should not be contingent on the performance of responsibilities. If that should happen, and rights should become seen as the reward for 'good citizenship', those most vulnerable to rights abuse and least able to complain about it—the infirm, the mentally ill, prisoners and accused people, for example—would be in danger of falling outside the embrace of a bill of rights.

So the consultative committee believes that protection of human rights should not be the reward of what is deemed good behaviour. Human rights are based on the notion of human dignity. Of course claims to human rights will often need to be balanced against those other individuals and groups in the community and as a result may be limited in particular ways. That short quote and example shows the work the Bill of Rights Consultative Committee went to and the thought it put in to the consultation process and the thinking that was behind this. It didn't just come out with a yes or no answer and not bother justifying it. There are extensive pages here that go into the detailed depth of the arguments put forward both for and against the bill of rights, whether or not it is desirable and what it should look like.

I move on to the government response to the report of the consultative committee. The government has chosen to exclude rights contained in the International Covenant on Economic Social and Cultural Rights. This has attracted significant comment in the media and criticism by non-government organisations. I would like to quote from the Vienna Declaration of Human Rights, which states:

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economical and cultural systems, to promote and protect all human rights and fundamental freedoms.

This most important declaration has now been ignored by the ACT government in developing its response to the consultative committee's report. That shows an unfortunate and disconcerting decision to water down the protection of human rights in the ACT. By deciding not to include rights as shown in the ICSEER the government has gone down the path of categorising and classifying human rights and spreading them into two categories: one group of rights that it believes it is deserving of special protection in the Human Rights Act, and another group of lesser rights, which is not. This is in stark contrast with the statement in the government's response that it accepts the view that all categories of human rights are universal, independent, interrelated and indivisible.

The government is saying one thing but doing the exact opposite, and the government has divided human rights. It has produced two categories—one set which will be protected and the other which will be an optional extra. The worst element of the

decision is this claim that ICSEER rights are somehow not human rights because they can be affected by the expenditures of government. In other words, the government believes that some human rights might be too expensive to protect. The message that this sends is that the government believes that protecting the territory's revenues is more important than protecting human rights. This could be summarised by saying that money is more important than people.

I note that the consultative committee believes that the ACT Human Rights Act would be unbalanced if it were to protect civil and political rights alone. The differential treatment of human rights entrenches the controversial decision by the United Kingdom to separate human rights into two categories. A government that is committed to the principle that human rights are universal, interdependent, interrelated, indivisible would not then choose to treat some as more important than others.

I commend the government for the extensive work it has done in protecting human rights in the ACT, and the work of the consultative committee. But I am gravely concerned that at the eleventh hour it has decided to junk the essential recognition of some human rights in the ACT for political convenience. True recognition of human rights does not place them as subordinate to government finances, or split them into those that are compulsory and those that are optional. I think the government needs to reconsider the inclusion of social, economic, and cultural rights as part of the Human Rights Act. If it does not we may face the prospect of a watered down and half-complete piece of legislation that sends a message to the people that some human rights are optional extras that depend not on those universal principles of freedom and fairness that we hold dear, but on the benevolence of the government of the day.

MS TUCKER (12.11): The ACT Greens are very encouraged to see that the government has followed through with the Human Rights Act from the work of the ACT Bill of Rights Consultative Committee. I commend the work of that committee on the whole, although I do have some concerns. I certainly have some concerns about how the government has chosen to progress the work from that committee's report because the committee's report *Towards an ACT Human Rights Act* was very clear. It regarded the social, cultural and economic rights as fundamental and to be included in any Human Rights Act.

The other thing that I am disappointed about is the lack of reference in the committee's report to environment and to the Human Rights Act. I will just quote from the Environmental Defender's Office a couple of paragraphs that make the point pretty clearly:

As you would be aware the Committee handed its report to the Chief Minister in May this year. The EDO is disappointed that the Committee did not include any reference to the environment in its report or make provision for the environment in the draft Bill included in its report.

The EDO is particularly disappointed in this outcome of the Committee's inquiry and report given the growing recognition in multilateral and regional international law and policy that human rights and responsibilities, and environmental protection, are interdependent, and that the right to clean air, clean water, and a healthy living environment is a basic human right necessary for people to live lives of dignity and value.

It is becoming increasingly evident as a result of recent events such as the bushfires and the drought that the environment, including our natural resources such as water, underpins quality of life issues.

Accordingly, the EDO had, in its submission, proposed that the ACT Bill of Rights provide that:

... every ACT resident has the right to an environment that is not harmful to their health or well-being, and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that (i) prevent pollution and ecological degradation; (ii) promote conservation and (iii) secure ecologically sustainable development and use of natural resources while prolonging justifiable economic and social development.

The EDO considers that safeguarding the basic and fundamental human rights to a clean environment and ecologically sustainable development is primarily a government responsibility. Therefore, any bill of rights or similar legislation should enshrine these rights.

The ACT Greens support those sentiments. I was interested to see also the United Nations Economic Commission for Europe has established the Aarhus convention. The Aarhus convention is on access to information, public participation in decision making, and access to justice in environmental matters, and came into effect on 30 October 2001. This convention was negotiated by the UN Economic Commission for Europe as part of its pan-European environmental legal framework. It is generally intended to lift the veil of environmental secrecy and strengthen citizens' environmental rights. It has now been ratified by Albania, Armenia, Azerbaijan, Belarus, Denmark, Estonia, Georgia, Hungary, Italy, Kazakhstan, Kyrgyzstan, the Republic of Moldova, Romania, the former Yugoslav Republic of Macedonia, Tajikistan, Turkmenistan and Ukraine.

Recent ozone peaks have again highlighted the need for people to have timely information about the environment so that they can take precautions and keep their vulnerable children indoors. For instance the Aarhus convention aims to ensure that everyone has access to this type of information and to prevent governments from covering up environmental disasters. This should prevent any repetition of the denials and confusion that, for example, followed the Chernobyl disaster in 1986. The convention gives ordinary citizens a voice in any decision making that affects their environment, such as deciding toxic waste dumps.

Finally, the convention is intended to ensure that public authorities and polluters that break the rules can be challenged in court either by individuals or by non-governmental organisations. For me and the Greens this is a fairly basic need. If we are having a human rights act, at the very least we should have looked at the model of the Aarhus convention and included it in the committee report as well as in this human rights act. I am considering amending the act in that regard. I do reject the argument put by some people opposing a bill of rights that our current legal system always protects people from human rights violations. Just look at what is happening in this country right now: indefinite detention of children, mandatory sentencing, reduction of the right to protest when the Chinese Trade Minister is in town, and excising parts of Australia to assure asylum seekers cannot exercise their right to claim asylum.

It is also interesting to see what members of the community feel about whether or not a bill of rights is necessary and to look at which groups think that such a bill of rights or human rights act is necessary. It should come as no surprise that people who are vulnerable, who lack advocacy skills, who are vulnerable to rights abuses, think we need a human rights act. It is very disappointing that the government has decided to pull out the economic, social, and cultural rights. There is very important normative value in having those rights included, and educative value for the public, private, and community sectors as well as the broader community. I don't understand why the government has pulled it out. I think it is a failure of courage and we will regret it.

This Human Rights Act is in itself quite timid, so let us not pretend it isn't. It is timid. But I commend the government for doing it. It is basically a dialogue model. It is setting up a conversation. The government has removed the damages component in this bill as well. So, we are left with a statement of principles, which are extremely important, but it has left out fundamental principles for some reason which I still haven't heard it fully explain.

If it is a concern that in some way there will be unrealistic calls for particular services to be provided—and that is basically what this is about to a degree, for example, in the area of housing, or health, or education—it has to be remembered that the overarching principle of the Human Rights Act and of the convention is that the action and decisions that are taken have to be in the broader interest of the whole community. So that is a qualification that will ensure that reasonable actions can be taken. If we stick with the health example, we have indicators developed by the World Health Organisation, there is a notion of best practice, so you can also always qualify—I guess is the word—the implementation of such an act with this notion of best practice and with the notion of indicators and benchmarks.

Another argument that is sometimes put up is that in some way this is an egotistic notion to have a human rights act, that we have a society that is very broadly self-interested and that this sort of document actually supports that. In fact, it is the other way round and it is interesting to look at where the political ideologies sit when you have this debate. It is more likely to be the Labor parties or left—people who are more left if you want to use that paradigm, or people who are more concerned about social supports and social justice—who will support this. Therefore, one wonders, if this is about egotistical endeavours, if this is about the Mrs Thatcher notion of there being no such thing as society but just a whole lot of individuals, why would it be that the Liberal Party members are basically the ones opposing such an act. That is because this is not egotistic or individualistic.

A bill of rights or a human rights act is actually about responsibilities of government more than anything else, in my view. It is saying that we have fundamental responsibilities as leaders in the community and that government has a fundamental responsibility to ensure that these very basic requirements for life are met. So in many ways, I think you could call it a bill of responsibilities as much as a bill of rights. So I do reject that notion that it is in some way based on an individualistic point of view that does not take into account the broader interest. I think, in fact, it is quite the opposite.

MR CORNWELL (12.21): I am drawn into the debate on this consultative committee paper by Ms Tucker's remarks in a couple of areas, because I cannot let them go unremarked. Ms Tucker mentioned what was happening as she said "in this country". In relation to a number of points she mentioned the right to demonstrate. There is a perfect right to demonstrate in this country, Mr Speaker, within the law. It does not allow people to behave like a pack of vandals when they feel like it. That is not rights, and it is certainly not responsibilities that Ms Tucker tried to suggest were part and parcel of this proposed legislation. We have no problems and this federal government certainly has no problems about people's right to demonstrate, but they will not be allowed to damage public property or, for that matter, private property. They will not be allowed to carry on when world trade ministers meet, I repeat, like a bunch of vandals.

The question of detainees was also raised by Ms Tucker. This country has a right to decide who will come to this country. It has a responsibility to process those people in a proper fashion. I suggest that anybody who thinks any other way should seriously consider where they stand. One of the things that amuses me about these people is that they are all very keen to allow more and more people to come into this country. Let me offer them a challenge. You look after these people. You put them in your house, you feed them, you find them a job, get your 17-year-old daughter and your 18-year-old son to move into the same bedroom so you can accommodate these people. Come on, put your money where your mouth is. It is very easy to stand up and make these suggestions because somebody else has to pay. That is at that personal level.

At a more general level, however, we have laws, we have responsibilities to the rest of the country, for refugees and the processing of those people. There are many, many thousands who are waiting patiently, as we have said repeatedly from this side of the house, in lines waiting to be admitted to this country. Just because somebody wants to break the queue and turns up in a leaky boat does not justify their being admitted. Therefore, I reject out of hand any suggestion that we are somehow in breach of some United Nations conventions—conventions that are often not even respected by the people who are on the UN committees concerned.

I find it interesting that Ms Tucker was referring to these matters, because I am not at all convinced that Mr Stanhope's bill of rights that we are going to be debating in the new year will cover those matters. It does, however, cover matters on a more local level that I still believe, Mr Speaker, are matters of considerable concern. I don't intend to debate those issues at the moment, I will leave it until the bill comes in for debate in detail in this Assembly. But I would certainly reject any idea that Mr Stanhope's proposed bill of rights has any concept of a bill of responsibilities also. It seems to me that we have a reincarnation of George Orwell's big brother about to be introduced into this territory in 2004.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.26), in reply: I thank members for the contributions to the debate. It certainly is a very significant issue and worthy of the attention that it receives—the introduction and possible legislating of a bill of rights in the ACT. I addressed the matter in some detail just last week, when I introduced the ACT Human Rights Bill, so I won't go into great detail today. However, a range of interesting assertions have been made, most particularly by Mr Stefaniak and Mr Cornwell, that need to be responded to, to assist the community to understand exactly what the Human

Rights Bill seeks to achieve. Over the coming months, as we continue public debate and discussion around the Human Rights Act, it is important that the people of the ACT at least have an appropriate understanding of what the bill does, what it is intended to do and why it is important.

We need to allay some of the concerns, some of the fear that Mr Stefaniak referred to in his comments that he believes is welling in the breasts of some Canberrans—a fear, of course, that has been planted quite specifically by Mr Stefaniak with his alarmist, outrageous and often erroneous comments and statements around a bill of rights and the impact it will have. Certainly some work needs to be done to repair some of the misinformation that Mr Stefaniak has spread about a bill of rights and what it will mean. I am sure we will go into that in some detail.

One of the most important and fundamental achievements of the Human Rights Act or a bill of rights will be to the extent to which it does introduce into the ACT an enhanced culture around respect for human rights. I would see that as perhaps its greatest benefit and its strongest suit. It will take the ACT one further step down the path of inculcating a culture of respect for human rights within the territory. It is something that we all accept at a certain level. The Human Rights Act takes it to another level. It institutionalises respect for human rights by legislating for human rights. It institutionalises our capacity to achieve that shift or that cultural change and that is why I support it as strongly as I do.

Much of the scaremongering that some, including Mr Stefaniak, and most outrageously Mr Stefaniak, have engaged in—this burst of litigation and arming arch criminals and removing people of their responsibilities to others—is all just bunkum, and time will show it to have been bunkum. The Human Rights Act has been structured in a way to ensure it will avoid all of those things. There will not be a great burst of outrageous litigation. In fact, the bill does not create a new cause of action. So how this amazing burst is to be achieved is beyond me.

I look forward to the debate, Mr Speaker. I welcome the contribution of all members of the Assembly. It is a very important issue, a very important debate, and I look forward to continuing to engage in it. Mr Stefaniak challenged me to have the guts to take this to the people, I remind Mr Stefaniak that the Labor Party campaigned at the last election on support for a bill of rights and we were elected; he wasn't. So the first great referendum on a bill of rights has been held, Mr Stefaniak, and I have no fear about the next great referendum on a bill of rights, which will be held in 10 months time, Mr Stefaniak. I look forward to our next referendum on a bill of rights for the ACT, namely the next ACT election, in 11 months time.

Question resolved in the affirmative.

Sitting suspended from 12.31 to 2.30 pm.

Visitors

MR SPEAKER: I would like to welcome to the gallery students from St Patricks Primary School in Bega. Welcome to the Legislative Assembly for the Australian Capital Territory.

Questions without notice

Australia Day in the National Capital Committee

MR SMYTH: Mr Speaker, my question, through you, is to the Chief Minister, Mr Stanhope. Chief Minister, when you attended the 2004 ACT Australian of the Year awards last night, organised by the Australia Day in the National Capital Committee, did you bother to advise those assembled that you had cut funding for the 2004 Australia Day in the national capital celebrations; and, if you didn't, why not?

MR STANHOPE: I thank the Leader of the Opposition for his question. Issues around Australia Day and Australia Day funding are the responsibility of the minister for arts, and I will ask him to take that question.

Mr Smyth: On a point of order, Mr Speaker: the Chief Minister is responsible for all the portfolios. He attended the meeting. He made the announcements about who won the awards. I am asking him why he didn't inform the community that his government had cut the funding.

MR SPEAKER: It is open to the Chief Minister to ask another minister to deal with the matter.

MR WOOD: Mr Speaker, the Australia Day in the National Capital Committee made an application for funds for a concert and associated fireworks. The issue was discussed with that committee. It was pointed out to them, as they well knew, that the National Capital Authority is now in on the act. The National Capital Authority, for quite some time, has been seeking, I understand, to get involved in Australia Day in the ACT.

It was pointed out to the local committee that the NCA was planning a you-beaut concert. It was pointed out to the local committee that the Festivals Committee that makes recommendations to me thought that two concerts in two nights was not a great idea and that the very best option they had was to demonstrate at least how they were complementary. That was not done. I thoroughly support the recommendation to me by the Festivals Committee that makes these funding recommendations because it seems to me also that to run two concerts on two nights is not a good idea.

It was open, and it will be open again, to the Australia Day in the National Capital Committee to look at its program and in future see that it fits in with the new player in the field, the National Capital Authority. When the Australia Day committee here puts up a proposal that doesn't duplicate what is happening, then I am sure they would be successful in their funding claim.

As it turns out, the festival funding committee made recommendations for the expenditure of very large amounts of money across a whole range of organisations—and it has all been publicised—to ensure that there are many festivals in the ACT giving full enjoyment to a large number of people in this territory.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Certainly, Mr Speaker. Minister, as the chair of the National Capital Authority is actually on this committee and as the NCA program hasn't been finalised, why did you make this decision before you were certain that Australia Day would be celebrated appropriately in the ACT?

MR WOOD: I referred to the recommendations made to me. I examined them. So I am taking responsibility for them, Mr Smyth. I have established a process. I am satisfied with the outcome of the process. There has been, I understand, some communications between the Australia Day in the National Capital Committee and the NCA. I have spoken informally to an NCA person.

The situation is entirely in the hands of the Australia Day in the National Capital Committee. If they can get their act together and come up with a good funding proposal, there is support for that sort of venture. They need to focus on what they want to do.

Callam Street—pedestrian access

MRS CROSS: My question is to the Minister for Planning, Mr Corbell. Minister, what provisions have been made in the Woden town centre master plan for the restoration of a safe and convenient pedestrian connection between the retail core area and the Phillip business district, following the recent closure of part of Callam Street?

MR CORBELL: I thank Mrs Cross for the question. The draft Woden town centre master plan identifies a range of connections across the town centre for both pedestrian and vehicular use. The particular element that Mrs Cross is referring to, links between the town centre proper and the Phillip mixed trades or business district area, do include pedestrian links. The draft plan is now being further discussed with stakeholders, including representatives of the Phillip business district. I would anticipate that any outstanding concerns will be addressed through that process.

Violence against women

MS MacDONALD: My question is to the Minister for Women. Today, as you know, is United Nations International Day for the Elimination of Violence Against Women. Can you please inform the Assembly of what the ACT government is doing at a local level to address the issue of violence against women?

MS GALLAGHER: Today is International Day for the Elimination of Violence Against Women, a day for all in the community to reflect on the impact of violence against women in our society. Women's activists have marked 25 November as a day against violence since 1981. The date was chosen to commemorate the lives of the Mirabal sisters, political activists from the Dominican Republic who were violently assassinated in 1960. In 1999 the United Nations designated 25 November as International Day for the Elimination of Violence Against Women.

The day marks the beginning of 16 days of activism against gender violence. This global campaign is held from 25 November until 10 December and encompasses World AIDS Day, the anniversary of the Montreal massacre in which 16 women engineering students were killed for being feminists, and Human Rights Day. The 16-day period highlights the

connections between women, violence and human rights. It also raises awareness of gender-based violence and works to ensure better protection for survivors of violence.

Violence against women is a major issue. United Nations figures show that, globally, one woman in three will be raped, beaten, coerced into sex or otherwise abused in her lifetime. In Australia, figures from the national annual report for 2000-01 for the supported accommodation assistance program show that more women than men relied on services for homeless people in that year, and domestic violence was cited as the most common reason for seeking assistance.

In evidence provided last year to the Select Committee on the Status of Women in the ACT the AFP noted that in 2001 in the ACT women and girls accounted for 43 per cent of the victims of assault and 86 per cent of the victims of sexual assault. In 63 per cent of the 119 sexual assaults against women in the ACT in 2001 the victim knew the offender and in 21.8 per cent of these reported cases the offender was a member of the family. Approximately 42 per cent of the reported rapes were perpetrated on girls under the age of 14.

The ABS conducted a national women's safety survey in 1996 and the results showed many women in the ACT to be uneasy about harassment and safety in various situations, particularly using public transport after dark, walking in their local neighbourhoods and in their own homes.

This government is committed to addressing this issue for our community and, in doing so, recognises the importance and value of developing an approach that is holistic, collaborative and across agencies. That is the basis of the new whole-of-government policy framework I released earlier this year. The framework identifies three key outcome areas: protection and justice; options for women; and prevention of violence. A policy document such as this framework which focuses specifically on issues of violence and safety for women is incredibly important, as women's experiences and understandings of violence are often different from those of men. Women are more likely to experience violence from a current or previous partner than from a stranger or acquaintance and the violence is often part of a repeated pattern of abuse over many years, rather than an isolated incident.

The framework provides a structure for directing specific actions to achieve outcomes. The actions occurring across government agencies include: reviewing the criminal law in relation to sexual assault and domestic violence; reviewing the protection orders legislation; introducing legislation to protect confidential disclosures to counsellors in circumstances of serious sexual assault from use in criminal trials; conducting a pilot study to research and analyse sexual assault data to inform criminal justice agencies and the community on women's experience of reporting sexual assault; and providing funds to pilot and evaluate a refuge for indigenous women aged between 12 and 17.

Working to eliminate violence against women is a major challenge for all of us. This government will continue to provide leadership in focusing efforts on addressing this issue. We recognise that it is an issue requiring a concerted effort from all sectors of the community working in close collaboration and partnership. I would encourage all members to speak out against acts of violence against women and to work to raise public awareness of this endemic problem.

Workplace safety

MR PRATT: My question is to the Minister for Industrial Relations, Ms Gallagher. Minister, you have expressed deep concerns about ACT workplaces, and your intention to introduce industrial manslaughter legislation is, presumably, an illustration of that concern.

In the last two years—you can give general figures, not necessarily precise—how many infringements of the OH&S Act have occurred in the ACT, and what actions have ACT WorkCover had to take against workplaces or individuals for infringements of the OH&S Act?

MS GALLAGHER: I will take the question on notice because there is a wide range of areas under the act in which infringements can be brought. I do not have the detail of the exact numbers, which is the question that you ask. Suffice to say, workplace safety is still an issue for us. We still have prosecutions under the OH&S Act, and there are still workplaces that are not doing the right thing.

As I indicated in the review of the act I released yesterday, we are looking at introducing a whole range of initiatives to make workplace safety easier for all employers and employees. Part of that is a focus on education and voluntary compliance. At the other end—you have related it to industrial manslaughter—situations occur where workplace safety has not been followed and there is an accident or, in the worst-case scenario, a death in the workplace. We will seek to prosecute that in the hardest possible way.

Housing affordability

MS TUCKER: My question is for the Treasurer and it relates to the use to be made of the surplus revenue generated by the recently extremely high house-sale prices in the ACT. Given that the recent very high house prices have contributed both to the government's surplus revenue, through stamp duty, and to the housing affordability crisis, given that the government has committed to at least maintaining housing stocks—and we heard the minister today acknowledge how important it is to actually increase public housing stocks—and given the importance of addressing the housing crisis, will the Treasurer consider investing at least some of this surplus in the construction of new public housing?

MR QUINLAN: I thank Ms Tucker for the question. Contrary to popular conception, the Treasurer does not decide where the money goes. The government decides where expenditure is made. We are now just entering our budget process, and I guess what I can say is that all will be revealed as the budget comes down or as the government makes decisions in relation to public housing and community housing following on from the report that was debated.

MS TUCKER: Mr Speaker, I ask a supplementary question. Treasurer, can you confirm that it is still the view of the Treasury, the Treasurer or the government that the best use for unexpected surpluses is to invest in capital works?

MR QUINLAN: Well, I guess, for public purposes, the Treasury does not have a view. It provides advice. But let me say this much: it is quite clearly common sense that, if we have had gains that are not sustainable through time, they ought to be invested, as opposed to being committed to recurrent expenditure, when there is no guarantee that the revenue will continue.

So, yes, there is work to be done to use funds that are generated wisely. It has been suggested a number of times that because we have got particular surpluses we ought to do this or the other, and I have to say that there has been some shallow thinking exhibited on the part of some in relation to that. But what we need to do is make sure that we have a sustainable budget through time, but at the same time invest whatever funds are available to the best use and benefit to the ACT community, and that is what we will be trying to do.

Ministerial code of good conduct

MR CORNWELL: My question is to the Chief Minister, Mr Stanhope. Chief Minister, in your code of good conduct policy you stated that your first step would be to “restore confidence in the process of Government”. Have you advised your ministers that you would dismiss them if they were found to have deceived the public and do they understand your expectations that they be open, honest and accountable?

MR STANHOPE: I thank Mr Cornwell for the question. I will take the opportunity to say that, as somebody from Bega, I appreciate the question and I say hello to all my ex-neighbours. It is good to see you again. Bega is doing well. It is a great place.

I think the answer to all the parts of the question is that this is a government of such enormously high standing, a government of such probity, a government that takes it as an absolute given always to be honest, accountable and transparent in everything it does that I have not had particular discussions with my ministers in relation to the issues that Mr Cornwell raised.

I imagine that such discussions with ministers were a daily occurrence when you were last in government. I do not know which way it went—whether it went from ministers to the Chief Minister or vice versa—but I would imagine there were lots of discussions about the need to be honest and to tell the truth, or at least to start telling the truth or to stop telling lies. I would have thought that was probably a reasonably—

Mr Smyth: On a point of order, Mr Speaker: standing order 118 (b) says that the Chief Minister cannot debate the point; he actually has to answer for himself and his ministers and nobody else.

MR SPEAKER: Yes. Come to the point of the question.

MR STANHOPE: I will come to the point but I think that would have been very much the nature of conversations that would have been held in the previous cabinet between the Chief Minister and ministers—the conversation would have been: “You have told the truth today, have you?” or “I hope you haven’t broken the law again.”

Mrs Dunne: He is not coming to the point, Mr Speaker. Can I just remind you again, Mr Speaker, about 118 (b).

MR SPEAKER: Come to the point of the question please, Chief Minister.

MR STANHOPE: In relation to the points raised, Mr Speaker, quite genuinely I have not had a discussion with my ministers, nor have I seen the need to in relation to a requirement to tell the truth, to be honest, open, accountable and transparent in everything we do, because this is a given with this government. This is certainly reflected in our performance to date and will continue to be the case.

MR CORNWELL: Mr Speaker, I ask a supplementary question. As you have not had discussions with your ministers—

MR SPEAKER: Will you come to the point of the question? We do not want a preamble.

MR CORNWELL: I am, sir. Am I therefore to understand that your ministers will be dismissed if they are not open, honest and accountable?

MR STANHOPE: My ministers are open, honest and accountable, Mr Speaker. They have been, they are and they will always be so.

Draft water strategy

MRS DUNNE: My question is to the Minister for Environment, Mr Stanhope. Minister, in the draft water strategy “Think water, act water”, released in stealth last Friday, you claimed that the flow into Googong Dam is almost 40 per cent above that recorded in the 1999 water resources management plan. In the draft strategy, you attribute the differences between the strategy and the water resources management plan to:

... changes to flow equations used to estimate volumes from stream height measurements, refinements to estimating methods used for catchments that are not measured and an increase in the amount of data available for sub-catchments that have only been monitored for short periods.

Minister, how is a 40 per cent increase in the Googong catchment possible and, if it is an accurate figure, where has all the water gone?

MR STANHOPE: I will respond to the use of “in stealth”. I have to say that, because ABC television, WIN television and the *Canberra Times* covered the event, I think that what Mrs Dunne meant by “in stealth” is that this was another event that the Liberals boycotted and sought not to attend. Basically, this is becoming very much a part and parcel of the way they undertake their duties. They sit in their offices, excluded from the community, not talking, not listening, not taking note and not consulting. To actually suggest that the matter was dealt with in stealth is absolute nonsense. It was reported in the media. Media alerts were issued and it was a very good event held at 10.00 am on Friday morning. It led immediately to a fall of three inches of rain. I thought it was quite significant, of course, to the extent that it achieved such an immediate and beneficial response.

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As to some of the technical detail of the question that Mrs Dunne asked, I would be happy to take that on notice.

MRS DUNNE: In the strategy, have you also—

MR SPEAKER: Would you come to the question without a preamble, please?

MRS DUNNE: Have you adjusted the consumption downwards to make the picture of water use in the ACT even rosier?

MR STANHOPE: No. I think we all know that the situation in relation to water and water use in the ACT, and our capacity to use water wisely and sustainably, is the single most significant issue facing us and our capacity to develop and expand. Issues of water supply and availability, and the use of water, are fundamentally important to the future of the territory and to the way we live. It is the biggest single issue facing our future development.

The water strategy certainly does not seek to paint a rosy picture at all, and I have no inclination to do so either. In fact, what the government has been seeking to do, and has been doing quite successfully, in partnership with the people of Canberra, is to raise public awareness of the importance of water and how seriously we should consider this issue. One of the things that we have been doing over the last two years is ensuring that the people of Canberra understand how significant issues of water and water supply are, and how important it is that we ensure a sustainable water supply in the future. The furthest thing from our minds is painting a rosy picture about water and water supply issues.

Mrs Dunne: On a point of order under standing order 118 (a): I asked a question about whether or not the consumption figures have been downgraded and I do not have an answer to that question. We have had a treatise about how important water is.

Members interjecting—

MR SPEAKER: Order, everybody! I also heard you ask a question about whether or not the Chief Minister was trying to paint a rosier picture. I think he is entitled to respond to that.

MR STANHOPE: Absolutely. That was the question that was asked. On the point of order, Mr Speaker: you were quite right. The question that was asked was had we actually downgraded consumption figures in the water strategy so as to paint a rosy picture about water consumption, and the answer is no; we have not downgraded the water consumption figures in the water strategy so as to paint a rosy picture. We have not done anything in connection with water or anything in the water strategy so as to paint a rosy picture. Nothing we did in the water strategy, nothing I have ever said about water supply and water consumption or use in the ACT was done so as to paint a rosy picture about the circumstance of the supply of water in the ACT.

We have been open and honest about it. We have not sought to paint a rosy picture about anything in relation to water. In fact, the situation in relation to water supply issues

affecting the ACT is very serious. We have gone out of our way to indicate how serious the issues are of water and water supply. It is as a result of that that we have, over this last year, in consultation with the Canberra community, in partnership with the people of Canberra, engaged in a range of water restrictions and engaged with the water supply issues.

That is why we have developed, for the first time, an overarching water strategy to take us into the future in relation to the need to sustain water usage and to ensure a sustainable water supply for the people of Canberra for now and into the future, for the sakes of our children and our grandchildren.

So, no, Mrs Dunne, nothing of the considerable work that we have done in relation to water has been designed to paint a rosy picture, because there is not a rosy picture to be painted. This is a very serious issue and it will continue to be a serious issue for some time to come.

Student privacy

MS DUNDAS: Mr Speaker, through you, my question is to the minister for education. Minister, the ACT Health Records (Privacy and Access) Act 1997 requires that reasonable measures be used to prevent records about a person's disability being disclosed or misused. Can you confirm that information collected through the student centred assessment of needs process is stored by name rather than some other method to protect privacy, such as a number, and, considering a range of people can access this information for a range of reasons, why this occurs?

MS GALLAGHER: I think I received your letter relating to this on Monday morning. I have asked for some advice on it. My understanding was that the way that data was being recorded would ensure the privacy of the students. Since you have written to me with some fairly specific allegations about the way that information is being recorded I have asked the department to provide me with some advice, which I haven't received yet.

I have been through the process of the recording of that information, the way they do it on computer, and I have certainly been assured that this was a very tight process in terms of ensuring that that information couldn't be used either to alert people as to whom that student was or to give out other information that that family and that student may have considered private.

I am concerned by the letter you have written to me, and I will certainly get back to you as soon as I can with the information. On those specifics as to names, the encryption or the numbering, I don't know the answer.

MR SPEAKER: Supplementary question, Ms Dundas?

MS DUNDAS: Thank you, Mr Speaker. I thank the minister for agreeing to look further into this issue. Can you inform the Assembly whether or not the education department is now planning to audit the security of data relating to students, not just in relation to disability but a whole range of issues, and whether or not the information stored by the education department about students is being properly stored under privacy regulations?

MS GALLAGHER: I have certainly been given no reason to believe that the information stored about students isn't in accordance with the privacy legislation. The department takes very seriously all issues to do with privacy of students. As you know, with the amount of students we have in our schools, there are a whole range of circumstances that those students have which require very rigorous levels of privacy.

In fact, criticism has been made about how strict we are with the privacy of that information about students in schools and, because we are so conscious of privacy, how it has actually worked to the disadvantage of some students. I don't necessarily share that opinion.

I have been given no reason to believe that we are not in accordance with all the legislation. In fact, I imagine we exceed it in some circumstances.

Business decision making

MR STEFANIAK: My question is directed to the Minister for Economic Development, Business and Tourism. Minister, will you confirm that the government supports the concept of a level playing field in providing information to ensure that businesses are not disadvantaged in making commercial decisions by government withholding information pertinent to that decision?

MR QUINLAN: As much as practicable, Mr Stefaniak.

MR STEFANIAK: I ask a supplementary question. Can we take it from your answer that ACT government departments and agencies must not withhold information from businesses that would influence them in taking commercial decisions?

MR QUINLAN: As much as practicable, Mr Stefaniak.

Canberra Hospital—patient satisfaction survey

MRS BURKE: My question is to the Minister for Health. Mr Corbell, last week I asked you a question, which you took on notice, regarding the patient satisfaction survey in the annual report. I note that you are yet to table that survey, by the way. In an answer to a question from the health committee, you said that the Canberra Hospital Clinical Governance Executive Committee is addressing issues raised in the survey relating to patient dissatisfaction in the emergency department, and you listed those issues.

Minister, page 25 of the annual report shows a footnote to the in-patient services rating of 77.8. The footnote says:

Issues identified through responses to specific question in the 2002 survey will be addressed by the Clinical Governance Executive Committee by monitoring activities in the Clinical Governance Business Plan.

So, it would seem that the Clinical Governance Executive Committee is looking at both in-patient services and the emergency department. What are the identified issues the committee is reviewing in in-patient services?

MR CORBELL: I am not familiar with the agenda of the Clinical Governance Executive Committee in detail, but I am happy to take the question on notice and provide the information to the member.

MRS BURKE: I have a supplementary question. Is it perhaps the case that the committee is reviewing the situation because a specific area of in-patient service scored lower than 50 per cent in the survey?

MR CORBELL: I am happy to take the question on notice and provide the information to the member.

Planning awards

MR HARGREAVES: My question is to the Minister for Planning. I understand that ACTPLA planners scooped the prize pool at the planning awards for 2003 for the ACT division of the Planning Institute of Australia. Minister, can you inform the Assembly of the results of that evening?

MR CORBELL: Yes, it is true that the ACT Planning and Land Authority won a number of prizes for planning for 2003 at the recent awards of the ACT division of the Planning Institute of Australia. I think that it would be useful, in responding to Mr Hargreaves' question, to highlight those projects because they are projects which have been the subject of some criticism both in the Assembly and in the broader community. It is important to reaffirm that, whilst there is always contention around planning matters, in the judgment of their peers the planners are performing work which is considered to be of a high quality.

Four awards were given to three ACT Planning and Land Authority projects. The first was for the draft city west master plan, which I launched in October. This plan won the award for planning excellence in urban planning achievement, an award which recognises the outstanding contribution to current urban planning practice made in planning documents, reports, schemes or projects. The judges considered the draft plan to be well researched and designed and exceedingly well presented, saying:

The Planning analyses included in the Master Plan appear to be rigorous with innovative use of statements of planning principles and how these will be applied. The Master Plan includes implementation strategies to achieve the "Plan" and incorporates development programs, land sales and priorities for Capital Works. Whilst much of the document contains "technical work" it is easily read and understood.

That is a strong endorsement of a very important planning document for the future growth and development of the city centre. The judges also saw fit to make an additional award to the draft city west master plan in the category of community-based planning.

The ACT Planning and Land Authority's neighbourhood planning program won an award for planning excellence in community-based planning, an award that recognises planning schemes, projects or reports arising out of a significant initiative or from a planned program of consultation which demonstrates the achievement of community goals. This was a strong endorsement by the peers of the planners of the effectiveness

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and the innovation in ACTPLA's neighbourhood planning program. According to the judges, the neighbourhood planning program is a consultative program associated with the ongoing development of locally based physical plans.

Mrs Dunne: It has been bagged by the residents.

MR CORBELL: I know that Mrs Dunne does not like it, but I think that it is fair that we endorse the achievements of those professionals in the ACT public service when they are recognised by their peers. The judges went on to say:

This consultation program and associated plans specifically address key planning principles which are established and then applied to a process of collaborative community consultation which has evolved and been improved since its inception, and in response to communities. While the concept of engaging communities is not new to the profession of urban planning, the range of techniques applied in this case is considered to be an innovative approach to community planning. The judges consider that in this case, the process sets an example for encouraging genuine community participation in planning and is a worthy winner of an award for Community Based Planning.

The judges also forwarded both the city west master plan and the neighbourhood planning program to the Planning Institute of Australia's national awards, which will take place in the coming months.

The other award winner was the North Gungahlin structure plan, which won the award for planning excellence in environmental planning—an award designed to encourage schemes or projects which promote the principles of environmental planning or conservation and show how the environment can be maintained to meet the present needs of the community without compromising the ability of future generations to meet their own needs. I think that all of the award recipients should be well congratulated on their efforts. This is a demonstration of the competency and professionalism of our planning agency which underscores the government's commitment to inform decision making for the future planning of Canberra.

MR HARGREAVES: Minister, could you enlighten me on exactly what the judges did say about the North Gungahlin structure plan?

Mrs Dunne: He just did.

MR CORBELL: I am very happy to outline what the judges said. I know that Mrs Dunne hates to hear that our planning authority is delivering best practice because that undermines her capacity to slur the professionalism of those officers who work so hard to deliver professional policy advice to government and the Assembly. Mrs Dunne is more interested in the politics than in the capacity of our planning agency. The judges determined that the North Gungahlin structure plan:

... clearly demonstrates a high level of appropriate research and planning rigour, with realistic and achievable outcomes. The Plan includes a clear structure of planning principles that should lead to the creation of accessible, vibrant community spaces and living environments. The Plan balances the need for future residential areas whilst responding positively to environmental concerns and the preservation

of woodland communities. The Plan embraces best practice in its guidelines for urban design and open space planning.

It is little wonder that those opposite criticise that because they are from the party that ripped millions and millions of dollars out of the former Planning and Land Management, reducing its capacity to deliver quality outcomes. Since our election, we have invested in planning and we have invested in a new structure for planning. We are now seeing the results in the context of these awards.

Mr Smyth: I take a point of order on relevance and under standing order 118 (b), which states that the minister is not to debate the subject.

MR SPEAKER: Come to the point of the question, Mr Corbell.

MR CORBELL: The point I am making is that Mr Smyth, when he was minister, ripped millions of dollars out of Planning and Land Management, which meant that they were not able to deliver such high-quality products. They can now.

MR SPEAKER: Just stay with the point of the question.

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

Supplementary answers to questions without notice Woodchips

MR STANHOPE: In the last sitting I took a question on notice from Mrs Dunne in relation to the sale of woodchips from the ACT. For the information of members, I table the following paper:

Sale of woodchips—Answer to question taken on notice from Mrs Dunne.

CRASH scheme

MR WOOD: Mrs Burke asked me a question the other day about investigations for a CRASH trial and the timing of that, and my answer is as follows: on 19 November in a response to a question taken on notice from Mrs Burke regarding investigation of the model for a CRASH trial, I undertook to locate any further details on the CRASH scheme. Having done so, I can only reiterate the points I made in my answer to Mrs Burke's question and the information in my letter of 27 October.

Specifically I am informed that one provider raised the scheme during consultations in forming the ACT homelessness strategy. Doubts have been expressed whether the scheme would have merit in the ACT, given our relative lack of empty buildings.

Whether notification of the New South Wales CRASH trial was first brought to the department's attention by Mrs Burke or whatever else, I don't know, but I am prepared to say that, if there is any competition here, Mrs Burke wins the race. Certainly, to repeat: it wasn't I who was first in the race; I have been looking at other aspects of ACT Housing.

Nevertheless, we will follow that Sydney trial with interest and, if it has merit, CRASH will be considered in the models we bring forward in the future.

Block 11 section 40 Amaroo—planning conditions

MR CORBELL: Mr Speaker, in a previous question time Mrs Dunne asked me a question in relation to an approval for a proposed tennis court at block 11 section 40 Amaroo. I took the question on notice and I have since written to Mrs Dunne but, for the information of members: the decision under review by the AAT was varied by the deletion of the conditions imposed by the ACT Planning and Land Authority concerning the tennis court lighting, fencing and landscaping.

In relation to Mrs Dunne's particular question about the fencing, I have confirmed that the lease and development conditions for the relevant block allowed a one-metre-high mesh fence to be erected along the northern and eastern boundaries adjacent to territory land. In recognition of this requirement, ACTPLA did not consider it appropriate to allow a three-metre high tennis court fence along these boundaries, as proposed by the applicant, without effective landscaping or screening.

To address the landscaping or screening issue, ACTPLA's conditional approval required that the tennis court fence be reduced in height to 2½ metres and set back four metres from the eastern boundary. But it later conceded that a two-metre setback would be adequate, although this was never accepted by the applicant.

Mr Speaker, the tribunal's decision on this matter was to allow the fence to be three metres high and to be set back three-quarters of a metre from the eastern boundary. However, the tennis court fence along the southern boundary remained at 2½ metres in height. ACTPLA never indicated at any time that the tennis court fence should be restricted to one metre high.

Health action plan

MR CORBELL: Mr Speaker, also for the information of members: Mrs Cross asked me a question without notice on 20 November in relation to proposals in the health action plan which have been implemented. I have since written to Mrs Cross but, for the information of members, I can outline that, following the exchange in the Assembly on 23 September, I indicated to Mrs Cross that I required some further clarification from Mrs Cross regarding the detail of her question.

I later received that clarification which indicated that Mrs Cross was seeking me to tell the Assembly which of the proposals outlined in the health action plan have been implemented. The answer I have provided to Mrs Cross outlines that action has occurred across 109 of the 119 priority areas for action described in the health action plan and lists each of those areas.

I apologise for the delay in providing this response, but collation of the answer has required a whole-of-portfolio analysis of achievements and activities against the priorities outlined in the health action plan. As stated in my original answer, this work is being compiled now for the ACT Health Council and I will be happy to supply more detailed information to members after it has been considered by the council.

Executive contracts Papers and statement by minister

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

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

Long term contracts:

Rick Scott-Murphy, dated 3 October 2003.

Short term contracts:

Hamish McNulty, dated 6 November 2003.

Tony Gill, dated 11 November 2003.

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

Leave granted.

MR STANHOPE: As I say, I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 18 November 2003. Today I present one long-term contract and two short-term contracts. The details of the contracts will be circulated to members.

Papers

Mr Quinlan presented the following papers:

Canberra Tourism and Events Corporation Act, pursuant to subsection 28 (3)—
Canberra Tourism and Events Corporation—Quarterly report for April to June 2003.

Australian Capital Tourism Corporation Act, pursuant to subsection 28 (3)—
Australian Capital Tourism Corporation—Quarterly report for July to September 2003-4.

Education—Standing Committee Report No 3—government response

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (3.17): For the information of members, I present the following paper:

Education—Standing Committee—Report No 3—*Pathways to the Future: Report on the Inquiry into Vocational Education Training in the ACT*—Government

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Response, dated November 2003.

The committee report was presented to the Assembly on 28 August 2003. I seek leave to make a statement.

Leave granted.

MS GALLAGHER: Mr Speaker, on 28 August 2003 the Chair of the Standing Committee on Education, Ms Karin MacDonald, presented to the Assembly her committee's report No 3 *Pathways to the future: report on the inquiry into vocational education training in the ACT*. This is an important report, for several reasons. It is the report of the first inquiry held into vocational education and training within the ACT since self-government.

The inquiry provided an important opportunity for all vocational education and training stakeholders to publicly contribute their views and concerns to an inquiry. I am very appreciative of the fact that so many took the time and effort to do so.

The inquiry also provided a very valuable opportunity to reflect on the major advances made in vocational education and training in recent years, to acknowledge the achievements and to look for areas where improvements can be made.

Vocational education and training in Australia has come a long way in a relatively short time. All Australian governments have seen the need to give priority to workforce skilling, growth in vocational education and training, competency-based training and a national accreditation framework and entry-level training.

Since 1996 the drive has been to develop a national approach to training, to grow traineeships and to have more vocational education and training in schools. In 1997 the first nationally recognised training packages were introduced. In 1998 new apprenticeship arrangements were introduced, as was the Australian recognition and qualifications framework. In 2001 the recognition framework was revamped into the Australian quality training framework.

More recently this Assembly passed legislation to establish the ACT Tertiary Accreditation and Registration Act, which was to take effect on 1 November. This affects our determination to ensure that the quality of our training continues to be of a very high standard.

Mr Speaker, the ACT has a robust and vibrant vocational educational training system. The effectiveness and efficiency measures compiled by the National Centre for Vocational Education Research show that the ACT is among the leaders in the provision of VET services in Australia.

Our rate of participation in VET, the one measure where we are below the national average, reflects the territory's unique industry structure, with the predominance of government services and lack of manufacturing. Our success in introducing this in schools is also a factor since participation statistics do not yet include this effort.

Customer satisfaction surveys show that students and employers in the ACT have a satisfaction level above the national average. All in all, the ACT has a vocational education and training system of which it can be justifiably proud.

Mr Speaker, there are, of course, areas where we must strive to do better. This is not surprising, given the rate of change in vocational education training in recent years. In this regard, the committee's report provides a very valuable indication of the concerns held by stakeholders in the system. While many concerns expressed during the inquiry point to a need to better communicate what are the current arrangements and policies, they also point to areas where consideration should be given to making improvements.

The committee has made 38 recommendations. The government agrees or agrees in principle with 27 of them. The government has noted a further 10 recommendations. In only one case, a recommendation involving quality assurance, does the government not agree. Of the 10 recommendations that the government has noted, most would require the government to commit to provide additional funding to an unspecified level. The government notes the point of view put by those appearing before the committee or who made submissions that gave rise to those particular recommendations. The government will take the recommendations into account in an overall budgetary context.

The government does not agree with recommendation 22, which is that government colleges not be required to have registered training organisation status, with the Department of Education, Youth and Family Services taking on this role for all government colleges.

The registration of training providers and the associated audit requirements are key components in the ACT's focus on a quality vocational education and training system and in the national system of quality assurance. It is in the best interests of students, as well as for the general image of VET and schools in particular, for individual colleges to remain formally responsible for the quality of the training they provide. Moreover, it would not be appropriate to discriminate between government colleges and other RTOs, including non-government schools.

Mr Speaker, the government acknowledges the views and concerns expressed to the committee in the course of this inquiry. The government also appreciates the effort the committee has made to represent these views and concerns in its recommendations.

As I said at the beginning, the opportunity provided by the inquiry for government to hear what stakeholders have to say about VET arrangements is a valuable one. The report will inform work to enhance our training system so that the ACT continues to be among the leaders in VET in Australia.

There are many things we can improve on and should do so as part of a commitment to continuous improvement, but we should not lose sight of the fact that we have a robust and high-quality VET system that I think is probably world class. We are certainly among the leaders in Australia in this regard. This is a sentiment that I was pleased to see echoed by the standing committee in its media release when the report was tabled.

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The government will continue to give priority to increasing the skill base of the ACT workforce, to maximising opportunities for people to undertake relevant vocational education and training and to maintaining the quality of our training system.

Mr Speaker, I thank the committee for the contribution its inquiry has made to improving vocational education and training in the territory. I am also grateful for the time and effort of all those who made submissions to the inquiry and appeared before the committee.

Mr Speaker, I move:

That the Assembly takes note of the paper.

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

Papers

Mr Wood presented the following papers:

Annual report 2002-2003—ACTION Authority—Corrigendum.

Subordinate legislation (including explanatory statements, unless otherwise stated)—

Legislation Act, pursuant to section 64—

Agents Act—Agents Regulations 2003—Subordinate Law SL2003-38 (LR, 31 October 2003).

Cooperatives Act—

Attorney General (Determination of Fees and Charges for 2003/2004) Amendment 2003 (No 3)—Disallowable Instrument DI2003-290 (without explanatory statement) (LR, 30 October 2003).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Reference for Investigation) Determination 2003 (No 4)—Disallowable Instrument DI2003-292 (LR, 6 November 2003).

Magistrates Court Act—

Magistrates Court (Charitable Collections Infringement Notices) Regulations 2003—Subordinate Law SL2003-36 (LR, 30 October 2003).

Magistrates Court (Hawkers Infringement Notices) Regulations 2003—Subordinate Law SL2003-37 (LR, 30 October 2003).

Magistrates Court (Agents Infringement Notices) Regulations 2003—Subordinate Law SL2003-39 (LR, 31 October 2003).

Public Place Names Act—

Public Place Names 2003, No 22 (Street Nomenclature—Gungahlin)—Disallowable Instrument DI2003-287 (LR, 30 October 2003).

Public Place Names 2003 (Street Nomenclature—Belconnen)—Disallowable Instrument DI2003-291 (LR, 3 November 2003).

Public Place Names 2003, No 16—Street Nomenclature in the Division of McKellar—Disallowable Instrument DI2003-293 (LR, 6 November 2003).

Public Sector Management Act—Public Sector Management (Commissioner for Public Administration) Appointment 2003—Disallowable Instrument DI2003-286 (LR, 24 October 2003).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2003 (No 2)—Disallowable Instrument DI2003-284 (LR, 24 October 2003).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2003 (No 3)—Disallowable Instrument DI2003-285 (LR, 24 October 2003).

Road Transport (General) Act—

Road Transport (Offences) Amendment Regulations 2003 (No 2)—Subordinate Law SL2003-42 (LR, 4 November 2003).

Road Transport (General) (Parking Ticket Fees) Determination 2003 (No 2)—Disallowable Instrument DI2003-288 (LR, 30 October 2003).

Victims of Crime Act—Victims of Crime—Appointment to Victims Assistance Board 2003 (No 2)—Disallowable Instrument DI2003-283 (LR, 23 October 2003).

Aged care and aged-care facilities

Discussion of matter of public importance

MR SPEAKER: I have received letters from Ms MacDonald and Mr Cornwell proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Cornwell be submitted to the Assembly, namely:

The state of aged care and aged care facilities in the ACT.

MR CORNWELL (3.25): I am not surprised, Mr Corbell, that there was no planning award for aged-care facilities in that list that you read out in response to Mr Hargreaves' question. And it is with a sense of *deja vu* that I stand here, Mr Speaker, to debate this MPI.

In July, as members will be aware, the media highlighted what they called a crisis in aged care here in the ACT. In August the Assembly debated the same matter and I have to say, as the mover of the motion, I was quite heartened by the support I received, at least in principle, from the crossbenches in recognition of the difficulties that we are facing.

Three months on nothing has altered. This Labor government is still in a situation where they are promising facilities will be provided to our aged, and the problem of course only gets worse because we have a predicted future increase in our aged population, as it is everywhere else, but there is no attempt to address the problem.

There have been some attempts in the past to blame the Commonwealth. Let me make it quite clear that there is no responsibility on the Commonwealth for the problems that we are facing here in the provision of aged-care facilities, because the provision of the beds is a Commonwealth responsibility and these have been provided.

The responsibility of the ACT government, however, is the shelters to house them, and they have not been provided. The ACT, I understand, has some of the longest waiting lists in the country for beds in aged care. In July this year the Morshead Home in Lyneham, Mr Speaker, said they had a waiting list of 540 but only places for 80. Villaggio Sant' Antonio over in Belconnen have closed their waiting list after more than 500 requests, and Goodwin Aged Care had waiting lists as high as 600 over three facilities.

Even if we allow for duplication of some of these people, these desperate people on the waiting lists, the fact is that there are clearly several thousand elderly people seeking accommodation here in the ACT. Whilst we rely on the Commonwealth for funding of these places, there is no excuse for us failing to get our side of the deal sorted out.

But where are the beds, Mr Corbell? Even after my motion in August—and I repeat August—was debated, highlighting the importance, not a brick has been laid. Indeed, let us revisit the minister's press release of 21 July which stated that proposals by the private and non-government sector for "over 500 independent living units and 300 aged care beds across Canberra" had been received.

You, Minister, said the land development agent, ACT Planning and Land Authority, were aware of these proposals—that is useful—and you tabled a long list of them in your press release. However, in answer to a question without notice in the Assembly last week you confirmed that these aged-care facilities were not necessarily formal development applications; they were a mixture of formal applications and proposals.

You went on to say that there were in fact 145 beds that actually had funding provided for by the Commonwealth—103 high care, 42 low care. My question now, Minister, is: how many of these beds could be filled by people still in hospital, in acute hospital beds?

As we know, it costs between \$555 and \$968 per day to keep a nursing home patient in an acute hospital bed, whereas in residential aged care it costs between \$25 and \$90 a day. So it is costing the taxpayer up to \$878 a day to keep these people in a hospital bed, when funding for nursing home beds, 145 of them, already has been provided.

The waste of ACT taxpayers' money over 12 months must run into millions—I think I calculated it at about 12 million and that was conservative—not to mention of course the burden that this is placing on ACT hospital acute beds, which we all know is a matter of constant concern to this Assembly and to the people of Canberra.

I am of course curious now to know how many of the 145 beds that you admitted last week were available, for which we have funding, could be filled by people who are still in acute hospital beds who shouldn't be there and who should in fact be in these 145. Perhaps you can tell me.

MR SPEAKER: Order! Would members near the gallery please move out.

MR CORNWELL: Maybe they are not interested.

MR SPEAKER: It is like you are standing in an amplifier down there.

MR CORNWELL: They are not interested, obviously. In August you advised me there were 32 nursing home-type patients being accommodated in Canberra hospitals—23 at Canberra, nine at Calvary. I understand that they have been moved to another ward which has opened in Calvary. I am not sure whether it is the entire 32, Mr Minister, and maybe again you could confirm.

But the question is: how many people who shouldn't be in acute hospital beds are still in hospitals now? I appreciate that the 145 beds will eventually be provided. But why did you bother to mention 500 and 300 beds in July—an aspirational 800 beds, I would remind members—when there is a chance that not one of these additional facilities will ever be built?

Even worse than the promises that you have made, the Little Company of Mary site at Bruce, for example, will not see a brick laid until the second half of 2004—assuming of course there are no further delays in the community consultation, approval process, tree hugging, whatever seems to be holding up this development. When will this facility be completed? Two years after that perhaps, 2006? If that is the case, it will mean more than five years have elapsed since funding was provided for these beds.

As far as I am concerned, it serves to highlight the slothful approach that this Planning Minister has taken in housing our aged community and it certainly doesn't show a commitment by this Labor government to that community, their family, or their carers. Why are these aged-care development proposals taking so long to get off the ground? What is deterring the facilities from going ahead? Why haven't we seen any of these development proposals actually approved and ready to be built?

Even after all the debate that took place earlier this year, and indeed last year, in this Assembly, we have not received any practical or truly informative answers on what the government is actually going to do to address this problem. Yet we find the Planning Minister, Mr Corbell, extending incentives to developers in Civic, looking at ways to encourage the City West project. Why can't the same incentives be offered to those who wish to provide aged-care facilities?

Is the problem with the actual planning authority? Maybe it is not the minister, maybe it is the planning authority—these people that won those awards that we heard about earlier today in question time.

But of course it is not just a problem, is it, of the provision of bricks and mortar—whether it is the minister's fault or the fault of the planning authority—because we have

another difficulty, and that is the issue of nursing home staff shortages and the relatively low wages they are being paid. On the front page of the *Canberra Times* of 12 July there is a headline “Nurses Desert Aged Care”. The article states that aged-care nurses earn up to 26 per cent less, or \$200 a week less, than their hospital-based colleagues.

What has the Labor government in this territory done to address this problem? I suggest to you nothing. While nursing homes are being lured away—

Mr Corbell: Who employs them, Greg?

MR CORNWELL: Just a moment, you have a responsibility. They are going interstate, I believe, where wages are better. We know the Commonwealth provides the overall funding for nursing home wages, but it doesn't set out the terms and conditions for them. This is done through awards or enterprise bargaining by the states and the territories. I think the ACT government should be looking at some method of improving this. We see only today in the *Canberra Times* that we are going overseas to try to fill the vacancies. That is a good step in the right direction.

But the fact of the matter is that we are in a parlous situation in relation to the provision of aged care in this territory. All we have had for two years of this Labor government is promises and promises that something was going to happen; we are going to provide more aged-care facilities.

I repeat the Calvary Hospital example. We have been sitting here for two years waiting for that to be sorted out. What about the Lake Ginninderra site that is still being argued over? What about St Andrews Hospital down there at Hughes? What about the three sites that you mentioned, I think in Tuggeranong, for additional aged-care facilities? It is fine to have all these things promised, but we want to see some foundations being dug; we need to see some bricks and mortar being put together; and of course we need to see some people coming in to look after these elderly people.

For two years we have had no evidence whatsoever—zero beds—in terms of facilities being constructed to take the pressure off the hospital acute beds, to take the pressure off carers, to take the pressure off families. And it is not just families here in the ACT; there are people whose parents or elderly relatives are in nursing homes in Sydney, et cetera, and they are obliged to go back and forth seeing them at weekends or, presumably, when they can. This creates a massive problem. And we should really be addressing it.

As I say, Mr Speaker, I do not expect that these problems can be solved overnight. Obviously—and Mr Corbell has been at great pains to tell me this—we can't expect the government to break the law concerning planning matters. I don't expect the government to break the law. I do expect them, however, to expedite the planning process for these aged-care facilities because we do have a crisis, and it is a growing crisis. It is not going to go away; it is going to get worse.

But in two years of this Labor government that is so keen to extol all the wonderful things that it has done in social engineering and such like, we have seen nothing on the ground for our most vulnerable citizens, our aged, and, I would suggest, equally vulnerable citizens, their relatives and their careers. This government, Mr Speaker, should be ashamed of themselves in their treatment of these elderly people.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.39): Mr Speaker, the implications of an ageing population for all levels of government and the broad community are of course quite massive. Recent ABS population projections suggest that the number of people in the Canberra community aged 55 and over is predicted to rise from about 10 per cent today to about 30 per cent in the next 30 years. By contrast, the number of young people in the 0 to 15 age group is forecast to decline by about 10,000 during the same period.

The largest increases in our population will be in the number of people aged in the 60 to 69-age group, projected to increase by over 15,000 people, and the number of people aged over 70 years is projected to increase by about 9,100 people. Population projections also indicate that, within a decade or so, almost half of all ACT households will have only one person, and many of those will be aged over 50.

In its intergenerational report 2002, the Commonwealth government has quantified the financial impacts that an ageing population will have upon the nation. In particular, the report suggests that, as the Australian population ages, the cost to meet the needs of an ageing community is estimated to be around \$17 billion per year.

The impact of an ageing population on the broader community has also been confirmed through the market research undertaken by this government as part of the work that we are doing for the social plan and separately through the recent spatial plan open forum.

Mr Speaker, the ageing predicament will be compounded by the so-called baby boomer generation, those people born between the late 1940s and early 1960s, who are expected to have greater demands for services and facilities than their predecessors. When the baby boomers reach retirement age, they will be the largest number of old people ever alive in Australia. They are also a group that has traditionally challenged ideas about society and they have assets, money and are generally healthy.

I would like to speak to three key themes that the government is focusing on in responding to the needs of an ageing population. These are healthy and meaningful ageing, housing for our older people and mature-age employment.

It is interesting that, in a recent conference on ageing in Perth, the award winning scientist, environmentalist and broadcaster Dr David Suzuki suggested that our society's predisposition of looking at the world as some sort of machine and our relationships with each other as simply an apparatus for doing business are what is propelling some people, particularly our older people, into despair. He argues that, while science has helped to develop all sorts of pills and devices to make life easier and longer, it emphasises distance and fragmentation.

Research undertaken by my advisory council on ageing has identified a number of contributors that are creating anguish in our older people. The broader community generally views older people in a negative way. Older people are often discriminated against in relation to employment opportunities, and many older people are discouraged from remaining active and continuing their contribution to family and community life. And of course, the premature ageing and death of our indigenous people offers a special challenge for us all.

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I believe the community no longer sees the knowledge of our elders as being relevant. While ageing and death are essential aspects of what used to be human, the challenge for us all is to establish dignity, meaning and respect for our elders. Like Suzuki, I believe we need to cut through the artifices of technology; we need to listen to our elders, to take care of them so that they can flourish.

The challenge lies in the marginalisation of older people. We must harness and use the experience and skills of older people. As the writer and researcher Hugh McKay suggested in a report that looked at people as they aged, people approaching 60 are accepting, not striving; they are fully functioning, prime-time adults, hoping for some self-indulgent fun. He also found that people believe that they have accumulated a lot of experience and insight and they are anxious not to see this resource wasted.

The second key issue facing the community is how we plan to house our older people. Urban sprawl has certainly become a real issue across Australia. Politicians and policy makers debate the pros and cons of land-use ideas and public transportation systems. Do we build more suburbs and the highways that typically service them, or do we concentrate the population and develop public transportation systems to reduce freeway congestion and development?

On the surface, urban sprawl may not seem to have much to do with ageing—in fact it has plenty to do with it—and our ability to support the rapidly growing population of seniors. Much of Canberra's planning has been undertaken using the model of the standard family, with a primary school and local shop as the focus or the heart of our communities.

Low-density, urban design, the hallmark of Canberra suburbs, isn't necessarily particularly age friendly. It assumes that everyone can drive and do everything. Transport options are sometimes patchy, and housing patterns make in-home service delivery difficult and costly.

As I mentioned earlier, there will be a sharp decline in the number of younger people in our community by 2030. Accordingly, we need to re-examine the role and purpose of our community facilities that serve our neighbourhoods to ensure that public amenities are accessible by and comfortable for seniors.

The draft spatial plan that my colleague Simon Corbell has recently released responds to these challenges and highlights the need for us to develop communities that offer housing alternatives for different stages of life and different financial circumstances and age-friendly transport options and community facilities.

Another issue which I have spoken on as well recently, Mr Speaker, is the need for us to address issues of mature-age employment. If our seniors are to remain active and participate fully in community life, it is vital that they are able to work for as long as they choose; to retire when they want, not because the superannuation regime or workplace environment forces them to do so.

The population changes I alluded to earlier also indicate that there will be a major impact on the supply of younger workers entering the workforce. In particular, in the decade

from 1989 to 1999, about 140,000 new workers entered the Australian workforce each year. In the decade 2030 to 2040, however, that number will shrink to about 14,000 each year, which shows quite starkly the desperate need to put in place strategies to ensure that older people do remain within the workplace.

Retaining older workers in the workplace will not only help address the labour participation dilemma but will also enable business to maintain profitability and productivity. I think, if we are to encourage workers to re-enter and/or remain in the workplace, the reform agenda required to promote participation of older workers requires changes at the level of the worker, the employer, the work organisation, as well as national policies.

It is vital that our current poor attitude to older workers is eliminated, and major changes do need to be made to workplace practices. I think it better that we plan for these things, Mr Speaker, than simply allow the market to determine them at the end of the day. But if we don't encourage older workers to remain in the workforce or go back into the workforce, we simply will not have the capacity to provide the range of services that we currently do, because we will run out of people to undertake the tasks necessary to maintain the level and range of community service that we demand.

Mr Speaker, in relation to these challenges, the government has worked hard over the last two years to respond to these dramatic changes in our population landscape and to deal with issues that we need to deal with in order to plan for our rapidly ageing population. At the last election, we announced that we would develop a plan for older Canberrans, and we have worked actively on that. The plan outlines our aim to create an inclusive community, one where older people feel safe and valued and where services are available to meet their needs.

We made a number of commitments in relation to housing, lifelong learning, mature-age employment and health and community care, and we are meeting those commitments. The commitments include ensuring that the ACT government's housing policy is responsive to the needs of older people, promoting linkages between older people and organisations in the various parts of the knowledge economy, developing a mature-age employment strategy, improving the coordination of hospital and community-based services to support older people, acknowledging and supporting the role of carers in our community.

We developed our plan after talking extensively to people in the community, consulting with a whole range of different community organisations. We are getting on with the job of implementing the plan.

We also established the Ministerial Advisory Council on Ageing, the first such council to be established in the ACT, and it has been a very significant success. The council is comprised of a group of Canberra citizens with extensive knowledge of issues affecting the community and indeed specifically affecting older people. It provides an excellent conduit between the ACT government and the broader community. Just recently, the council developed and released a strategic plan which focuses on the key strategic issues that I have just outlined. I am very pleased to be working with that particular council in relation to developing and furthering aspects of the need for us to plan for the ageing of our population.

Indeed, it is relevant, Mr Speaker, in the context of this debate—and I thank Mr Cornwell for bringing it on—to note that in the 2003-2004 ACT budget there were a significant number of programs designed specifically to assist older Canberrans. The government allocated an additional \$7 million for services and programs for older people. These funding initiatives were in addition to the ongoing recurrent funding that the government provides to its agencies.

Amongst the issues were issues such as the \$411,000 that was provided to support the implementation of a multifaceted approach to addressing elder abuse in the ACT through a range of services. That actually was in response to the very detailed report which the Assembly did develop in relation to elder abuse. The government's response to that has undertaken to address the issues raised. As I say, in our last budget we did fund those initiatives.

In keeping with the government's philosophy that prevention is better than cure, we have developed and released an actively ageing framework for the ACT which aims to provide a coordinated approach to encouraging physical activity for older Canberrans. The government believes that we need to promote positive portrayals of older people. In conjunction with the Southern Cross radio network and the ACT Council on the Ageing, the government will stage this year's lifetime achievement awards, which will ensure that we do acknowledge, encourage and educate the community around the positive portrayal of older people.

We are also looking at ways of enhancing the ACT seniors card program. We are conscious indeed that some old Canberrans do face difficulties in accessing levels of appropriate accommodation and the systemic challenges of delivery of high and low-care aged persons accommodation. In relation to that specific issue which is indeed just one part of our need to address issues around ageing, my colleague Simon Corbell will provide details of steps that he particularly has taken in relation to our planning regimes, and indeed through the department of health, to address issues around availability of beds and the planning we are undertaking in a systematic and very strategic way to ensure availability of land, sites and accommodation that is appropriate to the needs of an ageing accommodation.

It is a very significant, broad-ranging and strategic approach the government has been taking. I indeed commend the minister and particularly the planning agencies and the health department in relation to planning that has been undertaken in relation to the provision of appropriate land and accommodation for older Canberrans—the only issue that Mr Cornwell focused on in this broad-ranging debate around aged care and the needs of an ageing community.

It is much more than just accommodation, as important as that is. Some very significant advances have been made, none more significant I must say—and I know Mr Corbell will address this in some detail—than the recent concessions achieved through negotiations led by the department of health in relation to the funding of transitional care beds. That is a major breakthrough that has been achieved by the department of health and the Minister for Health in relation to the care of older Canberrans—a very, very significant initiative that hasn't received the recognition that it deserves.

These are aspects of the strategy that we are working on. As I say, we continue to work on each of these issues. We have in place a range of other very significant planning and strategic planning work undertaken through the spatial plan and social plan which will of course, in a broad fashion, address each of these major priorities of this government.

As I say, the government is developing a whole-of-government, mature-age employment strategy and plan. We are developing a whole range of other very significant strategic plans in relation to areas of interest to an ageing population around employment, training and the need for appropriate housing accommodation.

We are taking a strategic and proactive approach to the issues of an ageing population. I think it is the first time that any government in the ACT has done it in a systematic and strategic way. I am very pleased with the progress that we have made. The plans and strategies that we are developing will respond to the challenges and will ensure that our aim in creating an inclusive society, one where older people feel safe and valued, where services are available to meet their needs, are genuinely implemented.

The increasing population of aged Canberrans is in good hands with this government, Mr Speaker. We are taking, as I say, a proactive approach to the full range of issues that confront our ageing community as we develop strategic directions that will ensure the needs of the aged are catered for, including access to the highest quality of aged care and aged-care facilities in the ACT now and well into the future.

MS TUCKER (3.54): Mr Cornwell has brought up an important matter for debate today as a matter of public importance. I intend to focus more generally on the state of aged care, which is referred to in Mr Cornwell's matter of public importance. It is interesting because I have quite a number of documents in front of me here that I will read to refresh my memory on exactly what has been going on with aged care.

I recently went to the launch of the strategic plan of the ACT Ministerial Advisory Council on Ageing. That strategic plan is from 2003 to 2005. At the beginning of that document, in the introduction, it is stated:

The work of the council complements the work of the ACT Ministerial Advisory Council on Aged Care. Cross representation between the two councils ensures a comprehensive platform of strategic advice to the government...

Mr Stanhope, in the foreword to the plan, states:

As part of the government's commitments in the *Plan for Older Canberrans*, the ACT Ministerial Advisory Council on Ageing was established.

I was not familiar with the government's plan for older Canberrans. I could not recall it exactly. I have been looking for it. I have talked to the Chief Minister's Office and they could not find it either. What was said on behalf of the government cannot represent the position of the government unless there is a plan, but I cannot find it. I cannot find it on the web page either.

There is the ACT Labor policy—ACT Labor's plan for older Canberrans. If that is what Mr Stanhope is referring to, I do not think it is correct to call it a government document, unless it has been adopted as a government document, which I was not aware of. But if

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that is what it is, then that is interesting. In the other documentation that is around, it is definitely talked about as if it is a government plan. There is an advertisement at the moment for a position vacant. The role is that of a senior officer to provide policy advice on the question of older people. That person has to ensure the effective implementation of the government's plan for older Canberrans.

I was a bit concerned when I looked at this strategic plan—these directions—from the ACT Ministerial Advisory Council on Ageing. While it is a good document and it has come from a group of people who know a lot about the issues, I was disappointed, once again, because of the lack of real targets and timeframes. It is probably not up to the council to do that. I accept that.

In this document we have a strategic priority and three key focus areas. There is a strategic priority and expected outcomes. I will give you examples of some of those. In the key theme area two, which is transport, accommodation and planning, a key focus area is to “Promote provision of appropriate and affordable housing options for older people in the ACT”. The expected outcome is, “More affordable housing options and accommodation models for older people.”

Mr Stanhope did say that they have a strong strategic view for the support of older people in our community. That is great, but we want more than a strategic view. We want to know what the government is going to do, and when and how it is going to do it. In the same key theme area we have, “Promote more responsive provision of aged care facilities”. The expected outcome is, “Assessment of and improvement to existing facilities”. The timeframes for both of those are 2003 to 2005.

We also have, “Promote provision of responsive public and community transport services and policies to increase access and mobility for older people”. The expected outcome there is, “Establish the need and demand for increased independence and community access for older people relative to existing and innovative community and public transport options”. The timeframe is 2003-05. It really is not something that we can hold government accountable to when the outcomes are that general.

As I said, I then went and had a look for the government's plan for older Canberrans in the hope that we would see time lines and targets, or something more specific there. But, as I have already said, that is not the case. There is a Labor Party document but that does not have time lines and targets.

I had a look at the COTA document dated February 2002 *Health and Community Services needs survey of older people in the ACT*. That is probably one of the most detailed documents that I have in my file, although there might be more. I am concerned that we do not see this kind of analysis brought in to inform the targets, timelines and direction that the government will take.

We did, as Jon Stanhope mentioned, have a detailed document produced by the ACT Legislative Assembly Standing Committee on Health and Community Care, which looked at elder abuse. I had another look at that. I think it is appropriate to talk about that today because this is also the day that we are focusing on the prevention of violence against women. While this document on elder abuse is about men and women I want to bring it into the debate because this is an important day for focusing on violence.

I had a look again at this report, which was presented in August 2001. There was a government response. To its credit, the previous government did respond to that committee report and its recommendations. This government did produce a report to look at the recommendations.

I have had a look at the government's response to that report, which was presented in September 2002. Then, in the most recent annual report of the Chief Minister's Department, we have a good summary of what has happened to date, and the action to date by this government to the recommendations of that report into elder abuse that they agreed to.

I think the really concerning thing for me about this whole process, and I have some sympathy with some of the comments from Mr Cornwell on this, is the rather frustrating lack of action. I will give you a few examples. There are some really key recommendations in this elder abuse report. For example, recommendation No 4 states:

The committee recommends that the government establish a single contact telephone number for members of the public, family, and friends and other service delivery agencies and individuals to report instances of elder abuse as well as to provide an information and education resource for older people and their loved ones concerning elder abuse prevention and redress/intervention.

The response from the government in September 2002 agreed to this recommendation. It stated:

The government made a commitment in its Plan for Older Canberrans to establish a single contact phone number for reports of elder abuse.

A number of options are being investigated to ensure the most appropriate and effective strategy is implemented.

I will not read it all in detail because I will run out of time very shortly. When you now look at this annual report of the Chief Minister's Department to see what they have done on that, basically what they are saying is the same thing: we will look at it, we are investigating how we can ensure that there is a single contact number.

Action to date: The elder abuse prevention implementation taskforce is exploring options for standards of operations and for locating the phone line relative to established community service phone line services.

Nothing has happened. Basically, we are still being told that it is being looked at. Another committee recommendation was that the government investigate and initiate programs to reduce the incidents of social isolation. We are being told again by the government that:

The elder abuse prevention implementation taskforce will map existing ACT initiatives and programs and identify those operating within other jurisdictions with a view to implementing effective and coordinated programs and initiatives.

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It is much the same as the response in 2002. I think I will have to finish. I can see I am running out of time. Basically, I think I have made the point fairly clearly that we know there is a broad strategic direction this government is going in, but we are not really seeing actions, time lines and targets that we can hold government accountable to. I think it is quite a disappointing performance.

MR CORBELL (Minister for Health and Minister for Planning) (4.04): Mr Deputy Speaker, as the Chief Minister has said, the territory's population of people over 65 is expected to triple between 1998 and 2051 and services for older Canberrans will be essential to respond to these dramatically changing demographics.

Responsibility for aged care services in the ACT is shared across Commonwealth and ACT government agencies. The Commonwealth is responsible for the crucial area of residential aged-care services while home and community care services, HACC services, are a shared responsibility between the ACT and Commonwealth governments.

Mr Speaker, in the time available to me to address this matter of public importance I would like to rebut some of the unsubstantiated arguments that other members have made, and to outline what steps the government is taking. Firstly, I look at the issue of residential aged care. This is an area of shared responsibility. In particular, there are significant access issues associated with residential aged-care beds in the ACT.

There are a significant number of people waiting in the community who require permanent, high or low-level care in a residential facility. Contrary to the assertions made by Mr Cornwell, it is not simply a case of the Commonwealth's funding being allocated and that is the end of it. There is widespread recognition that the Commonwealth's formula, which determines the level of beds allocated, is insufficient to meet demand in the ACT and, indeed, is insufficient to meet demand right across the country.

Because of this there is a significant number of people waiting in hospitals for nursing home placement. Many people are getting care that is not appropriate for their needs and have a reduced quality of life. There are the obvious operational and budgetary issues that Mr Cornwell highlighted in his comments.

Mr Deputy Speaker, the ACT has 635 operational high-care places, 910 operational low-care places and 362 operational community aged-care packages. The total number of operational places is 1,907. The ACT government is working in a number of ways to improve access to residential aged care for Canberrans. One issue that has been raised is the perception of delays in aged-care beds becoming available due to planning and land grant processes.

Mr Cornwell asked in his comments: where are the incentives for aged-care residential development? In reality, even the briefest perusal of existing policy schemes would have revealed that currently the ACT government provides a 50 per cent concession on land value for land granted for aged-care facilities.

The policy introduced by the previous government when it moved away from the peppercorn rental arrangements that had been in place before then—the policy

introduced by the current Leader of the Opposition, Mr Smyth—required aged-care providers to pay more for land than they previously did.

Because of this we are seeing increased concerns amongst community aged-care providers about their capacity to access land in terms of paying for it. As a result, I have recently indicated that the government is undertaking a review of the charging policy for land allocated through the direct grant process. We do recognise that the cost of purchasing land for a not-for-profit aged-care provider has gone up significantly because of the policy introduced by the previous government. The ACT government also wants to work collaboratively with the Commonwealth to ensure that benchmarks used by the Commonwealth to allocate aged-care places are adequate enough to meet community needs.

The government has taken a number of other significant steps to improve residential aged care. For example, in negotiating the Australian health-care agreements, the ACT government has secured agreement with the Commonwealth to use 50 provisional high-care places to provide transitional care to enable people in ACT hospitals waiting for permanent residential aged-care places to be cared for in more appropriate settings.

These places should improve both the quality of life and care for people waiting for permanent places, and ACT Health is currently in negotiation with the Commonwealth to implement this proposal—a first for the ACT and Australia. It creates an additional 50 beds that would otherwise be sitting for a period of time until they became operational.

The government has also acted to appoint a residential aged-care liaison officer to work with aged-care providers as a means to improve the referral process to residential aged-care services. This is meant to be a single point of contact for carers and individuals themselves seeking residential aged care instead of having to phone and talk to many different aged-care providers. This is a two-year pilot program and the nurse has been effective to date in liaising with aged-care providers in developing positive working relationships across the hospital and in the community-care sector.

I also want to address some other issues raised in relation to residential aged care by Mr Cornwell, including the issue of employment in nursing homes and employment standards. Yes, Mr Deputy Speaker, there is a work force issue. Yes, we are seeing nurses working in private residential aged-care facilities being paid less than their counterparts in hospitals.

Last time I looked, the ACT government did not employ any of these people. For that reason, to suggest that is the ACT government's responsibility to ensure that they get better wages and conditions by some magical clicking of the fingers and tapping of the heels is both unrealistic and, indeed, naive. The reality is these are private employment relationships between the nurses and those private aged care facility operators. The government supports calls by the Australian Nursing Federation to improve the level of payment to nurses in that sector, but it is not a sector that the ACT government employs nurses directly in.

The ACT government has also worked hard through the home and community care program to provide further assistance to people who are living in their own homes and

still need a strong level of aged care. Just this year I announced \$1.5 million extra HACC funding to community organisations in the ACT to provide home support services. Funding has been allocated to services providing allied health care, case coordination, case management, centre-based day care, counselling support, information and advocacy, domestic assistance, home maintenance, home modification, nursing care, personal care, goods and equipment, social support, and transport.

The government has also allocated an additional \$1 million per annum to improve respite care services in the ACT. This funding is being used to support a number of pilot and non-recurrent services to respond to a range of issues in respite care. These services include more flexible family support. A consortium of three established community providers has developed an innovative model to assist families to maintain and strengthen their capacity to support their caring relationship through flexible support arrangements.

There is also the home-from-home pilot which is designed to give extra support in the area of dementia respite, to provide flexible hours of services to meet the needs of carers, and a reduction in the fragmentation of services through improved coordination and access to respite-care services. As I have said, an extra \$1.5 million has gone into HACC, an extra \$1 million into extra respite care.

The ACT government is also working on the issue of post-hospitalisation. We have set up the very successful and popular ACT convalescent service, a nine-bed unit at the Calvary Public Hospital, to provide care for a period of up to two weeks for people who have had their acute health problems treated but who still require a lower level of care before they can return home. We have also supported support packages in the community for a period of up to three months, again to provide that support for older people as they leave hospital and make the transition back to their home environment.

The government has also funded the ACT transitional care program, which provides up to 12 weeks of rehabilitation for people to improve the likelihood that they can return home rather than go into a nursing home. On top of that, the government has set aside over \$4 million to build a new major facility to provide rehabilitation and other non-acute services. This new facility will provide 60 beds to expand rehabilitation, transitional care and new psycho-geriatric services for people in the ACT—a first for the ACT—once their acute needs have been treated in hospital. The government has a strong and comprehensive program.

Returning to the issue of residential aged care, we have now approved beds at both Calvary and Garran for new facilities. Land has been granted and that work is under way. The other issue that the government is investigating is additional sites. A site in Belconnen will be released this financial year, and further sites will be released in the future.

MRS BURKE (4.14): Listening to the debate is quite interesting. I think Ms Tucker made some very good points about actions and time lines. Again we see inactivity and a lot of skirting around the issue by the minister. I am afraid the minister is telling us the obvious. Services are one thing but building and constructing is another thing. It is admirable. The services are desperately needed, but again it is skirting around the issue.

We, the territory, are now cash rich—cash rich enough to start building; let's see some building.

I have serious concerns over the position of aged persons living in accommodation now quite unacceptable within our community, in particular in some ACT Housing properties. Not that there is anything wrong with the properties, you understand, but it is just the nature of the way that they are in relation to these aged people.

Many elderly people do not and will not make noise. They come from a different generation—a generation that will not complain. Many elderly people—especially, but not specifically, those living in multiunit public housing complexes—are having to deal with increasing noise levels due to young people wanting to do what young people do, and that is party all night and play loud music.

Loud music is one thing that causes distress. We seem to have an increasing problem with noisy pets also. I would hope that if the minister is listening he is ensuring that tenants are abiding fully with their tenancy agreements, particularly in relation to noisy barking dogs and so forth.

Loud noise from music and pets pales into insignificance when you have elderly people afraid to step outside in their homes. They fear for their personal safety. It is sad, Mr Deputy Speaker, that we do have a government that is soft on crime. We have elderly people now prisoners in their own homes. They should be in more suitable accommodation. It could be our grandparents; it could be our parents. I am most disappointed that this government is dragging its feet, despite what the minister keeps standing up and saying and the rhetoric we hear about this, that and the other.

Why is our minister continuing to play petty politics blaming the Commonwealth, blaming the former government, blaming this, blaming that? Who is he thinking about? Is he thinking about his own political future? We are waiting for decisions on many projects to begin; things are in the pipeline. Many sites are still to be decided on—places, beds, roofs over people's heads. Perhaps if this government did get on with the program we might attract more people into these new state-of-the-art facilities.

Much has been mentioned about the national problem of not being able to get and secure staff. Mr Corbell tells us that we now have a wonderful planning regime. Why the delay? It is time we paid some respect to our elders and stopped playing with people's emotions. Again, one wonders whether this government really does care. As the Chief Minister and the planning minister himself clearly articulated, we are seeing a rapidly ageing population. Please tell us something that we do not know. This was identified in many serious studies undertaken on this topic well over two years ago. This is not something new that has happened all of a sudden.

This government has simply sat on its hands, blamed the Commonwealth, and done little to nothing to alleviate the crisis in terms of buildings being erected. To make excuses is not acceptable any more. Two years into government we would have thought at least some of these facilities would have erected and people living in them.

Our aged citizens deserve some respect—much more than they are getting now—and to be afforded dignity in being appropriately housed. I commend Mr Cornwell for bringing this matter of public importance to the Assembly today and I support it.

MS DUNDAS (4.18): As has already been discussed today, there are approximately 180 allocated but non-operational residential aged-care places in the ACT. We have already had the debate about how this needs to be rectified as soon as possible. According to the Council on the Ageing, many older people who urgently need residential care are being denied it because of the time taken to bring allocated places on line. Since many of these people are being inappropriately kept in hospital, the problems with our waiting lists are being exacerbated.

I know what the minister said about how this is being progressed. But we need to stop viewing the number of aged-care places as the only solution to aged care. I think we need to act a little more holistically. Elderly people want to remain as part of the community rather than to be sent away to a nursing home when they are not ready for it or do not want to go.

Many elderly people need support and deserve support, and it should ideally come in a format that allows them to remain part of their community. Because of this, a number of elderly people make trips to Sydney to get specialist treatment that is often not available or difficult to get here in Canberra. More often than not they choose to make these trips by train; so we need to keep up the pressure on the New South Wales government not to cut train services from Canberra to Sydney.

The minister talked about how there has been respite care and support services provided in the community. However, we need to look at how that impacts by taking a more holistic approach to the services that members of the aged community want to access not being available in Canberra and how they can access those services in the region. I spoke recently about the need for more recognition to be given to the skills and abilities of older people in the work force. Even those who are in need of aged care can play an important role in our work forces. Older people have the experience and skills that businesses need, yet many employers do not offer jobs that suit a changed lifestyle.

Many older people have carers' responsibilities that prevent them from participating in full-time work or they are simply looking for a better work-life balance. The business, government and community sectors that serve the whole community need to understand the preferences of older people as well as younger people in terms of their employment choices, and it is a good reason for workplaces to reflect the diversity of the wider community. I think this is an area where more work needs to be done.

Mr Cornwell has already touched on the issue surrounding allocated places and land being available for the development of more aged-care units, and the minister responded to some points. I think what has been going on in Belconnen is of concern in that we have this debate about whether or not there are suitable facilities near the lake's edge to put in aged-care facilities away from the town centre—inaccessible to the town centre. But the government is saying that that is the only place big enough to do what it wants to do when, at the other end of Belconnen, next to a development that has already taken place, we have a private developer saying, "I have land here. I want to put aged persons units on it," but being denied that opportunity.

It does seem quite crazy and I think there is a lot of work to be done, especially in the planning of broader Belconnen and putting in the right facilities where they can be accessed. I think when we are developing new aged-care facilities we need also to be aware of the lack of provisions for couples and particularly, I point out, same-sex couples. When we are talking about the tripling of the population over the age of 65 between now and 2051, I think we also need to be looking at what that population wants, what it needs and how its lifestyle would have changed.

In 2051 I will be 73. We are not just talking about the baby boomers getting older. We are talking about generation X and the generations that follow generation X getting older. We are living in a highly technologically dependent society and we are living in a society that has a lot of different attitudes and awarenesses of what the community is and social policy issues that are not necessarily the same as they were 50 years ago. This needs to be taken into account in the development of aged-care facilities now and for the future.

Same-sex couples are part of the community now and they will be part of the aged community in the future. If we are committed to stamping out discrimination, then this commitment needs to extend the provision of aged-care facilities, and I hope the government takes that into account in the building of new aged-care facilities in the community.

MRS DUNNE (4.24): I would just like to go back to some of the things that were said by the Minister for Planning about the great progress that is being made, especially in relation to a subject that is near to my heart, and that is the Calvary aged care facility. I would like the minister to clarify the position for us. He said that the grant has been made and that work has been commenced. That seems to be in contrast to what was said in an answer to a question on notice last week. Calvary were saying that they expected to begin work in the second half of next year.

MR SPEAKER: The time for discussion has now expired.

Adjournment

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

That the Assembly do now adjourn.

Student tourism awards

MR SMYTH (Leader of the Opposition) (4.24): Mr Speaker, I wish to bring to the attention of members of this place and the community an event that took place on 6 November at the University of Canberra—the inaugural student tourism awards. It is important that we honour Canberrans who are doing well in all sorts of fields but I think acknowledging students, in particular, is most worthwhile. The amount of support the tourism industry gave to these awards was interesting because, clearly, these will be participants of the industry into the future.

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The tourism awards were decided upon based on the academic performance of the students. The winner of the award for academic excellence by a first-year tourism management student went to Matt Crawshaw but there was also a commendation to Vanessa Febo. The award for academic excellence by a second-year tourism management student went to Olivia Burgess, with a commendation to Anita Kennedy. The award for academic excellence by a third-year tourism management student went to Kristy Hickson. The award for outstanding achievement in conventions and festivals management went to Catherine Scott.

The award for outstanding achievement in hotel management went to Erica Bruen. The award for outstanding achievement in tourism, planning and development went to Charlotte Moscrop. The University of Canberra Union Club tourism alumni award went to Erin Cooper. The award for the most improved graduating tourism management student went to Rosa Spatolisano and the award for the most outstanding post-graduate/honours tourism program student went to Marta Espinoza. The award for overall academic excellence by a graduating tourism management student went to Jacqueline Brown and the award for outstanding contribution to tourism industry and education went to Todd Wright, with commendations to Jacqui Petro and Simone Salvestro.

As I have said, the interesting thing about the awards is the amount of support from the industry and the sponsors. I think it is important to acknowledge that the sponsors were Tourism New South Wales, Regional Express, the Tourism Industry Council of the ACT, the Australian Capital Tourism Corporation, Conference Logistics, the Academy of Interactive Entertainment, Qantas, Club Tourism, Bryan R Ward and Consec Conference Management.

Canberra International Airport sponsored two of the awards and, on the night, the festivities were sponsored by the National Capital Attractions Association, the Canberra Region Tour Operators Association, the Canberra Southern Cross Club, the Canberra Tradesmen's Union Club, the School of Information Management and Tourism at the University of Canberra, the Division of Communications and Education of the University of Canberra, the University of Canberra Union, the Canberra Convention Bureau and Design Graphics.

I note that Mr Hargreaves attended on behalf of the government. On the night, there was a sense of expectation that they were all getting into something exciting and that they were all quite prepared to go there. That is an important thing. We need to make sure that we bolster an industry like tourism which, depending on the figures you want to quote, is worth somewhere between \$700 million and a billion dollars to the ACT economy. I believe we must say to the young, and some not so young, students coming through, "This is a good industry. It is an industry worth getting into. It is something that the Assembly, the politicians and the parties are interested in and we are interested in supporting what you do."

To the organisers of the event from the university's perspective—Helen Ayres, Tourism Program Director for the University of Canberra; Ron Miller, acting head of the Division of Communication and Education, and others who were involved—I just want to say that I think it is really important that these awards continue.

These awards look at excellence, improvement and effort. They then look at the way people specialise in what they want to follow. You can see clearly, from the calibre of the awards given and the number of commendations made, that we have in the University of Canberra School of Tourism Management a very valuable resource for this territory—firstly, for those who want to get into tourism and, secondly, for an industry that we need to foster and grow.

As I said on the night, the Liberal Party is certainly very interested. That is why we have said we will put an additional \$12 million into tourism—because we know it is important. That is why we will put more money into the Canberra Convention Bureau—because we know it is important. That is why this Liberal Party will make a decision very quickly on where to put the convention centre. That is to say, we will refurbish the existing convention centre so we have the facilities to match the industry. This will give people the opportunity to grow the business so the government in this place gets revenue and can provide the extra nurses, teachers, police officers and security the people of Canberra want.

World junior chess championship Wallabies rugby union team

MR STEFANIAK (4.29): I rise to congratulate seven fine young students from the ACT who were among 19 Australians who competed with 1,000 youngsters from all over the world in Halkidiki, Northern Greece, in the World Junior Chess Championships held between 22 October and 3 November—some 11 days. There was no rest day. All children played 11 competition rounds on those days. Most of them will now be back home.

The ACT's top performer overall was 14-year-old Canberra High Student, Michael Wei. Michael's score of six out of 11 placed him equal 36th in a field of 126 in the world under 14 boys championship. Unfortunately, he had to crunch a fellow Australian, James Cronan, along the way, but the whole tournament—it was Michael's first overseas event—was a huge success for this talented young man.

Our other two top 50 placings came from our oldest and youngest representatives—10-year-old Curtin Primary student, Kayleigh Smith, and Shannon Oliver from Radford College who is 17—who also did exceptionally well. Shannon had a great result in one of the truly elite divisions, including draws with both a women's international master and a women's FIDE master.

I congratulate all the young people from the ACT who competed on an excellent performance. These include Kayleigh Smith from Curtin Primary, in the girls under 10s; Tamzin Oliver, from St Monicas Primary School in the girls under 12s, Junta Ikeda, from Weetangera Primary School in the boys under 12s; Michael Wei from Canberra High in the boys under 14s; Gareth Oliver from Radford College in the boys under 16s; Peter Jovanovic from Narrabundah College in the boys under 16s and Shannon Oliver from Radford College in the girls under 18s. Congratulations go to all those fine young players and to ACT Junior Chess. Having seven out of 19 Australians in that squad is a mighty effort. I congratulate all the young people concerned.

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My second point is to congratulate the Wallabies, and especially our Canberra Brumbies representatives, for a magnificent World Cup effort. Many commentators completely wrote them off at the start of the competition and during the competition. They showed immense courage, skill and mettle in that magnificent semi-final against the Kiwis. I have spoken to a lot of Kiwis who were convinced that they would be the ones playing against the Poms in the final but, because of the magnificent effort of our team, that was not to be. Of course, it was an epic final.

Whilst I, and most people here, am quite disappointed that Australia lost, it was a great performance. The result was taken into extra time with a fantastic performance against an excellent side by a very gutsy Australian team, brilliantly led by our very own captain of the Brumbies and Wallabies, George Gregan. All in all, it was a brilliant performance. It went right down to the wire and could not have been scripted any better.

I suppose one must offer congratulations to the poor old Poms. They probably did deserve a World Cup, their first in about 37 in any major sport. The gratifying thing is that they are probably not going to win another one in 50 years, whereas the Wallabies will. Top marks to both teams. I do not want to appear churlish to the English. I think it will do a lot for rugby generally and for rugby in Britain especially, where, funnily enough, only 4 per cent of the population has ever played that wonderful game.

Rugby was probably the winner there, but what a superb result! Our blokes can hold their heads high. There were great efforts from former Brumbies coach, Eddie Jones, and Phil Thompson, a local boy who played with Marist and then Royals and is now manager of Australia, after being manager of the Brumbies.

There were all the support staff and, of course, our Brumbies representatives, including some great up and coming players, such as Matt Giteau, who really shone during that tournament. Some of the younger players offer a lot of hope, not only for the Brumbies but for Australian rugby. I offer my congratulations and hope everyone in the Assembly will join with me in congratulating the Wallabies on a fantastic World Cup. Congratulations go to all the organisers for the best World Cup ever.

Australian International Hotel School

MRS BURKE (4.34): It is with great pleasure that I commend the Australian International Hotel School for an excellent convocation, held on Sunday, 23 November 2003, at the Great Hall in Parliament House. This was the seventh conferring of degrees ceremony and was enhanced by the wonderful contribution made by graduates and students of the Canberra School of Music. The ceremony for the conferral of bachelor of business, hotel management, was presided over by Professor David Beanlan, the chairman, and Professor Michael Conlin, director and dean, in company with Professor Ruth Duncan, vice chancellor of RMIT University.

It was a great occasion. There was the announcement of the new dean, Professor John Walsh, who comes from the University of Guelph in Canada. He is a former Pom who resided just down the road from where I used to live in Manchester. The recipient of the 2003 honorary Fellows Award was Mrs Linda Bardo Nicholls, who most will know as the chairman of Australia Post. She also gave a most motivational speech.

The industry service award went to Mrs Kara Hempel, Human Resource Officer for W Hotel Sydney and Starwood Hotels and Resorts. Awards for academic achievement went to Belinda Jade Lawrance; term 3, 2002; Michele Massimo Carone, term 1, 2003; Caroline Scott Boshier, term 2, 2003; and Joanne Karen Overell, term 3, 2003. It is worthy of note that Caroline Scott Boshier has remained in Canberra and is working as a business sales executive at the Canberra Convention Bureau. That is very good news.

Bachelor of Business, Hotel Management, degrees went to Khaled Kamal Alam, Megan L Bagnall, Caroline Scott Boshier, James Matthew Boyle, Jesse Bridge, Patrick Sin Fah Lai Man Chun, Deanne Connolly, Amie Louise Courtice, Nadia Louise Docker, Cameron Grant, Benjamin David Grenfell, Brooke Hatchman, Robert Jordan James, Ariel Elisabeth Jurkiewicz, Arvind B Kavlekar, Khandoker Ziaul Haque, Yoou Jin Kim, Kenji Langtry, Kimberley Lester, Sohaila Mallapur, Emily McAuley, Melissa Jane Moglia, Michael F. Nager, Sarah-Jane Nicholls, Joanne Karen Overell, Michael Brian Pocklington, Patrick Axel Postrehovsky, Simon Peter Romauld Schlegel, Shikha Sehgal, Olivia Jane Shumack, Anna Elizabeth Smith, Bianca Stanley, Tan Yoke Hua, Melissa, Anton Watkins, Scott Alexander Wells, Katherine Anne Withnell, Yap Xin Ling.

Many degrees were conferred in absentia—to Amy Chen, Kyusuck Hui, Lilly Letting, Raymond Lu, Charlotte Manning, Laurelle McBain, Rachel Nicholls and Kate Woolridge. Kate is working in Washington DC with the Four Seasons Group. She won the Novotel Award for 2003. That is awarded to the student who has shown a high level of commitment to the industry and excelled in their placements.

It is with pride that I commend this to the house. I urge the government to come forward and expedite the making of a decision. I believe in the Australian Hotel School and want to see a commitment made to help them further, so they know they have certainty for the students of the future.

International Day for the Elimination of Violence against Women

MS DUNDAS (4.38): As was touched upon in question time today, today is the United Nations International Day for the Elimination of Violence against Women. This highlights the need for both men and women to commit to ending violence against women in all its forms. The campaign is being noted today across the country and across the world by the wearing of white ribbons. I note that many members of the Assembly are wearing white ribbons today.

I congratulate UNIFEM and particularly Libby Lloyd, who worked very hard to make this campaign a success today. They received no support from the federal government, which they have had in the past, for this international day for the elimination of violence against women. Libby worked very hard, with other dedicated women, to make sure this day was a success and that everybody who wanted to wear a white ribbon and make the pledge never to commit violence, or never to remain silent about it, was able to do so. Thanks to Libby's work, people from the Torres Strait down to Tuggeranong, and all across Australia, are wearing white ribbons and making it clear that they are committed to ending violence in all its forms.

I think it is incredibly important that we have this day on our calendar and that we take the time to mark it. Every hour, around the world, at least one person reports a sexual

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assault to the police. One in four women will experience domestic violence in their lifetime. One in three women across the world have been raped. In Australia nearly 40 per cent of all women who have experienced violence tell somebody about it, but only 15 per cent tell police. So it is no wonder that the problem of violence against women has not been very well recognised at a public level. In close to half of all attacks on women, someone known to the victim is the perpetrator.

Campaigns have been under way for a number of years to assist women suffering from domestic violence. But we need to rethink how these campaigns operate, Now not only is domestic violence being perpetrated against women by their partners, it is also being perpetrated by children, who have learnt from their parents that violence is the only way to get what they want. We need to intervene quite seriously to stop the cycle of violence continuing.

There is work being done by the Domestic Violence Crisis Centre, to help children who have witnessed domestic violence and see it as a way to obtain what they want. However, they are pilot programs which need ongoing funding and support. If we are serious about breaking the cycle of violence, more work needs to be done with children who are learning that violence is the quickest and easiest way to get what they want.

Violence prevention work needs to be done to change the attitudes of males. We are still waiting for better statistics on assault and better statistics on how and where sexual assaults are taking place. Women need to know when to feel safe in public spaces. We can target our campaigns to make sure that assaults do not happen. We need more resources for education to change attitudes towards violence. This is particularly pertinent when more studies are coming out showing that most young men believe sexual intercourse with a woman without consent is acceptable in some circumstances—mainly where the woman is intoxicated or has “led them on”. These are disturbing trends that are coming through in young men in our community and need to be stopped.

There are many things that can be done by governments. The minister talked today about programs already in place, but even simpler things can be done such as working with ACTION so women can be dropped off closer to their homes, rather than at a bus stop when catching buses late at night. Simple things can happen. We all need to take action personally to change the attitudes of the people around us, so that everyone knows violence against women is never acceptable.

I thank all members who have worn a white ribbon today and made the statement that violence is unacceptable. I encourage all members of this place, and all members of our community to recognise the international day for the elimination of violence against women not just today but every day.

International Men's Day

MR CORNWELL (4.42): I must admit that, when I came in here today, I thought I was in the middle of a group of Yorkists but I could see no Lancastrian red roses. Nevertheless, I discovered that it was in fact the United Nations International Day for the Elimination of Violence against Women. I have no objection to this day, although I feel that, unfortunately, in these days of political correctness, femo-fascists and affirmative action, we should also have some access and equity applied. How many members realise

what last Wednesday, 19 November, was? It was International Men's Day. Was this celebrated? Did I see any indication in this chamber of white badges? Did I see any indication of anything?

Mr Pratt: Perhaps because it would have caused problems.

MR CORNWELL: The answer is no, Mr Pratt. There was nothing. Nobody came barging into my room waving these things. Mr Speaker, I do not know whether you gave permission for these things to be delivered. I understood we had an arrangement in this place that, if people wanted to sell chocolates, ribbons or whatever, they could put something on the internet and people could go to their office and collect them. I did not think my office had to be invaded by people simply because it happened to be the International Day for the Elimination of Violence against Women.

I would have thought that, if we were going to be even-handed and we were going to espouse access and equity, this government, in its usual comprehensive and compassionate approach in extending assistance to any threatened minority, would have been keen to recognise 19 November as International Men's Day but I saw nothing. I must have missed it. I heard and saw nothing. In fact, if it had not been for a comment in the *Canberra Times* the day after, I would not have been aware of it—and yet this government is always so keen to advise us of things of importance in the community. It appears, however, that that importance is directed at only one sex—although perhaps these days it might be transsexuals as well. I am not sure.

I wonder how this government celebrated International Men's Day. I do not expect, Minister, that you are going to spring to your feet and give me that answer now. I have saved you the trouble: I have put a question on the notice paper seeking advice into what arrangements the government made for International Men's Day and what arrangements the government made for International Women's Day on 8 March this year.

Volunteer organisations

MRS DUNNE (4.46): I draw attention to the work done in the community by countless volunteers. On 15 November I attended a dinner to mark 30 years of Apex in Belconnen. In that time Apex has gone through many highs and lows and ups and downs and has expanded and contracted. But it amounts to 30 years of dedication to community service by young people in the Belconnen area.

As you know, Mr Speaker, Apex has a sunset clause—you have to resign when you are 40. It is a testament to young people in the ACT that they continue to join and continue to contribute. In the recent past we have seen the work of Apex clubs across Canberra in helping people revivify their gardens after the fire. I congratulate the old Apexians and the present Apexians of Belconnen on 30 years of community service.

On the subject of community service, on the previous Saturday night, I had the privilege of attending the annual fundraising dinner for Karinya House—a home for mothers and babies—a charity which is close to my heart. They have honoured me by making me one of their patrons. Karinya House does fantastic work in providing a home for young women who are pregnant and have nowhere else to go. The quality of their work has now been recognised by the ACT government, which has given them a grant for another

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house. Karinya House is about to open its second house in the ACT. That is a testament to great work from a community group.

I recall that, probably eight or nine years ago, I went to a meeting and somebody came in and said, "We are going to do this; we are going to raise money; we are going to set up a trust; we are going to give ourselves five years to raise half a million dollars to set up this much-needed service." I thought, "That is a fantastic aim but they will never do it." I am always the downer, the pessimist. I can gladly say I have been proved wrong by a band of wonderful people. Karinya House was originally set up by Margaret O'Donovan, one of our local physiotherapists. The council of Karinya House is currently headed by Melinda Reist and, in Karinya House itself, their amazing collection of staff and volunteers is headed by Marie-Louise Corkhill.

I also pay tribute to the community organisations, and particularly the wineries of the ACT region, which donated generously to the wine auction, which is always a feature of the fundraiser, and to the winemaker and auctioneer extraordinaire, Tim Kirk, who managed to rustle together all the donations on the day and raise a substantial sum of money for a great community organisation.

CARE Australia

MR PRATT (4.50): I am not sure I agree with Mr Cornwell's definition of a minority but I rise to talk about a minority that is of concern—that is the freely able to operate international aid agencies in difficult trouble spots. They are finding themselves more marginalised as people's respect for the United Nations, the International Committee of the Red Cross and aid agencies in general around the world seems to be disappearing.

I express my deep concern about the attacks carried out at around midnight last Sunday on CARE Australia's Baghdad office. My thoughts go out to the members of CARE Australia—the foreign and Iraqi staff belonging to that mission. I express my deep sorrow to them and their families, and also to the staff of CARE Australia head office located here in Canberra. CARE Australia head office in Canberra is a sizeable organisation and very much one of our own. It is a Canberra institution and we should never forget that.

Senior staff now present at CARE Australia headquarters at 81 Northbourne Avenue started the country office in Baghdad in 1991. The two dual-citizenship British staff who took that mission over in early 1992 have continued to serve in that country to this very day. I wish them God speed, wherever they might be at this moment.

The CARE Australia mission in Baghdad has stoically stuck to its job, through thick and thin, over the last 12 years and is well recognised and well loved by Iraqis. They have been running school feeding programs and agricultural programs in the north and down in Basra. They have been well recognised during the difficult times of the sanctions and Saddam's abuse of his own people. They were somehow able to muddle through all those conflicting dynamics and keep some sort of service going.

I feel confident that the terrorists who struck the CARE Australia Baghdad office did not do so either on behalf of Iraqis or on behalf of any genuine grievance. They are the same mindless, nihilist, fools who do not reflect the values of Islam or any emerging form of

democracy that is starting to flower in some places within Iraq. They pursue death and destruction simply for the sake of it.

The office is located in Mansoor. It is an unremarkable house, typical of the Iraqi middle-class houses. The third rocket which ricocheted off the tree in the front yard would undoubtedly have lobbed into a neighbouring house. I suppose the Al Jazeera and Al Araby TV networks would have cheered about this, as they seem to be wanting to do.

When the CARE Australia Baghdad office is able to operate again, I believe this is one of the organisations the Canberra community and the Australian-Iraqi Friendship Society might want to communicate with, if the Canberra community is able to mobilise assistance to Baghdad, as laudably proposed by the Australian-Iraqi Friendship Society.

I wish CARE Australia and the Australian-Iraqi Friendship Society all the best. I wish the CARE Australia Baghdad office and all assistance missions in Iraq—and, I might add, our own troops and those of other countries who are there to try to stabilise the place—all the best, God speed, and I hope they all stay safe.

Question resolved in the affirmative.

The Assembly adjourned at 4.54 pm.

Schedules of amendments

Schedule 1 Inquiries Amendment Bill 2003

Amendments circulated by Ms Tucker

1

Clause 4

Proposed new section 14B

Page 2, line 18—

insert

14B Chief Minister to explain non-presentation of report

- (1) This section applies if—
- (a) a board submits a report to the Chief Minister under section 14A; and
 - (b) the Chief Minister does not present a copy of the report to the Legislative Assembly or otherwise publish the report within the reporting period.
- (2) On the next sitting day after the end of the reporting period, the Chief Minister must present to the Legislative Assembly a written statement explaining why a copy of the report was not presented or otherwise published within the reporting period.
- (3) In this section:
- reporting period*, for a report, means the shorter of the following periods:
- (a) either—
 - (i) if there is a sitting day within 1 calendar month after the day the report is submitted by the board to the Chief Minister—1 calendar month after the day the report is submitted; or
 - (ii) if there is no sitting day within 1 calendar month after the day the report is submitted by the board to the Chief Minister—the period ending on the 1st sitting day after the report is submitted;
 - (b) the period ending on the 2nd last sitting day before the polling day for the next general election of members of the Legislative Assembly.

Schedule 2 Inquiries Amendment Bill 2003

Amendments circulated by the Chief Minister

1

Clause 7

Proposed new section 38 (1)

Page 4, line 18—

omit

60

substitute

128

2

Clause 7

Proposed new section 38 (3)

Page 4, line 25—

omit

61

substitute

129

3

Clause 7

Proposed new section 38 (4)

Page 4, line 26—

omit

Schedule 3

Royal Commissions Amendment Bill 2003

Amendments circulated by Ms Tucker

1

Clause 4

Proposed new section 16A

Page 2, line 18—

insert

16A Chief Minister to explain non-presentation of report

(1) This section applies if—

- (a) a commission submits a report to the Chief Minister under section 16; and
- (b) the Chief Minister does not present a copy of the report to the Legislative Assembly within the reporting period.

(2) On the next sitting day after the end of the reporting period, the Chief Minister must present to the Legislative Assembly a written statement explaining why a copy of the report was not presented within the reporting period.

(3) In this section:

reporting period, for a report, means the shorter of the following periods:

(a) either—

- (i) if there is a sitting day within 1 calendar month after the day the report is submitted by the board to the Chief Minister—1 calendar month after the day the report is submitted; or
- (ii) if there is no sitting day within 1 calendar month after the day the report is submitted by the board to the Chief Minister—the period ending on the 1st sitting day after the report is submitted;

(b) the period ending on the 2nd last sitting day before the polling day for the next general election of members of the Legislative Assembly.

Schedule 4

Royal Commissions Amendment Bill 2003

Amendments circulated by the Chief Minister

1

Clause 7

Proposed new section 49 (1)

Page 4, line 21—

omit

60

substitute

128

2

Clause 7

Proposed new section 49 (3)

Page 4, line 28—

omit

61

substitute

129

3

Clause 7

Proposed new section 49 (4)

Page 5, line 1—

omit