



DEBATES
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FOR THE
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Wednesday, 10 December 2003

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Wednesday, 10 December 2003

The Assembly met at 10.30 am.

(Quorum formed.)

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

Petition
Motor vehicle parking arrangements

The following petition was lodged for presentation, by Mr Cornwell, from 14 residents:

To the Speaker and the members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the motor vehicle parking arrangement at the Platypus (Ngunnawal) Shopping Centre is in need of an urgent upgrade. This is due to the lack of adequate parking for vehicles that park at this centre; thereby affecting both customers and merchants. There is also a need for the installation of a mail (post) box at this shopping centre.

Your petitioners therefore request the Assembly to call on the Minister for Urban Services to take all the necessary steps to have the motor vehicle parking arrangement expanded. Also requests the Minister to make representations to Australia Post to have a mail (post) box installed at the Platypus (Ngunnawal) Shopping Centre.

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

Discrimination (Genetic Status) Amendment Bill 2003

Mrs Cross, pursuant to notice, presented the bill and its explanatory statement.

Title read by clerk.

MRS CROSS (10.34): I move:

That this bill be agreed to in principle.

Mr Speaker, today I am tabling a bill which, if passed next year, will provide protection for the members of the Canberra community against discrimination they are otherwise powerless to control. I encourage Assembly members to look at the bill carefully and consider the important issues surrounding genetic information. We do need to be aware of the possible use and misuse of this information in our society.

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Genetic discrimination is similar to gender, religious or race discrimination because it is discrimination based on an unchangeable characteristic. We have fought against these types of discrimination in Australia for years. Now we need to take the next step.

With the great improvement in forensic sciences and the use of DNA as an important tool in that area, I am concerned that as yet there is little, if any, protection for individuals. Genetic information can give clues to dealing with life-threatening conditions and is an exciting new area for medicine and for the greater good of the community. It must be used with the appropriate safeguards.

A person's genetic information is the blueprint to their very being. Genetic information is actually the DNA that makes people who they are. Every person's DNA gives him or her the characteristics that make people individuals, so genetic privacy needs to be assured. More and more people within the community are expressing concern about this issue and need to feel confident that their genetic information will be safe.

This legislation is aimed at ensuring that there is protection in place for the people of Canberra. People need to be aware of where and how genetic information can and will be used and have the ability to prevent its being used to discriminate against them. It is important for the health of territorians that people feel that taking a genetic test will not have negative repercussions.

Genetic tests can provide many health benefits and we need to ensure that territorians feel happy and safe to take them and be safe in the knowledge that the results will not be used against them. This can only be done through legislating against the misuse of genetic information. The general community has a right to be protected against the unscrupulous use of information procured through genetic technology and we, as legislators, have a responsibility to make sure that this protection is in place.

Genetic information can be used to give an indication of a predisposition to certain illnesses a person may be susceptible to in the future. It can be used to determine the parentage of individuals for use in disputed custody situations. It is vital that this information is used for the purpose of preventing, treating and healing diseases and not as a basis for discrimination. Having an organisation with the capability to hold genetic information is something we need to be very careful about. Having different people able to access our own genetic information leaves us in a very dubious situation.

To get down to the absolute basics, the testing of genetic information is not that reliable as yet. There are far too many false negatives that occur in the current affordable testing process. When it is done with a more economical process, which is what we would expect to be the norm, the information is not as reliable. That means that the genetic information we get is not yet certain or reliable.

The Food and Drug Authority in the United States of America has not accepted genetic information testing for general use because of the unreliability of the actual test and the cost. This organisation allows the use of testing merely to suggest the probabilities of certain diseases occurring. Unfortunately, merely suggesting can lead to deliberate discrimination if the information falls into the wrong hands.

This vague type of terminology is very dangerous when it comes to the actual interpretation of the results of the tests. People I have spoken to who work in the genetic science area are very cautious about the interpretations made as a result of genetic testing. The need for absolute accuracy is vital and often there is a wide range of opinions for a particular case. We need to be aware that, at the moment, the interpretation of genetic tests can be unreliable.

Australia uses DNA testing in the forensic area very efficiently for crime solving. This testing is expensive and time consuming. However, if we need to solve a particular crime and DNA testing is the method to give the best results, then it is appropriate to use it. DNA testing has been used to great advantage in some cases for prisoners held on death row in America. In this case, it has saved innocent lives. It is a very useful tool. We just need to make sure that it is not abused.

The forensic use presents one example of when we need this legislation on our statute book. People who have provided DNA as part of a criminal case need to be assured that the information is safe and will not be used in any situation but that case. One of the things that worry members of the community is that genetic information can reveal personal information about family members and relatives. This information must be protected from being used indiscriminately or without the permission or knowledge of the individual. We do not want to have people concerned that their information will be misused.

It can be vital for some individuals to provide DNA samples for testing to determine whether they are susceptible to developing a particular inheritable disease. The bottom line in this case is that genetic privacy needs to be assured. As the testing methods are constantly improving and the interpretation of the information is getting better all the time, this legislation is necessary now to protect individuals' privacy now. In a very short time, various organisations will be able to use it to screen people, if they want. As a society, I do not believe that we should be subjected to that sort of invasion of our privacy.

There is currently a broad framework of genetic protection from discrimination in Australia based primarily around the Disability Discrimination Act 1992 and the Privacy Act 1998, but nothing that protects specifically against genetic discrimination. Three years ago, former US President Bill Clinton banned American federal agencies from genetic discrimination against existing and potential employees. In Washington, the members of Congress are debating a bill to bar genetic discrimination nationally and are hoping that this will help remove the fear that patients who undergo genetic testing could lose their health insurance or their jobs.

Four years ago, the Australian Senate Legal and Constitutional Legislation Committee decided to address the issue of discrimination through amendments to existing legislation, but still nothing has been done. It is disappointing that there is no federal legislation covering genetic testing in Australia, but just because the federal parliament has procrastinated about genetic privacy laws does not mean that we should do the same.

There are many different situations where genetic discrimination may occur. I will outline just a few for members: discrimination in the form of a loss of a job or failure at an interview because of the employer having genetic information that says that the

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person may be predisposed to depression; discrimination by insurance companies which may not insure a person if they find that the person has genes that may predispose them to particular diseases or conditions; and discrimination by governments or parts of governments with respect to licences, visas, pension payments, et cetera.

Genetic technology can produce wonderful benefits for the community, but until the community has confidence that the information collected will be treated appropriately and that there are sufficient deterrents against the misuse of the information the benefits will not be realised. This would be a great shame as it is likely to inhibit the enormous benefits from being realised and restrict the success of future applications. It is quite simple, Mr Speaker: genetic privacy needs to be assured.

Just as our privacy is being protected through other legislation and discrimination is outlawed, so should our very basic information be protected. Remember the Australia Card. We have moved from the thought of others holding our birth dates, names and addresses to the very real situation of others being able to access our own personal blueprints, a real “big brother” and far more dangerous if misused. The possibility of identifying susceptibility, reducing risk and preventing disease is a wonderful new fruit of genetic knowledge and it will all be stopped in its tracks if we do not provide this kind of protection.

Mr Speaker, we need to allow people to get tested without worrying about having their information misused. We need to remember that it is private and very, very personal. We need to make sure that genetic information is not used without the approval or authorisation of the individuals. We need protection for the community against any possible genetic discrimination. We need to ensure this legislation is in place before there is widespread use of genetic information as a pre-emptive measure.

We need this legislation to make sure that there is no discrimination based on genetic information as this will create a new social underclass that is uninsurable and unemployable. Genetic information is all about you. You are your DNA and your DNA is you. It is what you are that programs you.

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

Residential Tenancies (Assisted Tenants) Amendment Bill 2003

Mrs Burke, pursuant to notice, presented the bill.

Title read by clerk.

MRS BURKE (10.45): I move:

That this bill be agreed to in principle.

Mr Speaker, the Residential Tenancies (Assisted Tenants) Amendment Bill 2003 will create an improved public housing rental environment and, in so doing, give effect to the fundamental principle that assisted tenants are entitled to security of housing, while simultaneously maintaining continued housing assistance for those most in need in our community.

It should be noted that shortly I shall be in a position to circulate a brief explanatory statement. I apologise to members that it is not available at this time. I will circulate it out of session.

The bill's primary objective is to provide for an early intervention scheme for assisted tenants who have difficulties in meeting their obligations under tenancy agreements. It is envisaged that this outcome will be achieved through numerous potential pathways, but primarily by way of three distinct mechanisms.

They are, firstly, by providing opportunities for assisted tenants who may be in breach of their tenancy agreements to meet their obligations under the agreements; secondly, by enabling assisted tenants who have difficulties meeting their obligations under tenancy agreements to obtain help and to help themselves; and, thirdly, by adopting a case management approach that recognises the need for housing assistance to be given to those most in need, has regard to the needs of all assisted tenants, and involves community service providers. It is anticipated that the bill will apply to residential agreements under which the commissioner is the lessor.

As far as debt is concerned, let me say at the outset to put part—I stress part—of this matter in perspective that I have put my hands on an answer to a question on notice asked by my colleague Mr Cornwell in February last year concerning occupancy debt. There may be more recent figures available, but the answer by Minister Wood on 21 February 2002 to question No 25, as recorded in *Hansard* at page 533, reads:

The total amount of occupant debt in ACT Housing properties at 31 December 2001 was \$1,095,505.30.

Mr Cornwell: How much?

MRS BURKE: It was \$1,095,505.30. What about evictions? In answer to the next question on notice—question No 26—from Mr Stefaniak, we were told that there were 128 evictions in 1997-98, 50 in 1998-99, 38 in 1999-2000 and 56 in 2000-01 and that there had already been 68 evictions in 2001-02, which was in the 5½ months to 18 December 2001. As to the specific reasons given for eviction, the answer was debt. Other reasons included excessive noise, property damage, refusal to allow justifiable property inspections, abandonment of property, and illegal subletting. But it is relevant to quote that debt is the most frequent reason for seeking an eviction.

Debt management and eviction are critical, no doubt, but are they being handled in the right way? Are there other ways or perhaps additional ways of going about it? I think so. Since returning to the Assembly in mid-February this year, I have been inundated on literally a daily basis with telephone calls from resident tenants within our housing system who have for one reason or another, but invariably for a combination of reasons, factors, events or circumstances, some quite often beyond their control and not through developments of their making—for example, when a spouse or cohabitating partner suddenly shoots through, leaving them to survive and pick up the pieces, including the financial pieces—received correspondence from ACT Housing indicating, effectively, and I paraphrase here, “You’re in arrears. Unless you do X, Y and Z within 14 days, you’ll be evicted.”

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Mr Speaker, I am not saying that some people do not deserve to be evicted or at least to face tribunal proceedings on their path to final eviction and I know that not only the housing minister, Mr Wood, but also many other members of this place are only too well aware of these cases. I can recall hearing each of our three crossbench members on at least one occasion this year bringing to the attention of this Assembly such a person's unfortunate plight, often by way of a question in question time, as indeed have I on several occasions. There have also been some healthy debates on such matters, including an MPI early in 2003.

Indeed, I shall quote some words used by Ms Tucker during an MPI she raised about the responsibility of the government to ensure that there is adequate public housing in the territory and adequate social support for tenants suffering hardship. On 20 February this year, Ms Tucker said:

My office is in continual contact with tenants of ACT Housing whose lives are filled with a range of difficulties. When Mr Wood was in opposition he spoke of the same issues, and I know he understands them.

It is my responsibility to point out to him that we are still getting this flood of calls and, unfortunately, people are still saying that they believe they are treated with contempt; they believe their individual circumstances are ignored; they find themselves committed to unrealistic debt reduction; and they say that they appear at tenancy tribunal hearings, for example, to find themselves confronted in a legalistic and aggressive manner.

That greatly disturbs me, as I am sure it does the minister. Ms Tucker went on to say:

By the time they reach us, many constituents are totally frustrated or intimidated by their dealings with an institution that seems to be unable to factor in sufficient care for tenants, and perhaps their children, whose lives have left them in very difficult situations.

I have quoted from page 327 of *Hansard* of 20 February 2003. Mr Speaker, today is Human Rights Day, so I think that it is very appropriate to be bringing on this matter. There may be many times that Ms Tucker and I do not see eye to eye on things, but I could not have put it better. I suspect that I am speaking for many others in here, especially Roslyn Dundas and Helen Cross, in saying that. It is against that background that I hope to receive wide Assembly support for this bill. Perhaps, with their invaluable experience, we can work together to make the present form even more workable and useful for all stakeholders.

It needs to be stated, as some members are not necessarily exposed to such cases to the same degree as others, that for every case you hear us talk about in here or in the media beyond, often out of pure frustration on our part or desperation on a tenant's part, or both, there are several—let's say three—more cases that I have managed somehow to help resolve, at least in the short term, directly with the minister's office. I would really like to thank Pat Madigan and, before her, Sue McInnes, departmental liaison officers working out of the minister's office, for their valiant efforts in difficult circumstances in so many of these matters.

Even more relevantly, for every case that we do hear about, one way or another there are many more that do not find their way to us—not in time, anyway, to be saved. I guess it is for many of these as much as for the known cases that this legislation seeks to address this environment. In short, this bill is more about positive front-end path making or bridge building than, as is largely the case at present, back-end bureaucratic, people crushing processes, often quite intimidating and in so many cases quite literally coming into force after the horse has bolted. We seem to have processes that make people want to run from the problem instead of running to the solution.

As others here have said before me, there is a disturbing gap between the present theory on a lot of this stuff and the actual reality experienced, despite the best of intentions and efforts of housing specialist managers and the like, who still have a role to play, perhaps even an expanded role, within the system, but in concert with other skilled players. I am talking about cohesion. I am talking about people working together better than they currently do to help the people in greatest need. There needs to be a far greater joint effort to exhaust all possible avenues for keeping tenants housed.

I do understand that there is some training occurring within the upper echelons of the department, but that brings with it some very sudden culture changes for some of the people at that level. I understand that they are simply not coping with the rapid changes, so we really need to be looking at helping those people cope with the changes and the dynamics of what is happening in our community today.

There is perhaps no more telling evidence of the failings of the current system than that given in an answer to a question on notice, Question No 161, in *Hansard* of 16 May 2002 at page 1792. The question was asked, again, by my colleague Mr Cornwell, and I deliberately quote the question:

What procedures are in place to prevent the problems leading to evictions recurring?

I stress the words “to prevent the problems”. The answer from Minister Wood reads:

ACT Housing consults with the tenant when their rent account is in arrears...

The answer goes on to list the things it consults about. I stress the words “when their rent is in arrears”. I shall expand for the benefit of some but perhaps not all of us here on why this answer holds the root cause—system failures—of present mechanisms and why this bill, in essence, seeks quite simply yet dramatically to change the process.

The minister is regularly heard saying, “We do our best,” “We are getting there” and similar on issues of this and a related nature. I am sorry, Minister, but if this is your best, I believe that we can do better. If you are getting there, wherever “there” is—it is hard to tell sometimes—I, many of the ACT tenants and many others do not like the look of “there”. We think that there is a better “there”. It is actually more of a “here” than a “there”.

To use the sporting analogy of a baseball diamond—I am sure that my colleague Mr Stefaniak will like this—let’s be there with our tenants on the home plate as the pitcher, the game of life, starts hurtling those balls at them. Let’s give them a better chance before they have even swung their bat, rather than catching up with them at third

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base in an adversarial manner and seeing them getting battered by process, on top of everything else they may be grappling with, or worse still just struck down and, effectively, out.

This bill has been created in the spirit of seeing our housing tenants treated more humanely than perhaps we have previously seen in our system and putting different structures in place to handle them. Yes, every case is unique, some more difficult and complex than others, although each has some similarities. So, too, each individual resident is unique. As such, they deserve to be afforded, if they too are willing—that element of mutual obligation, if you like, is critical here—a better opportunity for their unique personal circumstances to be understood and guided, not virtually unilaterally crushed, by our systems and agencies.

Mr Speaker, I suppose that it is fair to say that so many of our residents find themselves struggling with a range of personal issues on a daily basis, both financial and non-financial—this observation is not limited to public sector rental; I am sure that managing agents and private landlords would agree—and are so caught up in so many other issues that the issue slowly emerging in the background concerning rent and having a roof over their head is somewhat sidelined in their priorities by the other more immediate dramas, maybe an assault, a child snatch, a robbery or where the next meal is coming from. On top of this, we humans, let's face it—it is pretty true for all of us whether we acknowledge it or not—are not good at admitting a problem, let alone seeking help for it.

It is hoped that by creating a process such as is outlined in this bill our citizens will be more comfortable in these areas by seeing the potential benefits to them if they are open, frank and timely in terms of their dealings with government. Something I have found this year in every case, with every individual who has contacted me with a problem, is that—surprise, surprise!—each of us handles life events differently.

What may be water off a duck's back to one member of our community is a major stressor, a near breakdown or, sadly, sometimes beyond breaking point for another. On the other hand, other circumstances which the latter person in the previous example pretty much sails through can be a situation that totally floors the first person. So we are really talking about a more positive, user friendly and flexible approach to issues surrounding financial circumstances, debt and the flow-on effects to a tenant's rental situation.

There are numerous potential benefits of this bill. Apart from the more obvious direct ones, let's face it, Minister Wood acknowledged himself earlier this year:

Housing is firm when it needs to be. It goes through a long process in respect of debts.

It certainly does that, as it should. Further, and this only illustrates the priority the minister gives or at least gave to this subject in his early months, he said, and he might like to listen to this:

One of the very early things I did when I became minister was put into the hands of every member the comprehensive detail that is gone through as processes to recover debts begin and to see that tenants pay their rent. It is very complex. It was a big A3

spreadsheet, and it took a bit of reading. I sent that to everyone because I wanted people to know what was done.

That was what the minister did when he was first in government. In addition, it is envisaged that this mechanism will reduce, perhaps quite significantly—I say this based upon personal experiences on behalf of people this year—the large amount of time which so many of the staff of numerous agencies involved with the present system spend dealing with issues arising from these types of cases, including the preparation of cases for tribunal or other legal administrative proceedings, not to mention the time actually spent and largely wasted awaiting cases to be heard and the like.

Indeed, following some information on this subject coming my way recently, I have sought further details in a question on notice on such matters. Of course, were this bill to be passed, I suspect that there would be many other positive consequences, perhaps presently hard to see, not the least of which would be the human benefit which may emerge, including issues relating to other causes of conflict and crisis not just within our housing sector and residences, but more broadly in the community.

Mr Speaker, this bill is a potential win/win for all stakeholders. I commend the bill to the Assembly.

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

Government services in suburban Canberra

MR HARGREAVES (11.03): I move:

That the Assembly notes the importance of government services in suburban Canberra.

I will speak into the television cameras for those members who are sitting in their offices listening. Mr Speaker, government services are crucial in suburban Canberra and only the Labor Party will deliver them. Labor campaigned hard in 2001 on service delivery in the suburbs and achieved the highest vote ever for a political party in an ACT election in the suburban electorates of Brindabella and Ginninderra.

We took a detailed program to the electorate, a program based around decent services for all Canberrans, and won a sweeping victory. I think that that was, in part, a reaction from the voting public to the tendency of the previous government to be Molonglo-centric. Under the previous government, you could be forgiven for thinking that Canberra stopped once it got to Sulwood Drive in the south and Ginninderra Drive to the north.

That can be partly explained by the fact that former chief ministers Carnell and Humphries were from that electorate. They were dominant figures in that Liberal government and everything revolved around them. Mr Smyth and Mr Stefaniak were simply overshadowed. Sadly, Mr Speaker, they do not seem to have achieved much since they took over the leadership positions in the opposition.

Nonetheless, I am satisfied that, while the Liberal Party squabbles, the government is getting on with delivering services to suburban Canberra. We have the Chief Minister

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and your good self, Mr Speaker, delivering for the people of Ginninderra and three hardworking members achieving gains in Brindabella. The suburbs of Canberra are finally getting the attention from the ACT government that they deserve.

Mr Speaker, the Stanhope government has delivered significant gains to Canberra suburbs. I will take some time now to highlight some of these achievements. On the question of health, one of the major victories won by the Stanhope government in the battle for quality health services in suburban Canberra was the agreement with the Commonwealth to extend its outer metropolitan GP incentive scheme to cover Belconnen, Gungahlin, Weston Creek and Tuggeranong.

Under the agreement, GPs moving from inner metropolitan areas of the state capitals are eligible for up to \$30,000 to help them establish a practice in outer metropolitan areas of Canberra, as long as they agree to stay there for at least three years. I note that last month the government began a national GP recruitment campaign with a series of advertisements in national newspapers and specialist medical journals.

I am extremely pleased that the government has acted in this area because the GP shortage is impacting heavily on my electorate of Brindabella, especially in the Lanyon Valley. The shortage of GPs has resulted in increased pressure on the ACT's hospital emergency departments. Since 1998-99, growth in attendances of patients with less urgent conditions at the ACT emergency departments has been approximately 15 per cent.

Turning to education, the government has undertaken a major review of funding issues and has taken steps to ensure a more equitable distribution of money to schools. We have seen a deliberate shift in funds away from rich schools, predominantly located in central areas, to more deserving schools, both public and private, predominantly in the suburbs.

I note that the minister, Katy Gallagher, has been actively ensuring that the educational needs of outer suburban areas are met. For example, the minister has opened the new Amaroo preschool, provided funds to upgrade the Page preschool playground and funded the award winning Lanyon High School hothouse, which students will use to grow plants, learn about science and the environment and help with landcare projects.

The Government has also acknowledged the value of our public libraries, especially those in outer suburban areas. This year we have seen a \$690,000 upgrade to the Erindale library completed, plus a site chosen for the new Kippax library.

In the area of housing, the government has moved to address the shortfall in ACT Housing properties in Belconnen, Gungahlin and Tuggeranong. I note that this has met with opposition in some quarters, but believe the statistics speak for themselves. The inner north accounts for 26 per cent of all public housing, but only 16 per cent of the applicants want to live in the inner north.

The demand for public housing is in Belconnen and Gungahlin, where 27 per cent of the housing stock is located but where 34 per cent of the applicants want to live. Similarly, in Tuggeranong there is an undersupply of housing, with 24 per cent of the applicants wanting to live there but only 20 per cent of the housing stock is located in the valley.

We need more housing in the outer suburbs. The government has recognised that and is actively acquiring properties in the high-demand areas. This policy decision is to be applauded. Public housing should be located as evenly as possible throughout Canberra.

Finally in the housing area, I would like to welcome the decision by Minister Corbell to make adaptable housing possible in Calwell and Chisholm group centres. This decision will bring major benefits to those group centres and has been warmly welcomed.

Turning to community and retail facilities, the government completed this year a \$1.3 million upgrade of the Chisholm playing fields, an \$850,000 facelift for the Higgins shops, an \$800,000 refurbishment of the Jamison shopping centre and a \$500,000 facelift for the Belconnen lakeshore. I should also mention the direct sale of land to establish Aldi supermarkets in the Kippax group centre and the Conder group centre that will bring competition and cheaper prices to residents of west Belconnen and the Lanyon Valley.

On transport, the government has instituted a new ACTION bus timetable that has delivered a 20 per cent increase in weekday services in the Gungahlin area, the introduction of a trial evening service to Weston Creek, and expanded route coverage for Dunlop and Conder. The government also introduced the one fare anywhere single zone fare system that has resulted in a 9 per cent increase in adult patronage.

In my electorate of Brindabella we have seen the completion of two major road upgrades—the Drakeford Drive duplication project between Taverner Street and Isabella Drive and the Athllon Drive duplication from Drakeford Drive to the Tuggeranong Town Centre, projects for which I had been agitating for well over seven years, and it has taken a Labor government to complete them. I express my appreciation to Minister Wood for his efforts on those. Both of these projects have been keenly sought by local residents and have significantly improved traffic flow in the valley.

In Ginninderra, we have seen the completion of the \$7 million William Hovell Drive extension. It is an extremely busy road, being used by 24,000 cars each day. In the suburban areas of Molonglo, the government continues to improve transport services. Examples include the Woden to Dickson on-road cycle lane and the improved access to the Phillip business district via the extension of Parramatta Street through to Athllon Drive.

The big one, though, is the Gungahlin Drive extension. I note that my colleague Bill Wood announced yesterday the next steps in the project towards the construction stage. I understand that the preliminary works tender, which includes fencing, vegetation and tree removal, will be awarded in January 2004, with work to be completed by June 2004.

The final design work will be completed in March 2004 and the overall project completed in June 2006. The nine-kilometre road will ultimately link the Barton Highway at Gungahlin Drive with the Tuggeranong Parkway at the Glenloch Interchange and will considerably improve the transport options for the people of Gungahlin.

Mr Speaker, the Government's commitment to bushfire recovery has been extensive. ACT Housing properties that were destroyed or damaged have been rebuilt promptly. Bushfire-damaged fences in Housing properties have been replaced with colourbond

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fences. That is a result of the community saying to the government, “We don’t want wooden fences, thank you very much, when you rebuild them. Can we have colourbond ones?” The government, through Minister Wood, saw sense in that and changed the policy and the community is now receiving colourbond fences around public housing stock.

Regeneration of the environment also has been a priority. The government has outlaid \$1.65 million on landscape restoration at the Duffy shops, the Duffy side of Hindmarsh Drive, both sides of Sulwood Drive at the intersection with Drakeford Drive, and Stretton Drive between Hilder Street and the Cotter Road. On the north side, the government has been busy undertaking hazard reduction work in Belconnen urban pines.

Turning now to telecommunications, an area where there is a huge disparity between the inner city and the suburbs, I am pleased that the government has worked with Telstra to establish a new telecommunications facility in the Gungahlin Town Centre. The new facility is the result of a concerted 18-month campaign undertaken by the Stanhope government and the ACT’s federal Labor representatives. It will deliver high-speed internet and improved mobile phone services for Gungahlin residents, another excellent government project. I look forward to all areas in my electorate getting access to broadband internet and encourage service providers like Telstra and TransACT to get on with it.

Mr Speaker, as amazing as it may seem, up until last month residents of north Conder had no television reception. After years of lobbying by the member for Canberra, Annette Ellis, Urban Services has been granted a licence by the Australian Communications Authority to retransmit the local television stations from a new transmitter at the Banks water tank. The new service will provide people living in the TV black spot area of Barringer Street, Eaglemont Retreat and the northern part of Templestowe Avenue in Conder with much improved reception for all the local television stations.

On arts, culture and festivals, there is often a view among some in our community that cultural life does not exist in the suburbs. It is not a view that the government holds. We have been active in boosting the arts and cultural facilities in Belconnen, Gungahlin, and Tuggeranong. Projects such as “Gungahlin in mosaic” at the Gungahlin library and community centre, increased funding for the outstanding Tuggeranong community festival and the study of the future of Belconnen’s arts and cultural facilities are examples that come to mind.

We have achieved a great deal for suburban Canberra in our first two years, but there is a lot still to be done. No government can fix every problem and address every issue. There are still many challenges ahead. In my electorate of Brindabella, I believe that we need to diversify the economic and employment base. We rely too heavily on a couple of major Commonwealth departments.

In the future, I would like to see a higher education facility, such as a campus for the Canberra Institute of Technology, located in Tuggeranong. Alternatively, the University of Canberra could consider scrapping its disastrous loss-making venture in Brisbane and relocating it to Tuggeranong. That would be a welcome move and an investment in our local economy.

I would also like to see resolution of the parking issue for students at Lake Tuggeranong College. I have met with students at the college on two occasions and continue to work actively within the government to see that this issue is fairly resolved.

Other projects that I will be pushing for next year include the duplication of Tharwa Drive to give dual carriageway from Banks to the northern regions of Canberra. It is a dream I have that the roundabout at Banks starts a dual carriageway which finishes at the other end of Spence—from the north to the south completely. I am also interested in promoting a light manufacturing industry in the industrial part of the Tuggeranong Town Centre.

In conclusion, I am proud to be a member of this Labor government that recognises that all Canberrans deserve decent government services regardless of where they live. Mr Speaker, you will notice that, with the exception of the Gungahlin Drive extension, I have not touched on any of the big ticket items. I am more concerned about services that are provided to people who live in the suburbs. Those big ticket items are for people who have a different role in government from the one I have.

Mr Speaker, I am particularly proud that I have played a role in the delivery of some of these services and that a lot of these things have come off. People out there in the suburbs need to know about the little things that have been delivered to them by this government, little things that were not delivered to them particularly well by the last government. That is not to suggest that they did not do anything; it is just to suggest that they did not do enough or anywhere near as much as the Stanhope Labor government has done.

Mr Speaker, I commend the motion to the Assembly.

MR CORNWELL (11.18): The motion is about the importance of government services in suburban Canberra. Who could argue with that? The only problem I have is that perhaps the absence of them should have been mentioned.

I was interested in Mr Hargreaves' delivery. It was very flat. I would have imagined that, if Mr Hargreaves was proud of this government's achievements, he would have spoken with some passion. I know that that is not always appreciated in this house. Nevertheless, I would have thought that he would have been proud enough to deliver quite forcefully a speech on the achievements of the government.

But there is a problem there. How can you deliver something passionately or forcefully when the achievements leave much to be desired, because that is the situation? I have quite a number of questions on the notice paper, Mr Speaker. Naturally, I will not breach standing orders by referring to them, save that as spokesman on urban services I have a responsibility to chase up matters that I find outstanding or that I wish to try to clarify on behalf of the people of the ACT.

I also have a considerable volume of answered questions. I have just looked through them and I must say that the list is rather depressing. I do, however, have a number of questions that I have not yet placed on the notice paper. I know that the government will

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be delighted to know that there are some more coming. I would just like to read a couple of them, which certainly would not be in breach of the standing orders.

The sum of \$300,000 was allocated in the 2003-04 budget for road safety improvements, but nothing had been spent by the end of the first quarter. The sum of \$100,000 was allocated in 2003-04 for the Cotter Road bridge upgrade. Again, nothing was spent in the first quarter, yet this project is scheduled to be completed by February 2004. Somebody is going to be working very hard over Christmas/New Year.

I turn to the replacement of the Hackett boiler and the north Curtin ESB boiler upgrade. In the September quarter capital works reports, these projects are listed for completion in March 2004. No money has yet been spent. Again, who is going to be working over Christmas? Next is the water mains service at Conder 4. Mr Hargreaves was talking earlier about Conder. Apparently, \$0.5 million was allocated for this project. Of that, \$65,000 was spent at the end of the first quarter. That is reasonable; we are getting on with it. The only problem is that it was due for completion in November 2003. I presume that not only has it not been completed, but also the balance of the \$0.5 million is still somewhere out there in the ether.

Under the domestic animal service, a veterinary examination room costing \$100,000 was listed as a project. No money was spent in the first quarter of 2003-04 but, yet again, the completion date is listed as February 2004. So much for the importance of government services in suburban Canberra. Where are they, Mr Hargreaves?

It appears that the government has been a bit remiss in relation to other matters. Stage 3 water restrictions are applying in Canberra—at least, they are applying to the people that Mr Hargreaves has been talking about, the people of the ACT. I am not sure that they are applying to the government, because I have just had an answer to a question on notice concerning a burst water main at the Woden bus interchange which says that the leak in the service was reported to the faults and emergency centre at ActewAGL at 1935 hours on 30 October 2003 and repairs to the main were undertaken on Sunday, 2 November 2003. The repairs could have been undertaken earlier but were delayed at the request of ACTION to ensure that the bus interchange operation was not interrupted. The volume of water that leaked from the damaged service is unknown.

Come on, is that service to the people of the ACT? Why don't you practice what you preach? If the government wants us to conserve water, I suggest that the government and its agencies do the same thing. It is very obvious from this answer that there are two rules: one for the government and its agencies and a second one for Mr and Mrs Average out there in the suburbs. If we are going to apply these restrictions, I want to see them applied to government as well. This was a disgraceful situation. From 30 November to 2 November no action was taken on a burst water main at the Woden bus interchange. Thank you very much!

Turning to another area of government facilities and services—my old bete noire, graffiti—the government has certainly provided a wonderful service to the people of the ACT with the provision of graffiti all over Canberra! Mr Hargreaves mentioned that the government had responded so well by providing colourbond fences in lieu of perhaps more inflammable fences in certain areas. Many of those colourbond fences are now

covered in graffiti. In fact, most of the fences between Woden Plaza and Weston Creek along Hindmarsh Drive are plastered with it.

I have phone calls constantly on that from all over Canberra. What does the government do to correct this situation? It does not support the banning of the sale of spray cans to underage people—not that that was going to eradicate the problem, but it would have mitigated it. The government has now sent a clear signal to graffitiists all over Canberra that it is open season, open slather, and they can go their hardest because the government is not going to provide the services that it should to the people of Canberra in attempting to overcome this vandalism problem.

The vandal vote, as I have said on a number of occasions, is being heavily supported by the government, the Greens and the Democrats. How can you possibly claim that you are providing services to the people of the ACT when you allow that sort of thing to continue and, furthermore, encourage it by virtue of the message that you have sent through—

Mr Hargreaves: I take a point of order. Mr Cornwell is referring to the subject matter of a previous debate on a bill that he raised. He is perhaps reflecting on a debate in a previous Assembly.

MR SPEAKER: I think you might be, Mr Cornwell.

MR CORNWELL: I doubt it, sir, but I stand corrected. I was moving on, anyway. There has been talk about regeneration following the bushfires. I do not know whether some of it should be called regeneration or butchery. I am thinking very much of the Oakey Hill blue gums and lots of other areas of Canberra where an obviously embarrassed government, a government that has been caught short on the mistakes of the past, is now overcompensating by turning the bush capital into some sort of butchered capital.

Again, I do not see that as the provision of services by the government to the people of the ACT, far less the importance of these services. It does not seem to be appreciated by the government that the day-to-day activities—roads, rates and rubbish, if you like—are, by and large, the very things that ordinary people out there regard as most important to their daily lives. They are not terribly interested in bills of rights. They are not terribly interested in same sex adoptions and such like. They are not interested in those social issues. They are interested in the day-to-day activities and the inconvenience that they will suffer if these things are not provided.

I have to say that Urban Services is not the easiest portfolio, simply because it carries such a vast array of activities. Nevertheless, its importance cannot be ignored. Unfortunately, that is exactly what is happening under this government. The government is very big on the big picture items and it is very big on putting out glossy brochures about what may be happening but, as I have demonstrated with a number of yet to be placed questions on notice and a reply that I have received in relation to water, plus the continuing problems with graffiti in this city, it is very clear that the government is being most selective in what it chooses to address and chooses to sort out.

It is all very well for Mr Hargreaves to stand up and give a pre-election spiel about how good things are around the place and make some promises about the duplication of various roads—in his electorate, I hasten to add—as that is part of the whole political process, but the truth of the matter is that they are simply promises. If wishes were horses, then beggars would ride. I appreciate Mr Hargreaves' remarks in this debate. They have gone into *Hansard*. We will check them very carefully when it comes to the next election. I hope that Mr Hargreaves will carefully note some of the things that I have said, particularly in relation to certain matters that have not yet been taken up in expenditure relating to roads, the disgraceful waste of water and, most importantly, the absolute neglect of the graffiti abuses that are going on in this city thanks to his government's inaction.

MS TUCKER (11.33): I think I will talk a little bit more generally about community development to begin with in this debate because I think it is certainly relevant. I will read from a paper by Peter Cooper on community development just to start off with because I think it is a good summary of our understanding of what community development is about.

Community development has many interpretations and definitions both as a concept and as a practice. Generally it is a term that is used to describe how departments and agencies engage with communities to enhance the wellbeing of residents. Community development is often seen to be about the social wellbeing of communities but in its broadest context CD also includes spatial, environmental and economic planning and management.

Perhaps the earliest form of “community development” was the “missionary approach” intent on driving change according to a doctrine of external morals, values and beliefs of institutions such as churches and governments and usually viewing those receiving it as incompetent, inadequate and deficient in the “right” way to live. This often involved forceful intervention and strict control and management as was experienced by Aboriginal communities last century. Some may argue that we have not come very far in practice, however, conceptually, CD has come a long way from this “colonisation of communities” model.

There is a great deal of literature on the concept, method and practice of “community development”. This has evolved through influence by a broad range of ideas such as economic rationalist ideology that would have a focus on economic outcomes, “systems theory” that would have a focus on policy, infrastructure and structures and systems of delivery of services; and social theory with ideas of justice, equity and participation.

This has resulted in concepts of CD that recognises strengths of individuals and groups in the community and aims to develop “community capacity”. “The strengths perspective ... posits that the strengths and resources of people and their environment rather than their problems and pathologies should be the central focus of the helping process ... and is rooted in the belief that people can continue to grow and change and should have equal access to resources.”

Encapsulated in recent concepts of CD are ideas of resilience and sustainability, a move away from social control to ideas of working with communities rather than working “on” communities. This acknowledges the power of institutions such as governments, government departments and agencies to set and control the agenda through language, categorisation of “problems” and their own particular policies.

The contention is that to achieve sustainable social initiatives, they must be driven by the community. Integral in this is avoiding co-dependency on institutions and their ability to “welfarise” communities.

Fundamental to the idea of CD is identifying needs and aspirations of communities. For CD workers, this means getting to know the particular community they are working with, developing trust and facilitating aspirations and initiative. Often entailed in this is an idea of community mobilisation.

I think this is very relevant to this debate, when you look at the nature of the debate.

It was interesting listening to Mr Hargreaves’ comments, and Mr Cornwell’s. Mr Cornwell spent some time talking about graffiti. I could use that as an example of how you apply this community development thinking—that is, working with people rather than doing things to them or on them—the missionary type or missionary model of community development.

It is an interesting discussion. Take, for example, the graffiti issue. Mr Cornwell feels that if you actually take an approach where you prohibit a particular item—in this case, the sale of spray paint to under 18-year-olds—this will in some way control that deficient group in the society which is, as I have already pointed out, in that more missionary model of community development. The other approach to that is the more recent understanding—and certainly the understanding I support and the Greens support—of community development, that notion of working with the characteristics of the community and mobilising them and not just focusing on the problems and pathologising the particular behaviour that is problematic at the time.

The response that I quoted when we had the debate in this place about Warringah Council encapsulates that approach and shows how successful it was not only in terms of dealing with the problem—that is, graffiti tagging, vandalism and graffiti—but in terms of outcomes which reduced the incidence of that particular type of vandalism. It had outcomes which actually mobilised the young people involved in a way that made them positive citizens in our community. It is a really interesting example, I think. If we are talking about government services in the suburbs, which we are, then if you bring that thinking into that you bring in these sorts of community projects such as the one that I am asking for on graffiti so that we get a much more proactive approach from government to work with young people who are at the moment vandalising through graffiti.

I did find it quite amusing actually when Mr Cornwell said that I was going for the vandal vote, considering that he is just hitting people under 18 that don’t vote. I couldn’t quite see the logic in that either. To be serious, what this approach of community development means is that you are not labelling people as vandals, you are acknowledging them as human beings who have the potential to be contributing citizens and finding ways to work with them to deal with the social problem.

If you apply this generally in this debate about government services in the suburbs, I think it is important to recognise, particularly with such an inadequate transport system in Canberra, that it is really important that we do have the opportunity in suburbs for community to be supported. There have been a couple of studies done. I remember the Susan Conroy study which was looking at cultural needs in Canberra. It has never really

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been pursued. It was an attempt to understand how we could best provide support for community throughout Canberra.

Of course, the debate that is coming up on the Griffin Centre is entirely relevant to this discussion too, but I won't go into that now because I will have an opportunity shortly.

Schools are obviously an interesting possibility for community development. I remember when we were having the debates about school closures how strongly community made the point that you have to understand that a school is more than a school. School is something incredibly important for the whole community. It became very obvious in the fires. After the fires, Duffy Primary School in particular took on a role which was certainly much greater than the role of just an education facility. I think it is something to bear in mind when we are looking at social policy and planning of community support and what happens in suburbs, in particular with schools.

I acknowledge that this government, as far as I know, is not planning to close any schools. In fact, Ms Gallagher has been, to her credit, very clear on benefits of keeping open particular preschools whose numbers were going down. She understands the broader community benefits from having them kept open.

Of course when you talk about community services you can talk about housing at length. Housing is such a fundamental need for all citizens, and I think if we are interested in government services in suburbs the provision of housing is a fairly basic and essential government service.

I also think it is important, if you take this community development model, to understand that health services should be holistic and should be actually providing services which are able to make it easy for people in the suburbs to access, whether they have money or not, primary health care. We want mental health services that are locally available, and that is certainly something that this government does provide to a degree. But there are of course continual concerns being expressed about inadequate mental health support locally for people who are mentally ill, particularly with daytime occupation, rehabilitation and so on.

Of course in this discussion we can bring in the whole notion of institutional support for people versus community support. We are seeing in fact with disabilities right now that de-institutionalisation is happening—and we certainly saw it across Australia, and in Canberra too to a degree—with mental health support. The notion was that there would be support for people in the suburbs, community support, but in fact of course the reality is that that has been seriously inadequate. We have a situation where people are saying they think an institution would be better than what is happening now.

I do note with some concern that this is now a trend with Disability Services as well. While we all support of course not having people in institutions we have to be very afraid if the alternative is no support or very inadequate support. That just throws people, particularly carers as well, into a situation that is absolutely untenable, and that has to be acknowledged in any debate.

MR SPEAKER: The member's time has expired.

MR CORBELL (Minister for Health and Minister for Planning) (11.44): I thank Mr Hargreaves for raising this motion in the Assembly today. Of course the point Mr Hargreaves is seeking to make is that the provision of services to the ACT community is wide ranging on the part of the ACT government. There are a wide variety of services and facilities provided in both the suburban setting as well as in the key nodal centres—the town centres and group centres that support those suburban areas. I would just like to reflect on some of those from my context as Minister for Planning and Minister for Health.

Mr Speaker, the provision of community health services in Canberra has had a longstanding history and tradition of suburban-based or local-area-based health service provision, and the government continues to support that and to provide funding to deliver it. For example, in relation to community health centres, the health centres at each of the town centres provide a diverse range of services and facilities to people needing basic community health services, support and assessment. Whether it is child health, whether it is adolescent health services, whether it is services for older Canberrans, the provision of the community health centres is one which the government has maintained and indeed further enhanced.

One of the first steps I took as Minister for Health was to open the newly refurbished Belconnen Health Centre, which Ms Dundas was at as well, and that is obviously a very important refurbishment-turned investment and an ongoing investment in community health services for the Belconnen area.

But of course Ms Tucker raised other issues in the health context in her contribution to this debate, including the provision of mental health services, and this government has taken significant steps in improving the level of support available for mental health services in the ACT. We do know that there is a level of considerable concern about the support provided to mental health clients here in the ACT, and the government is taking steps to address it. For example, in the past two budgets we have increased funding to mental health services by over \$3.5 million per annum—Mr Speaker, a significant improvement in funding for mental health services, given that we inherited a level of funding for mental health services which was the lowest per capita in the nation. The government is moving to address that.

The reason I raise mental health services is this: when you look at suburban services, that is where a lot of the funding and support have gone. While the opposition calls for more institutions and more buildings, we are spending the money on people and supporting people with mental health services in the community. Mr Speaker, that investment includes getting mental health outreach services into the Gungahlin district, a first, which is just so important in providing support for people with mental illness in their own homes, in their own neighbourhoods. Mr Speaker, the government has reiterated its strong level of support in those important areas of community health service delivery.

But, Mr Speaker, the government has also taken significant steps to improve access to other important health services. Ms Tucker raised the issue of dental health services. Indeed the government has now increased funding to dental health services by over \$1 million per annum, Mr Speaker—an extra \$1 million per annum being spent on dental health services—which is making significant inroads into the abysmal waiting list which is the legacy of both the previous government's failure to fund and indeed the failure of

the Commonwealth government under John Howard in withdrawing funding for those services overall.

Something, Mr Speaker, which I find to be highly ironic is that the federal government will use a Commonwealth tax rebate to meet the costs of dental work incurred by people who hold private health insurance but it will not provide equivalent funding to those people who need to rely on the public system for dental services. If you have private health insurance you actually get a rebate from the Commonwealth taxpayer if you use it for dental services, but if you have to rely on public health services you get no support from the Commonwealth government, Mr Speaker. It is a disgrace, an absolute disgrace, and the government, Mr Speaker, in the ACT has taken the steps to improve that situation by putting an extra million dollars into dental health services, which are so important in all of the centres across the ACT—Belconnen, Tuggeranong, Woden and Gungahlin. Those services are now being provided in those areas, Mr Speaker, as well as of course in the inner city areas as well.

Mr Speaker, I would like to expand on the theme and look at some of the other services the government has put in place to improve service delivery for people in suburban parts of Canberra. I would just like to point out again the activities of the ACTION bus service, a vital one. Again, as Ms Tucker outlined in her speech on the issue of addressing social equity, this affects the capacity to participate as citizens in the community, Mr Speaker.

We have slashed thus far the bus fare by 50 per cent or more in areas across the city. What have we seen as a result of that, Mr Speaker? We have seen a 9 per cent increase in adult patronage on ACTION bus services, Mr Speaker—a 9 per cent increase on adult, full-paying patronage. That I think is a very significant endorsement of the government's commitment to improving access for citizens in our city to public transport, in terms of affordability.

But we have also increased services—a range of services across the board have been increased. The steps the government is now taking in relation to its sustainable transport policy, details of which I will be announcing very shortly, will outline further steps that we will be taking to address these very important issues.

Mr Speaker, of course provision of suburban services is also important in the context of providing support to existing suburbs. Just one example I would like to raise in the time I have available is the issue of the neighbourhood planning program which set out, Mr Speaker, a range of issues that people wanted to raise through that process. Do you know what, Mr Speaker? The government didn't just do the planning and leave it at that, the government set aside over a million dollars—I forget the actual figure, but I think it is closer to \$3 million—in this year's budget to fund capital works improvements identified through the neighbourhood planning program.

If people identified they had problems with street lighting, if they had problems with their footpaths that needed some addressing—perhaps they had some problems with their car parking arrangements in a local centre, in a local street, or perhaps they had problems with some other issues to do with neighbourhood amenity—\$3 million is set aside, Mr Speaker, in the budget to specifically address those issues. That is the level of the

government's commitment to improving the services and facilities for people in the suburban area.

Mr Speaker, that has been warmly received by residents in the areas where neighbourhood planning has been undertaken, because they can see the government is serious about implementing those issues that are identified by residents as areas for improvement. They are not going to get lost in the bureaucratic maze; they are not going to get lost on the waiting lists of things which we know are happening across the city. We are specifically targeting it as something we will implement. That I think, Mr Speaker, is a very positive indicator of the government's commitment.

Mr Speaker, I thank Mr Hargreaves for raising this motion today. It is valuable to highlight that the ACT government is an important provider of services in our community. It provides a very diverse range of services, and this government is committed to not only supporting those services and maintaining them but to improving them into the future. An example of that is some of the services I have outlined today.

MRS DUNNE (11.52): Mr Speaker, I rise in dismay at this self-seeking motion put forward by Mr Hargreaves today, as perhaps the opening shots of the election campaign. This is nothing more than self-congratulatory pap. We are patting ourselves on the back and saying we are doing wonderful things. But what they are actually talking about, Mr Speaker, is a strange mixture of initiatives that were commenced by the previous government and, alternatively, just things that should be business as usual. It is like yesterday in the debate about the white paper. The actions for planning were to create situations that should be a matter of course, Mr Speaker—business as usual, core business.

Mr Corbell was in here today talking about the great innovations that this Labor government has created in ACTION. But what he was really talking about, Mr Speaker, was core business. When you look at the core business of ACTION and you look at the absolute denigration of services around the place, you see that this core business is really run down.

I would just like to take one example, Mr Speaker. I live in Carlile Street in Evatt. Most of the people in Carlile Street in Evatt—

Mr Hargreaves: We're going to put a bus down there now.

MRS DUNNE: Well, it would be a very good thing if they did put a bus down there, because most of the people in Carlile Street, Evatt, live in excess of 600 metres—most of them live a full kilometre—from the nearest bus stop. The government policy is that everyone should be within 400 metres walking distance of a bus stop. At the end of Carlile Street, on Copland Drive, Mr Speaker, there are two bus stops, one on either side of the road. One has a curb, a bus shelter and things like that. The other one, for years, has been essentially fairly informal. There has been a post on the road that said "Bus Stop".

A little while ago, Mr Speaker, somebody came along and put a cement pad next to the post in the road that said "Bus Stop". Three weeks later, Mr Speaker, they closed the bus stop, which means that the people who live in Carlile Street and all the streets that run

off it can now no longer get off the bus at the end of their street. The people who have to normally walk a kilometre now have to walk nearly two kilometres, Mr Speaker, from the next bus stop, which is outside Copland College.

Do you know why they closed that bus stop, Mr Speaker? That bus stop has been there for as long as I can remember, and I have lived in Carlile Street for 12 years. It was suddenly decided that it had to be closed after they had put in a cement pad about three weeks before because it was not wheelchair accessible. Mr Speaker, I don't know of anyone in my street or the surrounding areas who uses a wheelchair and uses the buses. I do know of disabled people who have other means of transport, but I do not know of anyone who uses the bus stop and uses a wheelchair. I stand to be corrected. It was considered that it had to be closed because it was not wheelchair accessible. Every person in Carlile Street, Brebner Street, Sayer Place and Canaway Place—all of those people—now have to walk an extra kilometre if they are going to catch the bus.

What about the people who come home late at night? As one young constituent said to me today, "If I use the nightrider bus to come home after going out on Saturday night, I now have to walk from Copland College, without a footpath, in my platform shoes. I am not going to use the bus." There are many people who are saying it has become impossible for them to use the bus. I can't let my children walk two kilometres when they get off the bus of an afternoon, as it might be getting dark; so they don't use the bus.

This is the service in the suburbs that this government is providing. This is replicated all over the place, Mr Speaker. This self-congratulatory pre-election foray by Mr Hargreaves and Mr Corbell should be recognised for what it is and should be condemned.

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) (11.57): Mr Speaker, I welcome this motion by Mr Hargreaves. The provision of services is a fundamental responsibility of government, and this government has consistently committed itself to providing efficient and effective services to all Canberrans. The government is building a community that is inclusive of all Canberrans and is committed to protecting the vulnerable and supporting those in need.

On that basis, we consider the provision of government services to suburban Canberra, indeed across Canberra, to be important. This includes mainstream human services, such as schools, hospitals and community health centres, but it also includes public transport services and a vast array of urban services vital to keep the city functional.

It also includes services to the disadvantaged—housing, disability, community services, drug and alcohol treatments. When we examined disadvantage across the ACT, as part of our addressing disadvantage project, we found there was a need for services to operate across the ACT rather than simply in regional centres. This is not to deny that regional services remain important.

As all members of the Assembly will appreciate, the delivery of government services costs millions of dollars, and balancing the budget to provide high-quality services is a difficult task for any government. That is why this government has taken the innovative step of developing a long-term strategic vision for Canberra. The Canberra Plan, which is

in its final stages of development, will provide a strategic framework for the delivery of government services across the ACT. It will define Canberrans' aspirations for their city and for their quality of life. Just as importantly, the Canberra Plan will provide an overarching framework that will enable services to be delivered in a co-ordinated, effective and efficient way. This is a major step forward.

This is an important point: successive governments, as well as industry and community groups, have in the past undertaken some notable work to address various changes. Why then has this work had less than maximum impact? Why then are we still trying to grapple with the same problem?

This government will certainly succeed where others have not done so. That is because for the first time we have taken the opportunity to look up from solving existing problems to focus on what might be; not just the actual but also the ideal; upon questions of what future change could and should mean. This government is not just practical; it is also imaginative, indeed visionary. So we have adopted a visionary approach to our challenges.

Canberra faces social, environmental and economic challenges that we need to address as our city grows. Government service delivery must respond to these challenges. The government is working hard with the Canberra community to address these challenges. Canberra is unique. Taking account of the actual final solution, what is encompassed in the Canberra plan, will be well suited to meeting our particular challenges.

As Mr Hargreaves has illustrated so well, this government provides and continues to provide services fairly to all areas of Canberra. I would like to highlight even more examples of commitment—the services that impact on the health and wellbeing of all Canberrans. These include:

- improving mental health services;
- the spending on new mental health initiatives and the expansion of older persons, adult, child and adolescent mental health teams;
- in-patient and discharge services;
- care support;
- drug and alcohol treatments;
- court liaison;
- improving the taxi subsidy scheme for people with disabilities and ensuring the benefits reach those most in need;
- improving bus services and introducing the one-fare structure, a very important step;
- increasing government funding to community organisations;
- providing enhanced services to older and frail people and younger people with disabilities;
- boosting after-hours GP services by \$700,000;
- committing significant funds to working collaboratively with the Commonwealth to provide a range of services for people with severe to profound disability, and their families, including accommodation, respite and other support services; and
- building adaptable housing.

We are committed to invigorating local communities with refurbishments to local shopping centres to make shopping safer in pleasant surroundings. We are revitalising

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the Belconnen Lakeshore and Jamison Centre and boosting arts, recreation and culture through funding festivals, sporting and arts experiences.

Through this government's massive effort to develop a comprehensive framework for Canberra, we will make our services more integrated, more co-ordinated and more effective. Government services should be and will be about putting people first.

I welcome this debate on this important motion by Mr Hargreaves which gives me an opportunity to point to the very good work that is going on.

MS DUNDAS (12.03): I just wanted to contribute briefly to this debate. It has been a wide-ranging debate, as one would expect, with such a brief motion to guide us. We are talking about government services, and that does cover every range of what it is we do here in the territory. There are a few points that I would like to make.

In the recognition of the work that the government does need to do in providing government services, it is disappointing that when we look at the budget every year we see an underspend in terms of meeting commitments and in capital works. The government puts forward its vision and says that we will deliver X, Y and Z but, as the next year rolls around, we see massive underspends. That money goes back into consolidated revenue. The promises the government has set are not always being met. I think if we are going to congratulate the government on its provision of government services we need to also recognise that sometimes the government speaks more loudly and delivers less than it actually says it will.

Another area that I am particularly concerned about when we are talking about government services in suburban Canberra is Neighbourhood Watch and crime prevention programs. Year after year we see an actual underspend and a reduction in the number of crime prevention programs that the community is being afforded and that the government is running. Neighbourhood Watch has struggled for a number of years, firstly through insurance issues and then through lack of ongoing support.

I think if we are going to talk about the importance of government services in suburban Canberra one of the issues that have been of much debate in this place and in the community is community safety. How the government supports programs like Neighbourhood Watch is incredibly important, and we need crime prevention programs to support people in their homes.

I would also like to talk about other issues that people bring up with me as important to them in the community, and that includes public transport and parking. We have already had a bit of debate about where bus stops are located and what ACTION is doing, but one of the major issues that people are getting very concerned about is what is happening with the implementation of paid parking throughout our town centres. Belconnen specifically springs to mind.

I have told people that I see pay parking as one part of a broader public transport strategy, but those words are starting to ring hollow when we don't have the commitment from the government to put the money that they will collect from paid parking back into public transport and supporting public transport services so that people do actually see that there is no point in driving their car into their town centre and paying for parking

when there is an accessible and affordable bus service that can give them the same transport options. But at the moment we are just pushing ahead with paid parking without really looking at how we can fill the gaps with public transport.

The Minister for Planning has come down today and said, yet again, that his sustainable transport strategy will be out soon, but I think we need it a little bit more earlier than that. We do actually need to see more bus routes being put forward at the times when people want them and at the times when people need them. We need a little bit of a rethink about how we are going to provide public transport services to Canberrans.

Another issue that keeps coming up is planning. People talk about the importance of government services and how infrastructure is put into the city, and I mean the broader city throughout our suburbs. Again it is disappointing that the community planning forums are something that we are still hearing will happen soon. The LAPACs were disbanded and nothing has been put forward to replace them as yet. The community has a lot of concern about how planning is going on in the territory. The development of the spatial plan is one way that the community has been brought in and been involved, but there still needs to be a look at what is going on at the suburban level.

The neighbourhood planning process has not yet moved out of inner north and inner south Canberra; it is not moving into the electorates of Ginninderra and Brindabella any time soon. I think that is a great shame. If we are serious about involving the community in planning, if we are really going to note the importance of government services, then we need to make moves in terms of community planning into the suburbs where people are actually living and allowing them to shape their home and their suburban surrounds.

Another government services that I think needs a refocus—we know it is important—is the collection of rubbish. We recently had the debate again about whether or not this government is set to reach the no waste target by 2010. We have seen technology rise to the challenge of meeting the no waste target since it was set a few years ago, but unfortunately we have seen this government put money and resources into building more holes to put rubbish in as opposed to coming up with new strategies to take waste out of the rubbish stream, actually recycle it and reuse it.

I repeat my calls to have a greater focus on the kerbside collection of compostible waste. We had the bio-bin trial in Chifley. Why haven't we again looked at where that went wrong, what needs to be done to fix it? Why aren't we supporting people to move compostible waste out of the waste stream and either back into their backyards or into another form of waste collection? It shouldn't just be going into the landfill out at Mugga Lane. I think that is a very important service that the government really needs to pick up on.

There are a whole lot of other issues that the public continue to raise with me. Affordable housing and special needs services in education are major issues that keep coming up, but I would like to talk about the community sector because when we are talking about the importance of government services we also need to recognise that where those government services don't work or where they fall down it is the community sector who steps up to fill in the gaps.

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There are a whole lot of issues that the community sector is covering at the moment above and beyond their usual brief, but they are there because they believe in what it is they are doing and they believe in the community. I think the government needs to provide more support to the community sector to do the job that they are tasked with. It has been disappointing that we have had such frustrating debates about SACS awards, about the contribution the community sector makes, when I think the work done by the community sector, the role that they play in our community, the support they give people are obvious.

We have recently celebrated International Volunteers Day. We have recently celebrated International Disability Awareness Day. These are areas where the government does have a little bit to do, but it is the community sector on the ground, the grassroots organisations, doing most of the work. It is not being afforded, I think, the recognition it is due. There has not been enough support given to the organisations that look after the community to continue with that work.

I think the Minister for Health used a very important word when he talked about the community health building in Belconnen. He talked about investment—the capital works that were being done there was seen as an investment. That is how I think we need to view our community when we are putting resources into it—seeing it as an investment, not as a cost, and supporting the community sector in the investment they put into the community. That is where I think we need to really be talking about what is going on in suburban Canberra and how we can continue to make Canberra the best city to live in. That just isn't going to happen through government services, as important as they are; it is going to happen through the community sector. We need to have that investment focus there.

MR PRATT (12.12): Mr Speaker, the government presents here today a remarkable and rosy picture about the suburban services they believe they are delivering to the ACT. I would certainly make the point that the services are indeed adequate overall, quite good in some areas, not particularly good in many other areas and in too many areas a shade pathetic.

Mr Speaker, I do acknowledge and I do welcome those new services that the government has introduced, that I have been able to observe in the last two years of their time supervising the development and the establishment of services. Yes, our services probably fare well against the national suburban average, and this is a point beyond which we, as a community, should not complain for complaining's sake.

Clever hair-splitting about how we can lift certain suburban services to the supreme plan of excellence is a bit rich and, Mr Speaker, we should never forget that the great majority of people around the world do struggle in some areas to get clean water and to even get adequate shelter.

However, Mr Speaker, there is no doubt that suburban services have deteriorated over time; so we are making a comparative study here. While those services may still be adequate, the question must be asked: why are standards slipping? Why have service standards been allowed to drift gradually away? Is it because we have insufficient funds to maintain general suburban services? Not according to the government's budgetary

plan. There would seem to be adequate funding lined up against the traditional suburban services expenditure lines.

Is it therefore because the funds are not being spent wisely? Is it because the professionalism in the planning and the management of those items being funded has slipped away? Is it because the government simply accepts lock, stock and barrel the departmental advice about the delivery of services and cares not to check for themselves? I think it is probably a combination of all of those things.

Mr Speaker, I have spoken ad infinitum in this place about the deteriorating police services delivered to the community—into suburban Canberra. I will just run over those briefly. There is the 000 service. We have had a litany of complaints by residents in suburbia who have been unable to access the 000 service, and we do implore the government to do something about building some redundancy into the system and re-create a local backup system which will provide a better emergency service to Canberra's suburban residents.

Let me deal with police responses. Let me list some of the areas of notoriety, where suburban crime is simply not being responded to. Richardson, Chisholm, Monash and Kambah are four suburbs in Brindabella which have suffered multiple serial burnouts.

Look at the junction of Proctor and Norriss streets in Chisholm. For the fourth time in nine months, I have had it reported to me that young hoons have been spilling oil on that junction. The poor old fire brigade, who does provide a good service to suburbia, has to go down there and hose the place down. The burnouts which are occurring there have just continued. Why are the police unable to do something about improving the lot of those living in that part of suburbia? What about the 100-kilometre an hour speed activities along Proctor Street by young blokes moving up Proctor Street past the Vikings Club so that they can do a broadside spinout at that junction? These are incidents which have occurred so many times that you would have thought that we would have been able to do something about preventing that.

There are the youth gangs in Red Hill. There has been property damage and graffiti along some of those streets. What about the multiple car damages in Lyons in September of this year? In Harbison Crescent in Wanniasa, cars were scratched in May of this year. There was multiple car and property damage from Swinger Hill to Gowrie in October of this year. In Gaunson Crescent, Wanniasa, there have been multiple break-ins over the last 12 months. In Jackie Howe Crescent, Gilmore, there have been repeated acts of letterbox vandalism over the last 12 months. These are quality-of-life issues in suburbia for which the government is not providing a service to prevent these things happening.

Mr Speaker, I have referred a number of times to front-line police numbers. I have referred a number of times to the need for community policing. Community policing is all about delivering a better police service out into suburbia. We need to see the community policing program, which the government does have in place, enhanced. Residents in suburbia rarely see their police. They don't know who their police are. This is the sort of service the government must be focusing on.

Mr Speaker, I refer to some other suburban services. In regard to parking, there is the unacceptable situation of paid parking for students at Tuggeranong College. I know

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Mr Hargreaves is on a mission to do something about that, but here we have a case where that situation has remained unresolved for a very long time.

Mr Speaker, let me refer to the fundamental cleanup services that we are supposed to be getting from government in suburbia, including the lack of vegetation and grass cleanup. Let me list some of these areas where there has been long-term neglect, despite repeated reporting by residents. I am listing here examples where residents have continually reported and asked for something to be done.

Along Athllon Drive in the Kambah region, there is long grass on both sides. On the back fences along Athllon Drive in the vicinity of Torrens, there is graffiti for hundreds of metres. It has been there for months. There is a public pathway running down across Harbison Crescent in Wanniasa. They have reported over six months the need to clean up the long grass in that particular pathway. It hasn't been done. On Longmore Crescent and Sulwood Drive, along the top of Wanniasa, they had to get out with their own contracted and hired mowing machines to cut that damn grass down. That is also a fire risk because that area is on the prevailing approach lines for fires.

The chicanes which the department has put in recently near the junction of Langdon Avenue and Adamson Crescent, Wanniasa, are inadequate; they are too tight. In fact what happens is they have become a magnet, again, to hoon drivers who find them a challenge to try to speed through so that they can broadside and fishtail their way through those. Residents in the area hear the squealing of tyres regularly in that area. Here is a classic case of poor services planning which has in fact created a problem rather than solving a problem.

Near Plunkett and Renwick streets in Chifley—the green area near the Chifley neighbourhood oval, running east along that green corridor—TransACT, having cut down trees, left them there for months. As far as I know, until four weeks ago, that still hadn't been cleaned up.

There is a dead-end in Clive Steele Avenue in Monash, which the residents have been asking to have closed off for months because the dead-end becomes an area for burnouts and fireworks. The residents have been calling to have that blocked off for over a year, but nothing has been done.

There has been a burnt out-car sitting in Hoddinott Street in Wanniasa for over two weeks. It is sitting in the gutter. In fact, the damn street looks like Baghdad. Perhaps we could arrange a sister city relationship with it.

Mr Speaker, Toohey Place in Wanniasa has no lights in it whatsoever; the lights do not work. In Longmore Street, Wanniasa, there is a broken footpath; it has been there for three months. No action has been taken. In Hoddinott Street, again, there is a large pothole; it has been there for five months. In Sachse Street, there is a junkyard; there is a property with five wrecked cars sitting there. It is an eyesore; it does not do the residents in that suburban area any credit; it does not do a damn thing for property values. It is an eyesore.

The list goes on. In Rischbieth Street, Gilmore, there is a neglected government house, which again is an eyesore for the residents of that street.

Mr Speaker, earlier we heard the government talk about the magnificent Gungahlin Drive extension delivering services to suburbia. Well, that was a project already in train, and it should have been completed much earlier. This government in fact managed to delay the project. While they are crowing about delivering services to suburbia they need to in fact remind us that because they were faffing around worrying about narrow interest lobby groups they didn't get on with it.

Mr Speaker, the government says it is working hard for Canberrans and working hard to deliver services to suburbia. I think they are working hard at playing politics and securing power. Mr Speaker, this government needs to get back to the fundamentals and deliver a better level of service to suburbia.

MR SPEAKER: The member's time has expired.

MRS BURKE (12.22): Mr Speaker, I note with great interest that this government—and it is becoming a bit of a pattern—has to continually reassure itself and pat itself on the back. It seems they are so lacking in confidence about being in government—and I am talking as opposed to arrogance here, which sadly is so often demonstrated in this place by the government—that they have to use valuable Assembly time and taxpayers' money to deliver a litany of “look what we have done” statements.

These things are things that people who are paying taxes expect; they expect services from a government; they expect things to be done with their money; and they are entitled to see that happening anywhere. I know Mr Hargreaves has given us a list of those things that are happening and that is good—it is excellent—but they are core business. I think it is somewhat audacious of Mr Hargreaves and a somewhat feeble attempt to give a “hooray for the day” to the government. It is a real vain attempt at mutual backslapping which I think we have heard before. Self-praise is no recommendation is what I was brought up with, although I would like to congratulate Mr Wood at this point.

Mr Wood did indeed take very good action on the playgrounds issue that was brought up earlier this year, many may remember, and we are seeing a lift in the standards, particularly in occupational health and safety of the equipment for children in those areas. We need to really ensure that continual audits of such areas are undertaken. I would also like to remind the minister that I am still awaiting his response on the liberty swing—he may remember I wrote to him about it—a revolutionary new concept in playground equipment for people with a disability. That is something else Mr Hargreaves might like to think about.

Mr Corbell talked of wide-ranging services. Yes, so they should be. Taxpayers need to have their money spent wisely.

It is interesting to note that there was no mention as well of Oaks Estate. What is happening for the often-forgotten people of Oaks Estate? What about the services there? What has the government done, as it promised before the last election, to up the ante? I know that they have had meetings. I was involved in 2001 with a group out there. What is actually happening out there now? I can just see it now: people will scurry around to see what they have done and should do for the residents of Oaks Estate. I can see the media releases being brought out as we speak.

Mr Speaker, this government were left an excellent legacy: money. They were not left some huge whacking debt. The Liberals were pleased to have been such excellent economic managers, something this government cannot and should not crow about. It means that this government can get on with the job, the job of delivering core services. I can hardly see why we have the government on this ego-trip when it has done no more than deliver the services that it should have done—or not in some cases.

It is quite laughable and pathetic really and indeed embarrassing that we are actually spending valuable time and wasting taxpayers' money on nothing more than pre-election grandstanding. Could I ask Mr Hargreaves if he could give me an update on the community rooms for multi-unit housing complexes? Could he tell me whether Winnunga Nimmityjah have been provided with their mental health outreach workers, services that were promised pre-election? The government went to the election on that.

Ms Dundas talked about budget underspends. It goes back into consolidated revenue. Many promises were made—lovely commitments—but yet we have not seen this government deliver on all the promises; or it has taken so long to deliver, if at all.

Mental health has been talked about much in this place. I reiterate: I hope to see that that outreach worker position or two positions promised for Winnunga have been filled or are in the throes of being filled.

There is much rhetoric, much veneer and much band-aiding. The government might think it can fool some of the people some of the time, but, Mr Speaker, it will not fool most of the people most of the time.

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

Sitting suspended from 12.26 to 2.30 pm.

Questions without notice

Stamp duty

MR SMYTH: Mr Speaker, my question is to the Treasurer. Treasurer, on 20 August you asserted in this place:

Any talk of stamp duty, at whatever level, affecting the cost of housing and housing affordability presumes that the cost of housing on the market today is cost driven. Well, that is simply not so. As I said, it is market driven, and anyone who believes that it is not is delusional.

Mr Treasurer, by contrast, your colleague and factional mate the new federal Labor leader, Mark Latham, has called on the states and territories to cut stamp duty to make housing more affordable. Now that your federal leader has seen the light, when will you carry out his request to cut stamp duty?

MR QUINLAN: Far be it for me to criticise my federal leader, but he seems to be on the populist bandwagon. I am sorry about that. I still hold to my opinion that housing prices

in the ACT in August 2003 were market driven and anybody that thought they were not market driven in Canberra in August 2003 was delusional.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Just in case that wasn't emphatic enough: Treasurer, do you stand by your statement of 20 August or is Mark Latham delusional?

MR QUINLAN: I think I have answered that question, Mr Speaker.

East Timor

MR HARGREAVES: My question is to the Chief Minister. Can the Chief Minister advise the Assembly of the extent of the support that the ACT government has provided to the people of East Timor?

MR STANHOPE: Thank you, Mr Hargreaves. It is an important and timely question and it is appropriate that I advise the Assembly today of the nature of the assistance that the people of the ACT, through the ACT government, are providing to East Timor or Timor-Leste.

The road to nationhood for Timor, as we would all acknowledge, has been a long and often painful one. There have been a number of milestones along the road to independence—which was achieved in 2002—for Timor, one of which was the awarding of the Nobel Peace Prize to Dr Ramos Horta and Bishop Belo in 1996. Over the last year or two, there has been significant support from within the Canberra community and, indeed, from within the government, for developing a relationship with Timor and with Dili in particular.

The ACT government has been supporting the development of that relationship for the last two years. We have committed significant funds recently to the achievement by this newest of the world's nations to the establishment of an embassy here in Canberra, the national capital. We have done that by providing space in the old Griffith Primary School, in particular—office space for the ambassador and for his staff and, of course, other space that befits the actions and operations of an embassy.

It was my great pleasure this morning, to officiate with Dr Ramos Horta, the Timorese foreign minister and first minister, in the dedication and opening of the Timorese embassy in Canberra. Interestingly, Dr Ramos Horta indicated during the presentation that he made at the dedication this morning that this is the seventh embassy that Timor has now established around the world.

He also indicated in his speech—I think without a sense of anything other than pride—that each of the seven embassies that have now been established by Timor around the world, as the most newly emerged independent nation in the world, has been provided as an interim embassy by the host governments. The government of the ACT has continued that practice today by providing an interim embassy for the newly independent nation of Timor-Leste at the Griffith school.

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I have also announced today that the ACT government will continue the negotiations with the Dili district administrator and his office, which have been ongoing for some time now, about formalising a friendship relationship between the city of Canberra and the city of Dili. In discussions that the ACT government has had with the Canberra Friends of Dili, I have always put the position that it was important that a friendship relationship such as this be bound by community will and interest, that it be essentially a people-to-people relationship and that there be significant community support for the development of such a relationship.

That is the attitude that we have adopted with the Canberra Friends of Dili and, indeed, with the Dili district administrator. We have reached the position now where we are building on the signing of a memorandum of understanding between the Canberra Institute of Technology and the Dili Institute of Technology on cooperation, provision of educational opportunities and the building of capacity in Timor for the Timorese people as they move to rebuild their nation.

I have indicated today that I am hopeful that, with continuing community support and interest, and with the support of members of this Assembly, we will be in a position to formalise the friendship relationship between our two cities with the Dili district administrator by the middle of next year. I look forward to continuing to work with the ambassador for Timor here in the ACT, with the Canberra Friends of Dili and, indeed, with the Timorese people to continue to develop that relationship.

Bushfires—fuel reduction

MR PRATT: My question is addressed to the Minister for Police and Emergency Services. Minister, last week in the hearing into the Emergency Services annual reports I asked you and your senior departmental managers whether the Emergency Services Bureau, your senior bushfire prevention authority, had developed a list of the areas across the territory which it deemed to be priority areas for fuel reduction in preparation for this coming season. I was staggered to hear that they had not prepared a strategic priority list—that there was no document which might represent such a strategic list—and that ESB worked alongside land managers to agree to areas which might need attention.

Minister, have we not learnt anything from the January 2003 bushfire disaster? Do you think it is not a good idea for your supreme fire planning authority to place demands on land managers to meet obligatory targets in accordance with an ESB strategic risk analysis? Why have you disregarded McLeod recommendations 2, 3 and 4? Will you be taking up the recommendations of federal minister the Hon. Ian Macdonald, who is strongly recommending to land managers that all states and territories set such bushfire fuel reduction targets? I seek leave to table Mr Macdonald's media release which details that.

Leave granted.

MR WOOD: Mr Speaker, that is what we do. The responsibility is as land managers. There is a very comprehensive fire fuel management plan which gives the responsibility to the land managers. In fact, as I listened to your question, it seemed to me that the first part of your question did not match with the second part. In the first instance you were

saying that fire authorities should do this work and then you come back to Mr Macdonald, who says, "This is the responsibility of land managers."

Mr Smyth: No, targets are set by fire authorities. Where are your targets?

MR WOOD: No, it is really clear. We have a system where land managers are responsible. It is the case—and I think I had better explain this to you—that land managers have called on fire authorities—witness Oakey Hill—to expand on their knowledge of things and to give further advice. I think I launched this revised document in September last year. I might say that since the fires we have added an addendum to it. We have updated it. I think that by now, following the annual reports hearing, Mr Pratt would have got the detail of all those areas in Canberra that the land managers have determined are of very, very high risk. These are expert people, skilled people, and very competent land managers. If you look at that list, I would be very surprised if you could find anything you would question about it.

MR PRATT: Mr Speaker, I ask a supplementary question. Minister, have you abdicated governmental responsibility to land managers to determine priorities? Why have you not taken action already, with the fire season upon us now, in this regard?

MR WOOD: You put in these words like "abdicate". What a lot of nonsense. Basically, your supplementary question does no more than repeat your question. You have had your answer.

ACTPLA document

MRS DUNNE: My question is the Minister for Planning, Mr Corbell. Minister, at an Inner South neighbourhood planning meeting on 4 December, a member of the public attempted to circulate copies of an article from the *Canberra Times* of 29 November dealing with issues raised by a retired NCDC planner, Mr Phil O'Brien.

The person at the meeting was told by ACTPLA staff that Phil O'Brien was wrong and that he and those who distributed the article would be embarrassed if they circulated it; that the person circulating the article should instead read a letter—with your letterhead on it—which she was then handed, purporting to respond to the claims in the article; that if she proceeded to circulate the material she would be prosecuted; that she should sit down and cease distributing copies of the article, while ACTPLA staff instead circulated your response; and that Phil O'Brien was—forgive the unparliamentary language—just a "shit stirrer".

Minister, do you think it appropriate that members of the public should be browbeaten and slandered in this manner for having the temerity to disagree with your views in the course of the process of public consultation?

MR CORBELL: I am not aware that any of the language or words used by Mrs Dunne were used, and I am interested in how Mrs Dunne could substantiate her claim. However, I have every confidence, first of all, that the neighbourhood planning team conducts itself with members of the public in a professional and polite manner at all times, and I have absolute confidence that they often do so in circumstances that can be both difficult and contentious when talking about planning issues in the local area.

In relation to the material that Mrs Dunne claims is being circulated, I am aware that a document was circulated to that meeting. No attempt was made to prevent that document from being circulated, but it was made clear to the person who circulated the document that, because they were circulating it as an ACTPLA document—that is, it had the ACTPLA logo on it and had been altered to suit this person's perspective—it would be inappropriate for that person to continue to distribute a document which purported to be from ACTPLA when it was not. That was the point that was made to the individual.

Those are the circumstances as I understand them. It was made clear to the person that, if they continued to misrepresent—indeed, falsely use—the ACTPLA logo on a document that was not prepared by ACTPLA, they could face legal action. That is not unreasonable. People are entitled to put their views, but they are not entitled to put views claiming they are the views of an organisation that they are not in a position to represent.

MRS DUNNE: Minister, if these accusations were proved to be correct—and I seek permission to table a statement outlining the claims—

Leave not granted.

MRS DUNNE: I have a supplementary question. When it is demonstrated that these things happened, what action will you take to discipline the staff involved?

MR CORBELL: That is a hypothetical question, Mr Speaker, and I am not going to answer a hypothetical question.

North Gungahlin—woodland

MS TUCKER: My question is to the Minister for Planning, Mr Corbell. In the variation to the territory plan tabled yesterday it is claimed that the draft woodland strategy was taken into account in planning to go ahead with suburbs at Forde and Bonner. Last year I moved a motion to require the government to use the Territory Plan to give long-term protection to all areas of high and very high conservation value yellow box/red gum or grassy woodland and all natural temperate woodlands. The minister moved an amendment to the motion requiring that such long-term protection would apply only to “areas of yellow box/red gum grassy woodland and natural temperate grassland that are of sound ecological condition and relatively intact and connected with other similar areas of habitat for threatened species”.

Minister, as you would be aware, Mulligans Flat is such an area. Yet, in the variation tabled yesterday it is clear that because development at Forde and Bonner is going ahead, the management of this area will be severely compromised—the fire buffer zone needed next to the suburbs will necessarily mean that the ecological values take a back seat.

Minister, did you or ACTPLA ever seriously consider not proceeding with Forde and Bonner on the basis of the need to protect this high quality area of grassy woodland, with intact, endangered species, connected to similar areas of habitat; and if not, how are the conservation values in fact going to be protected?

MR CORBELL: Mr Speaker, the government has actually effectively eliminated the development of a whole suburb of north Gungahlin to do exactly what Ms Tucker asserts we are not doing. The government has effectively removed a whole suburb from the development of north and east Gungahlin to protect the woodland that Ms Tucker raises as an issue of concern. So the government has taken steps to address these issues. Altogether, the government has announced that an additional 1,000 hectares of yellow box/red gum grassy woodland will be protected, including a very significant area in east Gungahlin.

It is well recognised that Forde and Bonner and the other suburbs of north Gungahlin have been on the Territory Plan for a considerable period of time as residential. The structure plan, the variation to which I tabled in the Assembly yesterday, deals with the finetuning of the boundaries for those residential developments, along with location of community facilities, arterial roads, public transport, corridors and so forth.

The government did look closely at the range of issues around Mulligans Flat and we are confident that the protections already in place are sufficient to protect Mulligans Flat. Indeed, we are adding to the areas of yellow box/red gum grassy woodland protected in north Gungahlin by including that very significant area in the Gooroo location just to the east of Mulligans Flat.

So, Mr Speaker, the government does take this issue seriously and it has taken this on board in the draft variation which was unanimously recommended for adoption by the planning committee in its report earlier this year.

MS TUCKER: Mr Speaker, I ask a supplementary question. If you were going to go ahead with these suburbs, why did you not at least heed the recommendation in the joint paper by the Conservation Council of the South-East Region and Canberra, ACT Environment and ACTPLA on management of cats in these suburbs to protect the nearby endangered species and integrity of the woodland ecosystem?

MR CORBELL: Mr Speaker, as I understand it, that is not an issue for the territory plan to address. It is a management issue which will be addressed potentially in lease and development conditions for the individual blocks of land released in those suburbs. As Ms Tucker would be aware, that option is being considered further in relation to whether it is appropriate to have a requirement that residents in suburbs immediately adjacent to these nature reserves not keep domestic cats. It is not appropriate, as I am advised and as I can recall, to include that provision in the territory plan itself.

ACTION—assets

MR CORNWELL: My question without notice is directed to Mr Corbell in his capacity as minister for transport. The Auditor-General, in his Report No 10 of 2003 concerning financial audits for the year ending 30 June 2003, which I think was tabled yesterday, made the following finding:

ACTION's current assets, excluding cash intended to fund the acquisition of assets, are not sufficient to meet its current liabilities. ACTION will need to manage its expenditure carefully to meet these liabilities over the next 12 months.

Why has ACTION's financial management been so poor that its current assets are not sufficient to meet its current liabilities?

MR CORBELL: ACTION is not a government business enterprise that operates on a full profit basis. ACTION, a public transport or community benefit provider, has its budget supplemented by the government to provide a level of services. The issue that was raised by Mr Cornwell is not one that is of concern to the government simply because ACTION is not an entity that is designed to operate on a commercial basis and it is not required to make a profit. ACTION is operating within its budget and it meets the requirements that are set out in its contracting arrangements with the government. ACTION is working within its budget and it has done so for the past two to three years.

MR CORNWELL: Can the community be confident that the planned acquisition of new assets will proceed, given that the Auditor-General said that ACTION does not currently have sufficient assets to pay for those new acquisitions? Will the government deliver the planned acquisition of new assets—for example, buses and new equipment—given that the Auditor-General found there are insufficient assets to pay for those new acquisitions?

MR CORBELL: The government has supplemented ACTION's budget to enable it to buy new buses. The money is already available in ACTION's budget. That means that the government can buy those new buses.

Mr Cornwell: But you cannot meet your debts.

MR CORBELL: I do not believe Mr Cornwell knows what he is talking about.

Education—children with disabilities

MS DUNDAS: Mr Speaker, through you, my question is to the minister for education. Minister, what expert advice have you received that convinced you that the new SCAN process that is being used to assess support needs for children with disabilities in our schools will properly assess support needs for children with autism and related learning difficulties?

MS GALLAGHER: I thank Ms Dundas for the question. There was a great deal of work that went into putting together the student centred appraisal of need process which the government has been implementing in schools since mid-way through this year. I received extensive briefings from the experts that were involved in putting that package together, plus from representatives of the working group that were involved in putting that SCAN process together prior to it being implemented in the schools. It was a very thorough and thought-through process. I think it has been going very well.

We have had very high rates of participation in the process from parents completing all the assessments in the special schools and moving into the learning support units throughout the mainstream schools. It was always going to be a very difficult process to implement with the support of all the stakeholders involved, because it does relate to resourcing for students with disabilities. I think, from my experience in the disability sector, that has always made stakeholders in that process very nervous, because it has not usually been about increasing resources to the area. I was very conscious that there could

be some hiccups along the way with how that went. I have been kept well briefed by the department in terms of how the process has been going.

Ms Dundas, you have written to me about some of the privacy issues around the process, to which I have responded, I believe. I have signed a letter to you which has certainly taken on board the comments which that constituent made. We have increased the security and privacy arrangements for students going through that process.

I think it is also fair to say that we wanted to get this work done this year to assist in terms of decisions around the funding for students with disabilities as we enter a new budgetary process. The work previously hadn't been done to assess the need of students in the sector. While I think the number of students with disabilities was remaining fairly stable, with slight increases particularly around children with autism, the money that had been allocated for students with disabilities doesn't necessarily take into consideration the extra support needs that those students have.

It was very important to go through and individually assess each child around what they need to participate in their education rather than the need to address issues around their disability. I have said to people, as I have met with them during the year whilst this process has been implemented, that there would always be, I would imagine, some change to this process.

But it was very important that we got this work done and that the 1,800 were assessed within the time that I needed to consider any impact that this may have on allocations for students with disabilities. There was certainly a great deal of work that went into putting that package together, not only through the working group but from experts in the disability area who, from information I have been given, have put together a best-practice model in terms of assessing the needs for resourcing for students with disabilities in our schools. I should also say that we are working with the non-government schools to see how that process can be used to assess the needs in the non-government sector as well.

MR SPEAKER: A supplementary question, Ms Dundas?

MS DUNDAS: Minister, you mentioned the need to look at funding and how it is allocated and that is part of this process. How will parents be informed of the SDA points or the additional hours that their children will receive as a result of this SCAN assessment process?

MS GALLAGHER: I might take that on notice because I am not certain in terms of the information that is relayed to parents about the level of detail. There has been some concern about stigmatisation of some students in relation to how much detail you give about their resource needs. We don't want a situation where someone says that they are a 0.4 or a 0.8. I have sought advice from the department about that. A parent, a carer or a stakeholder might believe that if you answer questions in a certain way that will immediately give you such-and-such amount of points. There are some difficulties about that. I am happy to get back to you, but I don't know the outcome of that. We just need to be a bit sensitive about it, particularly in its first year.

Canberra Hospital—budget

MR STEFANIAK: My question without notice is directed to the Minister for Health. The Auditor-General, in his Report No 10 of 2003 concerning financial audits to the year ending 30 June 2003, made the following finding in relation to Canberra Hospital:

The Hospital, in exceeding its budget for Other expenses and Net Cost of Services, did not fully manage its operations to budget.

Why has the Canberra Hospital not been able to manage its operations within budget for the year 2003-04?

MR CORBELL: I am currently considering the Auditor-General's report in detail, as is the Department of Health. It would be fair to say that it would not surprise any member in this place that the management of the budget of the Canberra Hospital, which is a source of concern, is a recurring and complex task, as is the budget of any public hospital in Australia. I am confident that Canberra Hospital will continue to operate in a robust and rigorous financial management framework. This government is continually improving the financial management of that institution.

MR STEFANIAK: Did the Auditor-General not confirm what opposition members have been stating for months about that hospital blowing its budget?

MR CORBELL: This would not be the first time that the hospital has gone over its budget. The management of the budgets of public hospitals is an historic issue that has plagued every government since self-government. Public hospitals continually require budget supplementation. It is difficult to ensure that we have effective and robust financial management structures in place in institutions as complex as public hospitals.

However, I am confident that this government will continue to improve the hospital's financial management, accountability and governance. That will be an ongoing task for many ministers and governments in the future. This government has in place the right processes and people to effect the necessary changes.

University of Canberra

MRS BURKE: My question is directed to the Chief Minister, Mr Stanhope. I refer to the recent media comments—I think some 16, at the last count, from your Treasurer last Wednesday alone—and further comments only yesterday from Mr Quinlan during the economic white paper debate and all the rhetoric. For instance, there was the “leveraging of our intellectual assets”, “strengthening links between schools and industry”, “knowledge partnerships” and the “commercialisation of ideas”.

Chief Minister, against these commitments—which I assume these are—can you advise the Assembly of both the total number of University of Canberra Council members and, specifically, of these, the number appointed to the University Council by you, in your capacity as Chief Minister?

MR STANHOPE: I must say I do not know the precise number, Mr Speaker. I would have to go and do a count. I do not walk around keeping in my head the number of

council members, the number I have appointed or the number that are still there. I know two new very significant members of the Canberra community took up positions with the University of Canberra Council sometime in the last month, and I am sure that they are a very welcome addition to the Council of the University of Canberra. I have asked the department, I think in the last week or so, to pursue a further appointment. But, as to numbers, I honestly haven't got a clue.

MRS BURKE: Mr Speaker, I ask a supplementary question. Given that the Treasurer announced yesterday that, "This government has now got a genuine dialogue and relationship going with the educational institutions, not just cocktail parties, but we are generally working with them, we are on the same wavelength", can the Chief Minister advise us of the reasons why—I will give you the numbers—some 12 months after certain council members ended their term, only six out of a possible 10 members to be elected by you, to my understanding, have been so appointed? Is this your example of leading from the front perhaps, or, to quote your Treasurer yesterday, "We're doing the real stuff. We're doing the real thing"?

MR STANHOPE: I thank Mrs Burke for giving me the detail of the numbers. Six of the 10 positions appointable by the ACT government have now been appointed. And, as I indicated, I asked the department just in the last two weeks to process a further appointment. In relation to the others, there is a response by all universities throughout Australia, including the University of Canberra and the Australian National University, to the so-called federal reforms. I think, Mr Speaker, you would be aware, and I am sure members of the Assembly are aware—that is, other than members of the Liberal Party, who are not aware—

Mrs Dunne: It's Brendan Nelson's fault. Let's blame the Commonwealth!

MR STANHOPE: No, no, no. Just wait. As a result of the Commonwealth blackmail reforms to tertiary education, you would recall—if you actually followed this debate at all, and if you were not as lazy, incompetent and inept as you are—and you would be aware that the federal Liberal government tied some of its reform measures to tertiary education to reform of administrative arrangement and structures within universities and indeed reform, or a cutting, of the numbers of members of councils on all universities around Australia. It was one of the principles. It is a pity you do not know this, Mrs Burke. I do not know what you did when you were out there but it is obvious—

Mrs Burke: Mr Speaker, I raise a point of order. Could the minister please answer the question—why has he not appointed people that should have been appointed?

MR SPEAKER: I do not think there is a point of order. The Chief Minister is dealing with the issues around the council.

MR STANHOPE: And indeed it goes to the heart of the issue of vacancies at the University of Canberra and the issue of the council positions at the Australian National University. I have had discussions with both the Vice-Chancellor of the Australian National University and the Vice-Chancellor of the University of Canberra, and indeed the Chancellor—

Mrs Burke: But you don't know how many are on the council. Interesting.

MR STANHOPE: Just wait for it, Mrs Burke, so that we can have displayed the full level of your incompetence and lack of understanding of these basic issues being pursued by your federal colleagues. Just listen to it, so that you will understand how absurd and nonsensical your question was and the level of ignorance it displays. The federal government—that is, the federal Liberal government—has advised all universities around Australia that its latest batch of reforms are tied to a range of administrative reforms, which it is seeking to force on all universities around Australia, going to the nature and structure and size of their councils. And just wait for it: as a result of this, the Chancellor of the University of Canberra and the Vice-Chancellor of the University of Canberra asked to meet with me specifically to discuss membership of the council and specifically to put to me the danger of filling all the vacancies. They asked me not to rush to fill the vacancies at the University of Canberra.

Mrs Burke: That's not what I heard.

MR STANHOPE: Oh, so you have spoken to the Vice-Chancellor and Chancellor of the University of Canberra, and they have actually contradicted the advice they gave me about vacancies on the council, have they?

Mrs Burke: They said they had spoken to you recently. You must have forgotten.

MR STANHOPE: They have contradicted the advice that they gave me, have they? And I wonder, have you spoken to Professor Chubb, the Vice-Chancellor of the Australian National University? Has he contradicted the advice that he gave me about the significant issues facing universities when they come to decide which members of council they will have to remove as a result of the so-called reforms being foisted on universities by the federal government? And I might just say, Mr Speaker, as a result of the interjections, I will contact the Vice-Chancellor of the University of Canberra just to confirm that the advice that he has given Mrs Burke is inconsistent with the advice he gave me. If he has changed his mind since he spoke to me and he now puts a different position to Mrs Burke, well, I will take that up with the Vice-Chancellor and I will ask him why he is doing that, why he is actually going to the opposition and giving it different advice to the advice he is giving me.

Gaming machine legislation

MRS CROSS: Mr Speaker, my question is to the Chief Minister as the leader of the ACT parliamentary Labor Party. Chief Minister, it was reported on crikey.com yesterday that the ALP struck a preference deal with Greens MLA Kerrie Tucker in exchange for—

MR SPEAKER: Mrs Cross, that is not within the Chief Minister's administrative responsibilities, so I will have to rule the question out.

MRS CROSS: Whom do I ask the question of? It is directed to the leader of the parliamentary Labor Party.

MR SPEAKER: You can't ask the question.

MRS CROSS: Why not?

MR SPEAKER: Mrs Cross, let me explain. It is not within his administrative responsibilities to respond to questions about the Labor Party.

MRS CROSS: What about the Electoral Act?

Mr Stanhope: You'd be better off just withdrawing your press release and apologising.

MRS CROSS: No, I am not withdrawing anything.

MR SPEAKER: I will have to rule the question out.

Mrs Dunne: On a point of order, Mr Speaker: Mrs Cross hasn't asked the question, so I don't know how you can rule it out of order.

MR SPEAKER: Mrs Cross is asking a question of the Chief Minister about the Labor Party. The Chief Minister is not responsible for the Labor Party.

MRS CROSS: Actually, the question was to the ACT parliamentary Labor Party. I made that clear. I said "parliamentary".

Mr Wood: To speak to the point of order, Mr Speaker: it has been ruled in this place and in other places before that questions of that nature, of a party-political nature, are outside the province of the parliament or this Assembly. It is established.

MRS CROSS: It relates to the Electoral Act. I can't ask a question relating to the Electoral Act?

MR SPEAKER: You can ask a question of the minister who is responsible for the Electoral Act.

MRS CROSS: Then I would like to do that.

MR SPEAKER: You can ask your question again, but it shouldn't be in the same terms as it was earlier.

MRS CROSS: To the Chief Minister?

MR SPEAKER: Yes, you can ask a question of the Chief Minister.

MRS CROSS: Thank you. Chief Minister, have you or any member of your government, including staff, had discussions with Ms Tucker's office urging a vote against the political donations bill this afternoon? Is the report on crikey.com correct?

MR STANHOPE: To the extent that the question relates to legislation on the notice paper for debate today, I don't know whether I should canvass that at this stage, Mr Speaker. The question asked me to comment on a piece of legislation scheduled for debate today.

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MR SPEAKER: Answers are not allowed to anticipate business which is on the notice paper, so you can ignore that part of the question.

Mrs Dunne: On a point of order, Mr Speaker: the answer is not to anticipate debate, but I don't think there was anything in what Mrs Cross asked which would ask the Chief Minister to anticipate debate.

MR STANHOPE: Mr Speaker, I am happy to say that, yes, my office has had discussions—I think with members of the Liberal Party; with members of the Greens party; with members of the Democrats party—urging them not to vote for what we regard as a simply outrageous piece of legislation, a piece of self-serving legislation designed to give a battling Independent a little bit of focus or grip in the place 10 months out from an election. We also oppose the inherently bad principle being expressed through the legislation. We think it is unfair; we think it is probably unconstitutional; we think it is selective; we think it is self-serving; we think it is absurd; we think it is a nonsense; we think it is bad. And we have expressed views along those lines to the Liberal Party, I believe; to the Greens party; and to the Democrats.

Yes, Mrs Cross, I guess it is fair to say we have approached other people in this place and we have urged them not to support this absurd proposal that you have been propagating—the self-serving and incredibly hypocritical piece of legislation which seeks to ban donations from clubs to political parties, without actually of course going into any detail or depth about the other support that members receive; without addressing the issue about how somebody elected to this place as a Liberal and then, being expelled from that party, takes up a position as an Independent, elected on the basis of donations from clubs to the Liberal Party, elected on the basis of donations to the liberal Party from—

Mrs Burke: How much?

MR STANHOPE: I have actually got it here. Don't any Liberal in this place, don't any person who was elected to this place as a Liberal, stand up and moralise about where they received the support for their election campaigns. The Labor Party is not doing it, but don't any Liberal or any person elected to this place as a Liberal dare stand up, moralise and get self-righteous or get into their self-righteous pulpits about the nature of the funding which they received to support their elections.

You can have any view you want about whether or not we get dirt on our hands for getting elected on the basis of support from the Australian Hotels Association, Canberra Casino, clubs around town or companies that actually supply alcohol—

Mr Smyth: Oh, titchy!

MR STANHOPE: I am not titchy about it at all; I am just honest about it. We will stand and we will acknowledge the basis on which we seek and accept funds, and we are not apologetic about it; we don't feel the need to apologise. But we are certainly not hypocritical about it, and we are not going to express the sort of hypocrisy that you will in relation to your supposed support for this particular piece of legislation—of course, the gross hypocrisy of somebody who was elected as a Liberal, on the basis of all those funding sources, to stand here now, more holier than thou.

I must say, going to the point of the press release, the press release is one of the most offensive press releases I have seen from a member of this place, alleging that people in this place have accepted bribes—that is the word used—for their vote—

Mrs Dunne: On a point of order, Mr Speaker, under standing order 118 (b): the Chief Minister seems to be debating the issue fairly significantly now. There was no mention in the question of any press release. Why is he ranging so widely, except of course because of a certain amount of sensitivity from the Chief Minister?

MR SPEAKER: The Chief Minister has concluded, because the five minutes is up. A supplementary question, Mrs Cross?

MRS CROSS: Thank you, Mr Speaker. Chief Minister, are you concerned that the potential for poker machine profits to be the subject of political deals undermines the ethics of elected representatives and brings the Assembly into disrepute?

MR SPEAKER: That is asking for an opinion.

MR STANHOPE: My opinion is no.

MR SPEAKER: The question is out of order anyway.

Homelessness

MS MacDONALD: My question is to the Minister for Disability, Housing and Community Services, Mr Wood. Minister, last week I had the pleasure of opening a new accommodation service for young women from Aboriginal and Torres Strait Islander backgrounds. It is called Dyiramal Migay. I was particularly pleased to do this as it is another example of the way in which this government is committed to finding solutions to homelessness. It is a priority issue for the government.

This new service also recognises the need for culturally appropriate services as an important step towards tackling homelessness among Aboriginal and Torres Strait Islander people. Minister, exactly how is this service going to help these young women?

MR WOOD: You wanted specifics but, in the broad sense, it is going to do it very well. It provides for supported accommodation for six young Aboriginal or Torres Strait Islander women who are homeless or at risk of that. It is a significant undertaking, receiving \$337,000 in a year. We are contributing most of that, through SAAP. Aboriginal Hostels is providing around \$64,000 to the service. What is significant about this is that Winnunga Nimmityjah is now the first Aboriginal and Torres Strait Islander SAAP provider in the ACT.

As well as working towards supporting residents who are establishing sustainable long-term accommodation options, the service will provide a range of supports for young women, all those extras that are really essential to any such service. This includes support on matters such as health, education, identity and enhancing family and social relationships.

Winnunga has worked closely with the department to get this service up and running—and we have other relationships with Winnunga, such as the one concerned with Aboriginal tenants. Winnunga has consulted extensively in the development of this model, and the result is the service now provided down in Tuggeranong. It is a six-bedroomed family house owned by ACT Housing and specifically modified for this service by ACT Housing.

To the real point of your question: the support is based on a house parent model, with workers and a live-in family. Young women supported by the service have the opportunity to live in a family environment that reflects the cultural values of Aboriginal or Torres Strait Islander communities. It is that nature of support, that ability to relate to the people who are looking after you, that I think it so important.

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

Supplementary answers to questions without notice Wells Station estate

MR CORBELL: In question time yesterday Mrs Dunne asked me a question in relation to the ballot for the Wells Station estate. She asked, “Does the alpha system outlined on the leased plans indicate that the subdivision was not approved before it was put up for ballot?” I can inform Mrs Dunne and members that the implementation plan for the estate has been endorsed by all relevant government agencies other than for two minor issues that do not relate to stage 1A of the estate, the area that was balloted on Sunday. The development application for the estate has been lodged with ACTPLA.

Mrs Dunne’s supplementary question was, “Will the minister ensure that the blocks legally exist and are we going to see legislative amendments?” The answer is that blocks do not legally exist until the subdivision is physically constructed and services provided, at which time a survey can be undertaken and the blocks identified on a deposited plan. This is standard practice. The contracts of sale with prospective purchasers clearly identify that the blocks are subject to survey.

Vehicle registration fees

MR WOOD: On 27 November, Ms Dundas asked this supplementary question:

When looking at the impact of surcharges we also looked at the administration fees on phone and internet transactions. Can the minister inform the Assembly where that part of the review is up to?

As outlined in my earlier comments on the issue of the short-term surcharge for vehicle registrations, I agree with Ms Dundas that the reduced \$10 surcharge be extended to pensioners and gold card holders. Allowing for the Christmas break, this change is expected to be implemented on 27 January. I will be making a media statement shortly.

The issue of the appropriate surcharge for phone and internet payments needs some further consideration. The ACT Road Transport Authority’s new computer system, rego.act, is now at a stage where further amendments can be accommodated. For example, a new website to allow payments direct to rego.act has only recently been

implemented. The further extension of concession or discounts for paying online will have some technical, administrative and financial implications, and we will consider this issue in the context of the 2004-05 budget.

Bus stops

MR CORBELL (Minister for Health and Minister for Planning) (3.22): In the adjournment debate yesterday Mr Cornwell asked me a question about a bus stop outside No 36 Mulley Street in Holder. I indicated to Mr Cornwell yesterday that the bus stop had been constructed without the approval of the relevant government agency.

I can now confirm that that is the case. The relevant government agency did not give its approval for the construction of the new bus pad opposite 36 Mulley Street. Work has been stopped on that bus pad, and it will be removed. There will be no change to the bus stop adjacent to No 36 Mulley Street and my office has informed the residents of No 36 Mulley Street of this.

Personal explanations

MS TUCKER: I would like to make a personal explanation under standing order 46. I need to correct a misrepresentation by Mrs Cross about my office and my position on Mrs Cross' gambling bill. The media release she put out basically said that I decided to vote in a particular way in exchange for preferences. This is quite a serious allegation, implying corruption of a serious nature. I put on the record that there is no basis in fact for that allegation. It is bizarre and ridiculous. Most people in this place would know that I don't do deals across issues. I put on the record that I regret that Mrs Cross chose to make that statement without even asking me.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): I seek leave to make a personal explanation on the same matter. I endorse the comments made by Ms Tucker. The matter involved the use of the word "bribery". I think that Ms Tucker—

MR SPEAKER: The Chief Minister will stick to the personal nature of the issue.

MR STANHOPE: On my own behalf and on behalf of the Labor Party, I take the same umbrage at the suggestion that we have voted in this place on the basis of a political deal in relation to matters outside this place. I categorically deny it, on behalf of the government and on behalf of the Labor Party. I take serious personal offence at the suggestion that I have been engaged in bribery—and that was the word that was used—for personal or party political reasons, on a vote to be taken in this place. I think it's a highly actionable defamation and I take it seriously. I am genuinely offended by it.

Government services in suburban Canberra

Debate resumed.

MR HARGREAVES (3.26), in reply: In closing the debate I thank members for their comments, constructive and otherwise. I urge members to note the words of the motion. They are that the Assembly notes the importance of government services in suburban

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Canberra. Members' comments fell into two parts. First, the comments from the Opposition were a struggle for relevance. Second, the crossbench seemed to address the global and big picture. The motion does not congratulate the government; it notes an area of policy need—services in the suburbs.

I am pleased to have spent some time on private members day talking about suburban Canberra. It makes a pleasant change from the usual array of redneck rubbish that we get from the opposition. Mr Cornwell wants to lock up everyone under 18—tough on fun, tough on the causes of fun. That's what the people who speak to me say about Mr Cornwell. On the other hand, Mr Stefaniak just wants to lock everybody up and chuck away the key. As for Mrs Burke, there's truth in every cliché. Today is the first day of the rest of your life, and if you can't beat them, join them, but always remember that laughter is the best medicine. I thank Mrs Burke for the laughter that I enjoyed while she was speaking.

Mr Cornwell seems besotted with graffiti and social issues, such as preventing all of our citizens from suffering discrimination. Graffiti is a scourge worldwide and it's a challenge for all of us. I acknowledge this is a significant problem and one that we struggle with. Mrs Dunne congratulated the government for doing important things in the community but claimed that they were started by the Liberals. If this was so, why were they flogged at the ballot box? She says that the items I listed were core business. I agree. The previous government missed this point. They were very poor at core business because they were focused on big picture items—and weren't they successful ones for the Canberra community? How about the gross overspending on the then Bruce Stadium or the shonky land deal at Kinlyside? They didn't know the difference between a lease and a block. How about the Futsal slab debacle? How about the expensive self-entertaining V8 car race? How about the Fujitsu deal, which cost us many thousands of dollars? Mr Pratt rattled off a list of streets in Brindabella suffering from long grass or burnouts.

Mr Pratt: Now, yes.

MR HARGREAVES: Yes. Mr Pratt relocated Jackie Howe Crescent from Macarthur to Gilmore, showing that if you don't live in the electorate, you run the risk of not knowing your electorate. What a shameful display of ignorance that was. For Mr Pratt's information, the police take burnouts very seriously and every time—

Mr Pratt: It's in Macarthur, John.

MR HARGREAVES: I'm glad Mr Pratt tells me that Jackie Howe Crescent is in Macarthur. That means Mr Pratt was listening to my interjection when I told him it was. For Mr Pratt's information, the police take burnouts very seriously and every time I have asked for assistance in this regard action has ensued. Perhaps he should share his information with the police, but he should at least get the suburbs right when he does it. Mr Pratt is into scaremongering. He talks about "youth gangs in Red Hill". It is frightening stuff. Again, if he has information about gangs—"gangs", plural—in any suburb, he should be talking to the police, not scaring the public through the privileges of this place. I note where his priorities lay through his insightful statement, "Rubbish doesn't do a damn for property values." Unsightly yards are a problem in society but I wonder whether his real agenda is not about community but about making money.

Mrs Burke talked at length about using up valuable Assembly time talking about services to the people. Maybe we are here to use up valuable time talking about services to the people. She obviously doesn't think that telling people about the priority a government has for suburban services is a valuable use of Assembly time. She also claimed the Liberals were excellent financial managers. What about the overnight loan which despatched the Liberal Chief Minister, or the overnight loan that raised Mr Smyth to the leadership—Mr 40 per cent over here?

MR SPEAKER: Order! Mr Hargreaves will direct his comments through the Chair. Members of the opposition will remain silent.

MR HARGREAVES: How about the misjudgments over the private injection of funds into Bruce Stadium? That was a good one. How about the loss in the V8 car race? How about that intellectually giant decision about painting grass green, and what about the Fujitsu debacle? That's going to live on in the memories of time. I don't think Ms Tucker read the motion that well. She talked about global Canberra community issues and quoted from an author on community development. But the motion was about basic community services, not about global issues. I take the points she makes quite well but I was talking more about basic issues than the global.

Ms Dundas began by missing the suburban bit altogether, but she got to it eventually. Her comments about crime prevention programs are well taken but I would argue that Operation Anchorage and Operate Halite were just that. She wants the proceeds of pay parking to go towards transport issues and getting people out of their cars and onto buses. This shows a lack of understanding of government financial arrangements. Governments do not as a general rule hypothecate revenue into programs. Consolidated revenue is boosted by revenue and the programs are funded from that same source. She ought to know, being here for two years, that governments do not raise charges and then hypothecate them. She talked about engaging the community in planning issues. The truth is that a minority engage in them and the vast majority of the community just don't. Draft variation 200 is a perfect example. Only a miniscule percentage of Canberra's community took the time, given two opportunities to do so, to give the Standing Committee on Planning and Environment their views.

Mrs Cross didn't engage in the debate. Nothing more needs be said. However, comments have occasionally been made to me about services to the long-term disabled who have been unemployed for ages and need rehabilitation. As Mr Speaker was steward of this service for many moons, he will know we have a vocational rehabilitation section within the rehabilitation section of the hospital. That section gives people activities of daily living skills and vocational skills and assists them in getting employment. It has the brilliant disabled driver program, which enables people to get out and about and seek the jobs that they want. I remember that Mr Speaker was steward of the Department of Health at the time that service commenced. People in the community need to know that that sort of thing is at the front of the government's mind.

I ask that members note the government's need to have a high priority view of basic services and not get lost in grand vision. There must be room for both. This government has displayed both, and I'm pleased to be able to advise the community of the priority

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that this Stanhope government—and the next—brings to the governance of this town. I commend the motion to the Assembly.

Question resolved in the affirmative.

Corrections Reform Amendment Bill 2003

Debate resumed from 25 June 2003, on motion by **Mr Smyth**:

That this bill be agreed to in principle.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.36): In the government's view this bill is a piecemeal approach to law reform and is inconsistent with the policy of access to justice. The government is serious about addressing issues that make people vulnerable to involvement in the criminal justice system and mid last year initiated a complete review into sentencing. I reiterate the government's commitment to address the underlying causes of criminal behaviour and to examine existing law and programs with a view to improving their ability to deal effectively with offending behaviour.

An issues paper on sentencing was released last September by the review committee and has been followed up by an issues paper examining the use of restorative justice and victim offender conferencing in the territory. Submissions from the public and key stakeholders have been sought and received. Wide community consultation has taken place and continues to take place. The government has chosen to focus on whether existing sentencing law and programs can be improved to achieve outcomes from sentencing that deal effectively with offending behaviour, reflect legitimate community expectations, and address the causes of crime. The government is currently drafting a complete sentencing reform package. The reforms include a consolidation of sentencing legislation, the introduction of additional sentencing options, strengthening of breach procedures, and a general overhaul of current legislation.

Reforms proposed under the sentencing review include the consolidation of relevant legislation into two statutes, one dealing with sentencing principles and policy, the other dealing with the administration of sentences; improvements to breach procedures for all types of sentences; provision for greater flexibility in existing sentencing options available to maximise sentence effectiveness; introduction of new sentencing options, including a comprehensive review of restorative justice processes; improvement to provisions relating to victim impact statements; improvement to provisions relating to presentence reports; and improvement to provisions relating to parole orders. The introduction of non-association and place restriction orders, the combining of sentencing options on individual charges, and the extension of the Sentence Administration Board's functions to periodic and home detention orders have been recommended as part of the sentencing review. A reform package of legislation will be introduced into the Assembly early in the new year.

As I said, in the view of the government this bill is a piecemeal approach to law reform. It's inconsistent with the policy of access to justice, and I now touch on a number of elements in that regard. First, the bill refers to nine different pieces of legislation. There are 12 different acts and several more subordinate laws dealing with both sentencing and

the administration of sentences imposed in the ACT. This diversity of sources results in a failure to provide easily accessible references to the principles and procedures of sentencing and the consequent risk of error in sentencing decisions. It's difficult to ensure a consistent approach to complex issues across such a large number of statutes.

The proposal that I'll be introducing to address this is to consolidate existing legislation into two acts and to provide opportunities to ensure that the community not only has easy access to all the sentencing legislation, but also has an improved understanding of the legislation generally. It will be a much more sensible and effective approach to take into consideration the proposals contained in this bill as part of the sentencing review, and this is what has occurred. This enables proper community consultation. It's vital that key stakeholders in the broader community properly consider any significant change to the criminal law. The approach that has been adopted and continues to be adopted by my government ensures that there is adequate opportunity for the community to express its views on the proposed reforms.

A number of Mr Smyth's proposals also fail to comprehensively address the issues raised and don't address other related issues. For example, paragraph (c) of proposed section 338(1) refers to enabling the provision of rehabilitation programs, and paragraph (d) refers to the establishment of a framework for the delivery of custodial and other corrections programs. The bill doesn't do either of those things, presumably leaving it to be done separately by other legislation. Some of the proposals in Mr Smyth's bill simply restate the existing law. For example, the explanatory statement for proposed section 366A of the Crimes Act acknowledges that it only acts as a reminder of the existing laws. Courts already have the power to direct that periods of supervision ordered by ACT Corrective Services under sections 402 or 403 of the Crimes Act be terminated if appropriate.

Proposed section 28E of the Rehabilitation of Offenders (Interim) Act 2001 creates a criminal offence of contravention of a non-association or place restriction order. Paragraph (a) of proposed section 28E (2) provides that an offender associating unintentionally with a person in contravention of a non-association order where the offender immediately ends the association is not guilty of an offence. This is already the position at law in accordance with the principles of criminal responsibility applicable to breaches of court orders—that is, no intent equals no breach. Paragraph (b) of proposed section 28E(2), which allows a defence of reasonable excuse for the contravention of a non-association or place restriction order, is also inconsistent with concepts of criminal law relating to these types of orders and has the potential of undermining the sentencing court by allowing these court orders to be breached if the offender has what is shown to be a reasonable excuse.

Contrary to what is stated in the explanatory statement, the bill would also create very significant financial consequences. The Sentence Administration Board would require additional support and the requirement under proposed section 97A of the Rehabilitation of Offenders (Interim) Act 2001 for every sentenced offender to be appointed by the Director of Corrective Services in writing a case manager would have a very significant resource impact. The current definition of "sentenced offender" in the dictionary to the Rehabilitation of Offenders (Interim) Act 2001 includes a person convicted or found guilty of an offence by a court, sentenced for an offence, and includes a parolee. This requirement for the appointment of a case manager would include people who are fined

or sentenced to the rising of the court. It is the view of the government that that wide and far-reaching provision is unnecessary.

In addition, proposed sections 28A to 28H of the Rehabilitation of Offenders (Interim) Act 2001 which deal with non-association and place restriction orders require much more thought, and the types of orders proposed by the bill are being considered in the context of a sentencing review proposal to introduce new sentencing options. The purpose of the bill does not appear to have been thought through and certainly these options haven't been properly explored. For example, the exclusion of the family from a non-association order will be inconsistent with good practice. If the offender were convicted of incest it might well be more than appropriate for a non-association order to be made in respect of the victim. The same may be true of offenders convicted of other sexual or violent offences.

The Sentence Administration Board's present functions are principally with respect to the administration of people sentenced to periods of imprisonment in the territory. The bill extends this to all sentences if the sentencing court thinks this is appropriate and will allow the board to vary, revoke or impose additional penalties as directed. It's the view of the government that this is an inappropriate function for the board. This capacity is already available to the sentencing court as well as a number of more appropriate methods such as structuring sentences in such a way as to allow corrective services to terminate supervision earlier than mandated, remanding matters part-heard for sentence and deferring sentence on all charges to some later date to allow rehabilitation opportunities.

The government won't be supporting the bill. The government's view is that the extensive process that it has engaged in for over a year will lead to ultimately far better sentencing outcomes for the territory. As I indicated, we will be introducing legislation in a few months time that seeks to consolidate the 12 existing pieces of legislation into two. That will provide a much more rigorous approach to sentencing, will streamline and simplify the legislation, make it much more readily accessible and more easily understood by the community, make it easier for the courts to utilise and for the Sentence Administration Board to carry out its functions and responsibilities.

We acknowledge that some of the issues Mr Smyth raises are commonsense proposals, and will be reflected in the legislative package the government will bring down in a few months time. I am not saying that all of the proposals that Mr Smyth deals with here should be dismissed. Indeed, the government is supportive of some of the ideas and some of the positions being put. Our essential contention is that there are issues with which we don't agree and there are issues that can't be sustained. The government is involved in a rigorous sentencing review process. We propose to repeal all of the legislation Mr Smyth today seeks to amend, and we propose a far more rigorous and modern approach to sentencing in the ACT. It's the view of the government that if Mr Smyth wishes to pursue some of the initiatives or ideas that he's pursuing through this bill, it would be much better done when the government introduces its major, modern new sentencing legislation. As I say, this will be done in a couple of months time following over a year of detailed consultation by our sentencing review committee with all stakeholders and with the community on these very important issues.

This is one of those areas where the government has a process in place. It's well advanced and deeply consultative, and the stakeholders have been engaged at every step of the way. To pass this bill would be bad law-making. There are matters that Mr Smyth raises with which we don't disagree, but the process is wrong and inefficient. A better process will result in far better outcomes, far better law, a much more streamlined, sensible, open, opaque and workable system of sentencing in the ACT. I urge members not to support these proposals today and to look at the package that the government will be bringing down. Then some of the issues raised by Mr Smyth, and which will be pursued by the government, can be debated in full.

MS DUNDAS (3.47): My first reaction to seeing a piece of legislation called Corrections Reform and moved by the Leader of the Opposition was here we go again, more of the lock-them-up, throw-away-the-key kind of debate that we've seen from the Liberals recently, and which would fit in with the other legislation that has been put forward. Two weeks ago I said that if we were seriously looking to debate law and order, we would be looking at legislation that provided a greater emphasis on prevention and rehabilitation, not legislation that simply seeks to increase the prison population. So, I was pleased to see, on closer consideration, that this legislation provides alternatives to incarceration and has an emphasis on getting people out of the criminal system. These are welcome steps from Mr Smyth and a genuine attempt to prevent re-offending.

Paragraph (c) of proposed section 338 (1) of the bill puts rehabilitation in combination with community-based programs and also recognises that offenders are not all the same. Sentences are to take into account the distinct needs of men and women of different ages and cultures, ethnicity and other factors. That doesn't go far enough and if we go to the in-detail stage I will move amendments to include a recognition of mental illness and an express recognition of the needs of indigenous offenders, who are chronically overrepresented in our criminal justice system. I like Mr Smyth's proposal to appoint case managers to sentenced offenders. This is a significant step and for the first time it looks at having offenders tracked through the system and we can look at their experiences. However, I have concerns about the effectiveness of these caseworkers. If this legislation is to pass, I hope the government does not let sentencing caseworkers fall the way of legal aid—which is underfunded, underresourced and overworked—and be unable to do their jobs to their full effectiveness. If sentencing reform is to work properly it needs to be fully supported and funded all the way.

I would like to respond to some points that the Attorney made when talking about the process that the government already has in train. I'm disappointed to say we've heard this before—that a review is going on and we're going to see some action soon—but we haven't seen any movement. The Chief Minister said he is supportive of some of the ideas but he then put forward his own platform for reform—which the Assembly has not seen yet. Therefore, I would prefer to see this debate adjourned at the in-principle stage so that we have time to make amendments or we have the government's legislation so we can make a comparison and choose the good bits of both.

I hope the Attorney is listening to today's debate about corrections reform. We've had a lot of debate before in the Assembly about law and order and crime and punishment, but it has not focussed on corrections reform. If the government is serious about corrections reform and if it has consulted widely and is going to put forward a new agenda, it should be listening to this debate with interest and picking up some of the

ideas put forward by the opposition. I hope the Chief Minister takes on board some of the things that are being said in today's debate. When he looks into the sentencing of people with distinct needs, I hope he includes the recognition of mental illness and the specific recognition of indigenous offenders and makes sure that there is funding for sentencing caseworkers so they don't go the way of legal aid.

I note the concerns that Mr Smyth raised in his opening remarks about the need for a prison in the ACT for his reforms to work properly. I have concerns about the type of correction legislation and policy we have, because when and if a prison is built in the ACT that will dictate what sort of prison we have. I hope the Chief Minister will put forward his corrections reform in a timely way so we have time to fully consider it and debate it before we have the debate about what kind of prison we're having. These things need to happen in tandem and we can't put—to use the old saying—the cart before the horse. The more options we give to magistrates and judges, the better outcomes we may achieve in trying to rehabilitate offenders. This is an important part of the legislation put forward today. Magistrates and judges are not restricted or compelled to set certain sentences but are given a range of options and examples that would allow sentences to be tailored to individuals rather than a one-size-fits-all criminal justice approach. Again, I hope this is something that the Chief Minister is carefully examining with his legislation.

This bill is not 100 per cent perfect, but it is a significant step forward and gives us the opportunity to improve sentencing. Hopefully, it will reduce the ACT criminal population and give us a framework to debate worthwhile improvements and rehabilitation programs. After the government's current trial of circle sentencing, we could even include that in the sentencing options in the legislation. Given that the government is opposing this bill, I don't think it will get past the in-principle debate today. I hope the government looks at all the things that have been put forward today—by this bill and in the debate—and includes them in its legislation. I am disappointed that the government is just trying to shut down this debate and is not giving us the opportunity to move amendments to try to improve the legislation. I hope that early next year means early next year, and we see the government's ideas for corrections reform as soon as possible, so we can actually move forward with corrections reform and put the emphasis on prevention and rehabilitation.

MS TUCKER (3.54): This bill is intended to be a step towards a more responsive system of sentencing and I will be supporting it in principle. I thought it was going to be adjourned, although Ms Dundas doesn't seem to think it is.

Ms Dundas: No, I thought it was going to go down. If it's adjourned, that's even better.

MS TUCKER: I thought we were going to adjourn it. Anyway, hopefully it will be adjourned. It depends on Mrs Cross, because the opposition wants it to be adjourned too. I would prefer to adjourn debate after the in-principle stage, so that the details can be finessed. I understand Mr Smyth's office has had some feedback with suggested changes and that it is happy to adjourn at that point. There are some positive changes here and some I have concerns about. The government is currently working through a sentencing review process. The discussion paper doesn't go into enough detail to see whether that work will cover or is covering the same issues that are in this bill. Nonetheless, I'm interested to hear from the government where its process is up to. I would prefer to

consider the details of this bill in that context and after more discussion with community members with experience in this area.

The essence of the bill is to introduce a legislated option for courts to impose a stepwise sentence as an alternative to a straight term of imprisonment. There are several penalty options. The list includes a periodic detention order under the Periodic Detention Act, a home detention order, a community service order, a place restriction order, a non-association order, a conditional release order or a fine. However, paragraph (a) of proposed section 366B also includes an order sentencing the offender to full-time imprisonment, including provisions for parole and any non-parole period. I want to be clear that this provision won't create strict non-release periods.

This bill also establishes an overall statement on the objects of corrections legislation. For years ACTCOSS has called for an overarching corrections framework. The objects listed in the bill, while not complete, are a start. It's difficult to speak about safe imprisonment, and there would be more objects to the corrections system. Judging rehabilitation is another tricky issue. Has it worked? What is it? I am pleased Mr Smyth has brought this matter forward. It is important that measures other than throwing people into prison are discussed in the community and that politicians supportive of this kind of measure are out there explaining how and why rehabilitation and restorative justice are not being soft on crime. This kind of work—supporting marginalised and abused people who have had no other way of life to find their humanity and make changes in their lives, and providing support that people may never have had—is what will reduce crime and make society safer for all of us.

I'm a bit concerned about the possibility for this system to become a second punishment for people who are not doing well in a brutalising prison environment. What will the impact be on indigenous people, who form a disproportionately large and distinct group among people held in prisons? The key to rehabilitation has to be that people get the services and support they need. Statistics on the amount of abuse, alcohol and drug dependence and mental illness suffered by people in prisons are horrendous. This is one of the reasons for looking at how we deal with offenders. It represents damage and a failure of society. We need to look at the workload. Do supreme courts have to see people two or three times? The extra trips and the extra rehabilitation services are not built into the system at the moment. We need to look at quite a few issues. I want to be clear that in any sentencing system we need to look specifically at indigenous prisoners and not further alienate them.

The bill sets up a system that courts make up-front suggestions about staged sentences to be administered by the Sentence Administration Board. This is an interesting suggestion. Much of what is successful in restorative justice—which clearly this is not—is about paying attention to the needs of the person who has committed the offence. Flexibility and review are part of that and could be part of a better prison system. While the government has put a case for voting down this legislation today, I think it's worth holding over and to look at it in detail in the context of the government's revamped system. There may well be useful parts in here that could be incorporated into the new system. I understand Mr Smyth has been working on this for a long time, in consultation with at least some stakeholders. It is not a last-minute attempt to grab territory that the government is working on. It's a genuine attempt to deal with the issues, and I commend him.

MRS CROSS (3.59): I commend Mr Smyth on such a positive attempt to reform our sentencing and corrections systems. This legislation is relatively innovative and is a genuine attempt to reform criminals into people who can cope adequately within the bounds and rules of society. It is my understanding that this bill is not seeking to reform violent criminals or criminals considered to have no chance of rehabilitation. Rather, this bill is seeking to reform middle-range criminals, such as those who involve themselves in crime in order to feed an addiction. It seeks to break the criminal cycle and provide the tools to the criminal to operate and cope within the bounds of society. The key element of this bill in my eyes is the increased scope of sentencing judges. This bill inserts new divisions 15.1A and 15.3 into the Crimes Act 1900, one, to simplify and streamline the capacity of the courts to craft innovative sentences using all available options, and, two, to allow for changes to the penalties being served during the term of the sentence. These are genuine attempts at sentencing reform and should be applauded.

How this would work is that a judge can mix and match sentences, so to speak, in order to achieve the best outcome for the criminal whilst still ensuring the criminal pays his debt to society. The burden then falls on the criminal as to how he approaches the sentence. For example, Joe Citizen may be charged with theft and sentenced to six years imprisonment with a non-parole period of four years based on the prisoner's involvement in a number of programs. At the moment criminals need only behave well in prison to achieve parole. This bill will ensure that the prisoner has the option to hasten his release. It must be remembered though that it is the prisoner's choice. No-one can force the prisoner, or these reforms won't work.

If Joe Citizen decides to partake in, say, a drug treatment program and his or her case manager is satisfied with the progress he or she has made, Joe Citizen may be eligible for early release. The order might then be that he has to serve the rest of his sentence in community service or through home detention. Giving the option to the prisoner ensures they must genuinely seek reform. You can't reform someone if they don't want to be reformed. This is the key point. Someone can only be reformed if they want to be reformed. Drug treatment and anger management programs don't work if the prisoner doesn't want to partake in them. This bill seeks to help only those who want to help themselves.

Another positive aspect of this bill is the creation of a case manager. This is important as it allows for one person to monitor the progress of a prisoner. This should ensure prisoners don't just feel like a number. When prisoners feel like a number they are discouraged from reforming because they feel they won't be rewarded. This bill changes that. Finally, the creation of two new penalties—place restriction orders and non-association orders—is yet another step in the right direction. The more sentencing options available to a judge the better crafted the sentence can be and the more individually focused it can be. This bill is a positive start to sentencing reform in the ACT and thus has my support.

It's also my understanding that these reforms cannot be fully or properly implemented until the ACT has its own prison. I'm not sure when this will be. Perhaps the Treasurer or the Attorney-General can tell the Assembly at some point. It is also my understanding that it is the government's intention to release its sentencing package in early 2004. I hope the government will build upon this legislation and if this bill is defeated takes the

positive aspects of the bill and incorporates them into its sentencing reforms. I support the Corrections Reform Amendment Bill 2003.

MR STEFANIAK (4.03): I'm delighted to hear the crossbenchers supporting this bill at the in-principle stage, after which I understand debate will be adjourned. I commend my colleague for bringing it on. I agree with the Chief Minister in principle on one thing: if his package is consolidating about 12 acts into two, that is a very positive step. I don't know when he is going to bring in his package and I think there will be some big gaps in it. So it is somewhat ironic that whilst he praises aspects of Mr Smyth's bill he seems to want to kill it off now. That is a pity because there will probably be some considerable gaps in what Mr Stanhope is doing. About a month or two ago the Chief Minister put out a release about some of the aspects that will be in his bill, and in another debate I said that about 20 per cent to 25 per cent of the things needed in a full sentencing package were mentioned there. In that debate I said there was no mention of improved sentences prior to the rehabilitation stage and that the bill contained probably about 50 per cent of the total package needed.

There are a number of aspects to this bill. First, it ensures that police are adequately resourced to catch people and to put them before the courts. The second part of the equation is ensuring that if they are found guilty, adequate and proper sentencing in accordance with what the community expects is handed down by the court. That is an important part, too, of any total sentencing package. Once a person is sentenced, a wide range of sentencing options is available to a court. Mr Smyth has reinstated those with a couple of additional options which are very sensible and which have been used in New South Wales since 1999. They are place restriction orders and non-association orders.

Once someone is in prison, it is terribly important that proper steps are taken to ensure they are rehabilitated as much as possible and that they are sent out of the system better than when they came in. Mr Smyth's bill enables that to happen. Mrs Cross spoke quite eloquently of prisoners having the opportunity to assist themselves if they want to. Mr Smyth's bill does that. The bill will enable incentives to be given and changes to be made if a prisoner is going well, and that will be reflected in the total sentence. With imprisonment, invariably there will be a non-parole period and a parole period when the prisoner is at large. Currently there can be some mix and matches of penalties, and Mr Smyth provides for that in his bill and gives examples. I doubt very much that anyone would be sentenced to six years for stealing things, but if someone was sentenced to six years imprisonment for some heinous offence and received a two-year or three-year non-parole period, the bill provides a range of options and incentives that advance the criminal law. That is a highlight of this bill.

I sometimes talk to people who have been in jail, or to families of people who have been in the prison system. One of the complaints is that there isn't much help when they get out and that our parole system needs to be improved. It might simply be a phone call once a month to a prisoner. Not long ago a bloke was complaining to me that there was very little follow-up. He had some significant mental health problems as well. It was concerning to see the lack of follow-up, and the problems he had accessing the help he needed. At one stage he was suicidal and I put him on to the relevant people in the government. I thank the relevant minister's officers who assisted. It was really quite worrying just to hear his tale, and it's not the only one that I hear. A case management officer, or someone like that, is a very good idea. It is important that people keep tabs on

how prisoners are going once they are released, to be there to assist them when they need that assistance and to tailor what needs to happen.

This bill is predicated to a large extent on a prison in the ACT. That is very important. I've always thought that we need a prison. A lot of people are walking around free who probably shouldn't be, and they would benefit—as would society—if they were put in prison. We have to ensure that once they're put in prison proper steps are taken. We cannot do that at the moment as we have absolutely no say over what occurs in New South Wales. An ACT prison needs to have facilities to treat people with mental illness so the chances of their re-offending when they get out are lessened. It needs drug rehabilitation facilities, again to wean prisoners off any habit they might have so when they get out they're not going to be a menace and commit more offences. Proper training activities and skills development are needed for prisoners so they are better equipped to lead productive, honest lives when they get out. Those things are also very important.

It's good to see that this bill is going to be accepted in principle. It is most unfortunate that the government wants to knock it on the head, as it has everything else. Even if the government doesn't agree with a lot of it, the least it could do is vote for it in principle and then seek to amend the things it doesn't like. That would be far more positive. If that means those things have to be consolidated in just two acts, so be it. It means we are making improvements now rather than waiting months or even going years down the track. Sensible proposals are put forward, and it is not good enough to just knock them off because we're going to have some magic sort of consolidated bill down the track. Good proposals should be put in now and they can be incorporated into any consolidation of bills.

As I said, I wonder how detailed the Chief Minister's review is. If it's anything like he suggested about six weeks ago, there are some huge gaps in it, especially in what happens prior to someone being convicted and sentenced by a court. It is disappointing that while the government seems to accept a lot of this bill, it wants us to wait months, maybe years, for what it's going to bring down—and I'm sure there will be some gaps in that.

MR SMYTH (Leader of the Opposition) (4.11), in reply: I thank members for their support and for their constructive suggestions and comments. This bill is an attempt to set up a framework and an attitude that says that the community no longer accepts the revolving door of current prison systems around this country—and, indeed, around the world. If we are to build a prison in the ACT, and get it right, we need a framework that allows for rehabilitation. If we don't do that, we shouldn't bother building a prison, but continue to pack our prisoners off to Goulburn, Long Bay, Junee, and other places in New South Wales because we won't have made a difference. All of us in this place would say that we need to break the cycle of crime. We need to get people out of the criminal justice system and back into society, where they can reach their own personal fulfilment, find some level of contentment and contribute to society. That's what this bill seeks to do.

The government, through the Attorney, seems to suggest that it can do it bigger and better and we just have to wait for the government. I don't think we can wait. The government's had two years to get its bill into this place, and it's not here yet. The Chief Minister assures us it will arrive some time next year following the review. So, I put

a submission to the review outlining the things that I thought should be in a government bill. I remind members that before the last election Labor's Action Plan for ACT Corrections stated, "Labor believes that work must be concluded on prison programs before we decide on the prison design and we must decide on design before we decide on site." The Labor government is talking about a site but we haven't heard anything about the other two preconditions, the programs and the design.

I remind members that the Chief Minister's reaction to the announcement of the tabling of this bill in June was, "Well, I'm going to build a prison". That prison hadn't been before cabinet, and when questioned by the press his staff didn't seem to know a great deal about it either. It would seem that we caught the government out—and that wasn't the intention, it's an unintended consequence—because it has not done the work. So, I am grateful to the crossbenchers in this instance for their support in taking this through to the in-principle stage today.

The chief objection from the government seems to be that it is going to do it bigger and better next year and we have to wait for that, and that this bill is going to cost a lot of money. Yes, it will have cost implications. On the day I tabled the bill I said:

To get the full benefit of this law, there would need to be more support for the Sentence Administration Board and significantly more support for rehabilitation programs and case management. The bill does not require these resources; they, of course, are a matter for the government of the day to provide.

The Chief Minister is right, it will cost more money, but how much money does the criminal justice system cost us? We spend more than \$10 million a year sending ACT residents interstate to serve in someone else's prison system. Even more importantly, how much does it cost our society, Canberra, in ordinary innocent individuals who are victims of burglary, assault, robbery, and numerous other crimes? We all pay that price. So why not reap a dividend instead of paying a price? Why not try to break the cycle of crime, the revolving door of the prison system, and make a difference? Unlike every other jurisdiction in this country, we have the ideal opportunity in the next couple of years to show people around this country and around the world how to run a model prison system. That's a lofty aim, and whether we achieve it or not we should be trying for it.

As Ms Tucker suggested, it won't start until we get the objectives of this bill right. I'm happy for the input of members. I'd be happy to see amendments to this bill when we debate it some time next year. I'd be happy to see the government's bill, and I'd be happy to have a cognate debate. Without the unified will of the Assembly we won't be telling the people of the ACT or the criminals—and we won't be sending a message to the judiciary—that we want to break the cycle, that we want to be positive, and we want to make a difference. So, yes, this will cost more money. But hopefully, if we spend it on more prevention and rehabilitation, instead of at the wrong end of the system, it will save human lives, happiness, family time and liberty.

The Chief Minister raised some interesting comments, particularly in relation to restriction orders, and he raised the case of an incest offender who might not be prohibited from going to his or her home. The question of incest was considered. This provision was taken largely from New South Wales, and work needs to be done on the

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terms of the regulations. That is a concern, but these words are taken from the New South Wales system where it seems to work. If the Chief Minister is concerned about it, I look forward to his amendment to the bill in the months to come.

Ms Dundas, the Democrat, said she was delighted to read a bill that talked about rehabilitation instead of enforcement and heavy-handed, law-and-order-type attitudes. I am delighted to surprise the Democrats. I take on board her suggestions about how to deal with people with an illness and indigenous people. The act provides that regardless of people's race they be dealt with appropriately, but if members want to put specific amendments that outline that I'd be delighted to see them. We need to send a very strong message in this regard.

Ms Tucker talked about the objectives. I would be delighted to see them expanded. If we can become even more explicit and broader, and more inclusive at the same time, that would be a good thing. We often forget the objective sections of bills. We need to state what we're attempting to achieve in bills so that when they are being interpreted in the courts it is quite clear what we want to achieve. We need to look at objectives in bills more often. Mrs Cross was quite right about the toolkit concept. It gives judges scope to individually tailor sentences that they think will help people down the rehabilitation path. If we can marry that with the caseworkers to ensure they get the assistance they need, we will get better outcomes.

Part of what prompted me to do this was a Clean Up Australia Day at Burnie Court some years ago before it disappeared. I think you attended, Mr Deputy-Speaker, Mr Stefaniak came and Gary Humphries turned up. We were greeted by a guy with tattoos and a cut-off red T-shirt, and he was absolutely delighted to join in a community activity. After a few minutes of digging he was a bit knocked up and he apologised for being out of condition. He got out of Goulburn jail at 7 o'clock that morning and at 10 o'clock he was with a bunch of blokes digging a hole to fix a pathway in Burnie Court. He said he was absolutely delighted. Every other time he'd got out of Goulburn jail he'd come to Burnie Court, got depressed, spent his money on a six pack and inevitably gone straight back to Goulburn jail because that's all he knew. So maybe that Clean Up Australia Day helped one offender not to re-offend. We need to make sure that the support systems are in place. The Chief Minister is right; they will be expensive, but what is the price of not doing it? What is the price for all of us, let alone those who offend?

This is part of the broad package from the Liberal Party that looks at community safety. Of course, we should work towards prevention and that's why Mr Pratt has mentioned in his policy closer relations with the police in the schoolyard. Incorrectly reported as Gestapo and jackboots in schools, very successful programs exist around this country of relationships between young school children and police officers to give young people role models. Everyone would agree that role models for young males are important. They give young Canberrans the sense that they have a friend in the police, someone they can trust and go to. So prevention is always important. Under this government the number of prevention programs has gone down from 14 to four, so the government's basic plank has gone out the window in its first term.

Police need the numbers and appropriate tools to do their job properly and safeguard the community. Their job is hard enough without them being hindered. We on this side of the house do not resile from appropriate sentencing, but through rehabilitation, through

the Corrections Reform Amendment Bill, we can grasp the nettle and say, “Okay, you’re in prison as punishment. You’re not in prison to be punished, you are in prison to serve your time and pay back the community. At the same time it’s the opportunity for you to rehabilitate yourself.” This will only work when those people are motivated, if we give them the opportunity to see a light at the end of the tunnel. If they can see a way out of the revolving door that is corrections they will often self-motivate and change their own behaviour.

Last week I had a round table to look at the bill. All sorts of individuals with an interest attended—from VOCAL through to staff from the courts, prisoners’ groups, public servants, the Sentence Administration Board and some of the chaplains who serve in our prisons. They all liked the intent and direction of the bill. They queried a few things and have given me some work to do, some amendments. I am happy to refine the bill. That’s the whole purpose of having it out there: so people can discuss it over an adequate period. I am thankful for the support of the community. From talking with everyone from released prisoners through to bishops in the church, I get the sense that it’s time to make a difference. It’s time to say we have had enough of the revolving door and it’s time we looked at the root causes and addressed them, but it’s also time we did something for those that get caught up in the system.

So, I thank members for their support. This bill will go through the in-principle stage and then be adjourned so that the community has more time for consultation on it. Hopefully it will come back fairly early in the new year so that we can discuss it cognately with the government’s bill. I ask that the government make sure its bill is in early so the Assembly has a reasonable time to do that. If not, I’m willing to forge ahead and hope that I am again supported by the crossbenchers. This legislation will send a very clear message to those setting up our corrections system and jail, what it is we want. We do not want another Long Bay or another Goulburn. We can already send people to Cooma or Junee if we want to. Our city, our society, wants a corrections system that will reform and rehabilitate and make a difference. That is what this bill attempts to do. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Griffin Centre

MS TUCKER (4.24): I move:

That this Assembly noting:

- (1) the failure of the previous and current governments to take a strategic approach to the provision of community services and to accommodation for those services

in the sale of land in Civic Centre (section 56) to the Queensland Investment Corporation, the replacement of the Griffin Centre, and the subsequent design process;

- (2) the inevitable conflicts that have now arisen in terms of accommodating a large and diverse range of services and activities in a new building with a substantially smaller footprint.

Calls on the Government to:

- (3) develop and implement, as a matter of urgency, a plan to accommodate the vital community-run services for marginalized people that are presently in unsatisfactory or impermanent accommodation around the city, recognizing that these services include, but are not limited to CAHMA, the free food program, WIREDD and Directions; and
- (4) not sign off on any final designs for the building intended to replace the existing Griffin Centre until these accommodation issues have been satisfactorily resolved.

Many problems have arisen as a result of the mismanagement of the Griffin Centre project, which has been a long time coming. The plan to redevelop the Bunda Street car park and, in the process, to replace the Griffin Centre and nearby youth facilities dates back to 1997, but at no time has there been a strategic analysis of the need for community facilities in Canberra city. There has been no proper attempt to carry out such an analysis. Under the plan the government has used retail and accommodation development to fund and develop new community facilities, but our real needs have not been factored into the equation.

Part of the problem lies in the premise that a developer could simply be charged with offering one-to-one replacement; that land would be sold at a suitable discount to ensure that that happened; and that sites chosen for youth and community projects would be out of the way and use the least possible amount of land. That is what we get if we simply pursue the business model. In 1997 land values were much lower, so it is interesting to speculate how much better the territory might have done if the government had chosen to manage that development itself and auction off the land block by block for private use.

At the time this issue was raised with the government and members of the public it was pointed out that we were doing ourselves out of the benefit of the inevitable increase in land values. But the deal had been done. Arguably, a significantly higher profit from the site could have bought the territory larger and better facilities and higher profile locations. But the community sector and the provision of accommodation have not been priorities in this process. It is worth noting that in March 2000 the former minister for urban services, Mr Smyth, was reassuring when I raised concern about the fact that community need was not being addressed.

I pointed out that the functional brief for the buildings was being negotiated without consideration having been given either to the cultural action plan for Civic or to the audit of community facilities in Civic and the inner north that were being conducted by his department at the time. He advised the Assembly that the work would be taken into account. He said he was confident that the Queensland Investment Corporation and the

Department of Community Services would incorporate everything that was likely to emerge from the reviews.

Two months later I presented a petition from people associated with organisations based in the existing centre which called on the government to reconsider emerging plans. Those organisations argued that the plans were not adequate for existing tenants, that they would not meet any additional identified need, and that they would not necessarily be accessible to people who used the centre. At the time Mr Humphries reluctantly conceded that there was pressure for more space to be made available. He advised the Assembly that he would examine the issue, although clearly without any strategic intent.

Nonetheless, in August 2000 the Chief Minister, Kate Carnell, in answer to a question that was asked by Mr Rugendyke, said that the process had been slow because, as it involved an extraordinarily important part of Civic, the government wanted to get it right. Unfortunately, getting it right throughout this process has proved to be more about ad hoc and convenient decisions than about assessing the real level of need. When it became necessary for the government to find a site for a supervised injecting room the Junction Youth Health Service was given the flick from the former Queen Elizabeth II Hospital site. It was going to be shoehorned into the youth centre building whether or not it fitted in or whether or not it was a compatible user.

The supervised injecting place has not yet been established and the Junction Youth Health Service remains in situ, so the tension regarding pressure and possible incompatibility is still in the air. I am recorded in *Hansard* in September 2000 as stating that the community facility planning and analysis being conducted by PALM had still not been fed into the consultation process. I also said that the longer the problem remained unaddressed the more intractable it would become when the development finally proceeded.

In February 2001 Mr Quinlan, as a member of the opposition, recommended that the government increase the resources allocated to PALM so that planning for community facilities could be accelerated and occur in the right order. In May Daniel Stubbs from ACTCOSS advised members at the estimates committee hearings that he was concerned, as were all members of the community, that the replacement Griffin Centre would not accommodate or meet the needs of the community in and around Civic.

The 2001-02 budget included an allocation to enable the purchase of 19 per cent additional floor space but it did not allow for a greater footprint. Mr Moore appeared to be unaware of the needs and facility analysis that has been conducted by PALM over the past few years. Mr Moore, when questioned during the estimates committee process, admitted that no strategic view of need had informed that decision. He said it was simply a reflection of half a million dollars worth of priority, or perhaps a response to political and community pressure.

By June 2002 we all became aware that the Youth Coalition of the ACT and ACT Shelter, two peak organisations in the community sector, were likely to lose their accommodation when the new centre was constructed. I asked Mr Corbell, the minister responsible for that project, to consider withdrawing the proposed variation to the territory plan and to renegotiate a more acceptable outcome. His advice was that the

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\$12 million the territory had already received would be affected. It was no real answer and, clearly, no real attempt was made to review the situation.

Finally, in this minimal history of disorderly progress, I acknowledge the points made in report No 5 of the Standing Committee on Planning and Environment which was released in August 2002. The committee asked, first, for a community land use overlay on blocks adjacent to the proposed Griffin Centre so that it was possible to identify future need. The government appears to have totally ignored that report. I have not been able to find any government response to that report even though I have asked the secretariat for one. It is worth paying regard to that issue now.

Since 1997 very little has been spent on a building that is due for replacement. A wasteland of road works makes work inside the building difficult and gaining access to the building is a challenge. Just last week I spoke to a friend in a wheelchair who is not able to use the disabled toilet at night. It is too dangerous for him to go to the back of the building in the dark. As a result he can no longer attend meetings at the Griffin Centre at night. The existing Griffin Centre enables a number of uses, some of which are subtler than others.

Key social services include the free food program run by a number of organisations such as the Red Cross and the Hare Krishna society, and the Canberra Alliance for Harm Minimisation and Advocacy runs the needle and syringe program. Organisations such as the Women's Information Resources and Education on Drugs and Dependency, the Mental Health Consumer Network, Mission Heart, the Ethnic Communities Council, the Community Information and Referral Centre and Radio 2XX have a large number of clients or participants who would like to be able to access services or support with some degree of independence and discretion.

In addition, a number of smaller groups and associations have their home in the centre. Many others hire the workshop meeting and rehearsal rooms. At present room hire is dropping off because of the intrusive roadwork environment. If the Griffin Centre were an independent business undoubtedly its needs would be met and some form of compensation would be paid for the loss of business while building works were proceeding. However, as the Griffin Centre is a community based facility it basically has to wear it.

We are debating this motion in order to address the more intractable problem that has emerged due to the failure of successive governments to take a strategic approach to accommodation issues. The replacement Griffin Centre will have a much more limited footprint. At this stage a significant proportion of the ground floor plan is reserved as a large meeting or function room. Clearly, the operating model for the centre—a community use model—would be dependent on a significant proportion of the income generated from room hire. It has been put to me that it is consequently impossible for the centre to continue to host the free food program because the people who depend on it would get in the way of other hirers.

It has also been suggested that people who take advantage of the services provided by organisations such as CAHMA and Mission Heart will intrude on others at the new centre. Given the fact that the centre will have a common foyer and shared facilities with no discrete entrances, the centre will not be viable. The government might argue that that

is the price that has to be paid when community organisations are in charge of buildings such as this. However, that is a seemingly easy answer to a problem that will not go away. For a long time the Griffin Centre has been run by the Council of Cultural and Community Organisations. It has been said that most of the tenants at that centre and the organisation evolved by accident.

The existing and proposed buildings are the property of the territory, as are the youth centre buildings. The other part of the equation is that some aspect of government pays for the organisations in the new centre whose positions are most in question. The government recognises that the work that is done by them is fundamental to our social health. It would be hypocritical and destructive for anyone to state that the new building would not be able to accommodate those services. One member of staff at the Griffin Centre said to us, “If we do not look after them where do they go?” It is worth noting that the accommodation enjoyed by Directions ACT, a needle-syringe trading and support service in East Row, is of a lower standard than the accommodation that is provided at the Griffin Centre. Finding new accommodation for that body has proved extraordinarily difficult.

This Griffin Centre motion is self-explanatory. Various groups and organisations at the Griffin Centre should not be left to sort out intractable problems that have arisen because the government has evaded its responsibility. It is not simply a question of replacing the floor space that is used by tenants at the Griffin Centre; it is about supporting and valuing the community organisations and services that play a crucial role in the creation of a sustainable society.

Organisations that respond to change, create innovative and tightly targeted responses to meet any needs and express the interests and concerns of ordinary people, are the engines of community development and change. After looking at the accommodation that is afforded to community organisations—bodies that provide key services—and the priority that is afforded to those facilities generally, it is obvious that we still have the balance wrong in the ACT. Regrettably, powerful businesses and governments still hold the sway. It is time that we took a more intelligent approach to the provision of resources for development.

It is an indictment on our planning and investment in the community sector that the organisations that provide free food programs might soon be homeless as the new Griffin Centre will not be able to accommodate them. It is not sufficient simply to leave the decision in the hands of officers in the department of the minister when land-use, health, education and Treasury issues are involved. We might have to change the design or the configuration of the buildings. We might also have to bring other land or buildings, such as the Queen Elizabeth II Hospital, into the mix. This is one of those whole-of-government questions.

If the government signs off on the final building design without significant and strategic decisions being made about how various and divergent needs can be met, the people of Canberra who are most in need and who are deserving of support undoubtedly will pay the price, much to the shame of all members of this Assembly.

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MRS CROSS (4.37): I support the motion moved earlier by Ms Tucker which states in part:

the failure of the previous and current governments to take a strategic approach to the provision of community services and to accommodation for those services in the sale of land (section 56) to the Queensland Investment Corporation, the replacement of the Griffin Centre, and the subsequent design process.

The Queensland Investment Corporation has banked the land for years. Approximately five years ago section 56 was sold to the Queensland Investment Commission for \$14 million. At the moment the land is conservatively valued at \$45 million. The land was sold to the Queensland Investment Commission in order to build a new Griffin Centre. The amount of money lost in stamp duty and interest is phenomenal only because former governments did not take a strategic approach to the Griffin Centre replacement project.

The Griffin Centre, which acted as a focal point for community run services that are aimed at helping marginalised people, should again be doing the same thing. It is important to have a centrally based facility that assists marginalised people to maximise the help that they receive. The government must ensure that any new centre accommodates as many of those services as possible. Until those accommodation issues are resolved the government should not sign off on any designs for the Griffin Centre.

More important than the provision of the Griffin Centre is the need to accommodate community run services for marginalised people in an appropriate and proper setting. I support the motion moved by Ms Tucker and I am keen to ensure that the government provides accommodation for community run services for marginalised people before the commencement of the new centre.

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) (4.39): I listened with interest to Mrs Cross's severe criticism of the previous ministry. I would not make those same criticisms.

Mrs Cross: What minister did I criticise? Whom did I criticise?

MR WOOD: The former government and the former minister were responsible for all the matters to which she referred earlier.

Mrs Cross: I do not think the minister was listening. He was too busy talking to Mr Corbell.

MR WOOD: I have some sympathy for the specific comments made by Ms Tucker about the Griffin Centre. However, I advise the member that the points that caused her concern have been well and truly covered. This motion is entirely unnecessary. Why would I agree to such a motion when this project is under way and things are happening? The government is confident that it, like no other government before it, has addressed the issues and initiated a process to ensure a strategic approach to the provision of community services and accommodation for those services.

The first significant step in this process was the creation last year of the ACT Department of Disability, Housing and Community Services. We began the important task of integrating the development of policy and the delivery of a range of quality services to the community. A most important component of this integration has been the bringing together of the management of the provision of community services and accommodation for community organisations throughout the territory.

The department is developing an asset management strategy for the 37 community facilities—the Griffin Centre is but one—that the department manages on behalf of the community. The government is not only developing that strategy; it is also funding it. I believe I am correct when I say that the current year's budget included money specifically for maintenance and things of that nature. I expect that funding to increase. So this government, which is taking action, is well down the path towards implementing its strategy.

One of the underpinning principles in the strategy is that accommodation for community organisations must be considered in conjunction with the services that those organisations offer. For too long the accommodation needs of organisations have been considered separately from their services. The role of community organisations that have a lease to manage the facilities and deliver community services is a central feature of the strategy.

The Department of Disability, Housing and Community Services is undertaking extensive consultation with community service providers to ensure that the strategy aligns with the needs, plans and aspirations of community groups. The board of the Griffin Centre has been included in those consultations. The new Griffin Centre will provide a contemporary and quality building to accommodate a large number of organisations supporting various activities in the community. Compared with the existing facility, the new modern facility will have 370 square metres of additional space. Mrs Cross should bear in mind that that was negotiated during the term of the former government.

The former government secured for the community a facility that further adds to the quality of services that are provided in a building that utilises contemporary design and building engineering. The new building will substantially improve the facilities that are available to tenants at the Griffin Centre. I understand that a large number of tenants and a wide range of needs must be accommodated. I am advised that, as of today, additional space in the centre has not been fully allocated. As well as having sufficient space for all existing tenants, over 100 square metres remain available to organisations that might choose to apply.

A condition of the brief that was issued either by this government or by the former government to the Queensland Investment Corporation was to ensure that sufficient space was built to accommodate all existing tenants. It is clear that this commitment has been adhered to and added to as a result of the provision of additional space. A not-for-profit incorporated association with membership drawn from tenant organisations manages the centre. That means that the membership of the board also reflects the current tenant mix. In line with its own constitution I am advised that elections for the board of the Griffin Centre were held in October.

The government respects and encourages community management as a means of ensuring that broad community expectations are met. Community facilities exist solely to support community group and individual client activities and service delivery. Integral to that is the fact that the facilities, which are managed effectively, remain aligned with agreed objectives. Meeting the needs of all existing community organisations in the new centre is a difficult, complex and continuing process. The department will continue to consult with all interested parties to ensure that the new centre is managed effectively and that it is used to deliver those agreed objectives. The objectives, which will be negotiated by the board and the department in consultation with the tenants, will be reflected in the lease agreement.

It is not always easy to accommodate change. Many organisations are used to being where they are. They are comfortable with the familiar. However, the changes that are imminent for tenants in the Griffin Centre present them with many opportunities to examine the way in which they deliver their services. These changes also present members of the board with many opportunities to examine the way in which they manage the additional available space.

The government has made a commitment that current tenants of the Griffin Centre will be offered accommodation in the new centre. The government will not permit the operation of key funded organisations or programs to be jeopardised. The department will continue to work through this issue with the Griffin Centre board to undertake the planning and changes that are necessary to move into and effectively manage the new centre. This motion is unnecessary.

MS DUNDAS (4.47): The shortage of well-located community space is an issue that has been raised regularly in the Assembly. The redevelopment of section 56, specifically the Griffin Centre site, has highlighted this issue. The ACT Council of Cultural and Community Organisations Incorporated, which currently manages the Griffin Centre, raised concerns about the footprint of the new Griffin Centre building early on in the redevelopment process. It was rightly critical that the area of community facility land has been reduced under Territory Plan Variation 189 to enable that development.

The collection of services in the Griffin Centre is diverse, as is the population that is serviced. Not all services feel comfortable with the idea of sharing an access point and foyer area, especially when they are handling diverse issues and a diverse number of clients. Access to existing office space in the Griffin Centre is through external entrances along the verandas. That means that every office has responsibility for its own security. Although wheelchair access has always been poor at the Griffin Centre, ground floor space is generally better than above ground space, which can be accessed by lift.

The new building is to have far less ground floor space that is readily accessible to people with disabilities and far less office space with external entrances which are being utilised so well in the current Griffin Centre. I believe that the problems with the current design of new community space and section 56 stem from a failure to consult properly with the community sector about its needs. If the process had involved community stakeholders from the first design process we would have achieved a far better outcome. Existing organisations would have been accommodated in a way that enabled them to continue managing their services and there would have been some scope for future growth.

The minister made it quite clear that there will be space in the new Griffin Centre to accommodate existing tenants. I think that the issue we are debating today is that it will accommodate them but it will not necessarily provide them with the same access. The minister said that he would not allow programs to become jeopardised. However, if clients feel uneasy about entering the space, that will impact on the ability of these programs to run. It will cause more unease and it will result in people not wanting to visit the new Griffin Centre.

One of the major issues concerning the new Griffin Centre is how it will cope with growth. Will new community organisations be able to access space as they grow? The Standing Committee on Planning and Environment recommended that a triangular block of land east of the new Griffin Centre site be made available for community use to enable expansion at some time in the future. It is a disappointing and shortsighted approach by this government that it did not adopt that recommendation. We are dealing with problems relating to the current Griffin Centre and the proposed Griffin Centre. However, I believe we should also be dealing with the allocation of space for community facilities in the future.

That is especially so in the city where so much of the land in Canberra—in areas that the government is promoting as the heart of Canberra—is no longer community space. That land has become commercial or privately owned space. It is clear that the government did not spend much time examining the proposal for the new community facility. That is a criticism that I make not just of the current government but also of the former government. An additional \$1.7 million had to be injected into the 2001-02 budget to cover the cost of items such as corridors and lifts, which I believe to be fundamental elements of any four-storey building. I was disappointed to see that budgetary allocation.

I was concerned about the fact that some of that \$1.7 million was used to purchase extra space at the new Griffin Centre. In the supplementary appropriation bill that was debated this year an additional \$1.093 million was allocated to address capital requirements. We had a \$1.7 million allocation to buy additional space, but then somebody realised that the additional space should have included lifts. We then had to spend an extra \$1 million to buy lifts to go with the space on which we spent \$1.7 million. Why did the government not get it right in the first place? Why did no-one say, “If we are buying new space in a four-storey building should we not have lifts to go with it?”

There are a number of flaws in the development of the new Griffin Centre. What is being done to keep current facilities at a workable standard? We are investing more than \$2.7 million in a building that will be completed in only 12 to 18 months time but current facilities are in a substandard condition. I realise that the government does not want to spend a lot of money on a building that it is about to tear down. However, Ms Tucker said earlier that the community organisations in the Griffin Centre are currently working in horrific conditions. We would never allow public servants to work in conditions that breach almost every occupational health and safety regulation.

That very sorry state of affairs shows us where the government’s priorities lie—priorities that need to be re-evaluated. I said earlier that we must focus on what happens to our community facilities and our community sector. As construction of the new community facility on section 56 has not yet begun I am sure there is still time to make modifications

to the plans for community space. I support the motion moved today by Ms Tucker. I understand that amendments that will be moved to the motion have already been circulated. I will not oppose those amendments in an attempt to ensure the passage of this motion through the Assembly. The government must re-evaluate not just the amount of space that is being made available for the new Griffin Centre; it must also determine how that space will be accessed.

MR CORBELL (Minister for Health and Minister for Planning) (4.54): As Mr Wood said earlier, the government does not support this motion. There are several reasons why the government does not support the motion. The community space that will be provided in the new Griffin Centre will be significantly better than the space that is currently provided at that centre. The new Griffin Centre, which will be a modern building, will be more accessible and accommodate all existing tenants.

It is worth outlining the changes that have occurred in relation to this building. The 2001-02 budget identified \$1.7 million for the enhancement of the new Griffin Centre. Of that amount an extra \$500,000 is to be spent on additional floor space with the balance to be spent on fit-out. Additional floor space is also required at the replacement youth centre to accommodate the Junction and funds are being found to accommodate that enhancement.

The government has already invested a significant amount to improve the level of community space. The existing Griffin Centre, which is a two-storey building, has a floor area of 2,340 square metres that can be let. The new centre is not as large but it is more efficient. It will have a gross floor area of approximately 3,640 square metres. It will have a ground floor area of 950 square metres and the floor area that will be able to be let will be around 2,870 square metres. That is an increase of 530 square metres, or a 20 per cent increase in the total floor area that can be let in the new building as opposed to the existing building. That is a significant increase by any standard.

The government and I as planning minister are concerned that Ms Tucker's motion will further delay the development of this important and much-needed community facility building in Civic. It will also delay the development of the remainder of section 56. The deed signed between the territory and the Queensland Investment Corporation, which is the successful tenderer, requires that the Griffin Centre be built first. The construction of the Griffin Centre, which is the first milestone, has already gone past the timeframe set out in the deed. Further negotiation beyond that which will satisfactorily resolve the issues outlined earlier by Mr Wood will only delay the development of this important site in Civic. I do not think that is in the interests of the territory or of territory residents.

It is important for those members of the Liberal Party who support this motion to reflect on the fact that they will no longer be able to criticise the government for delaying or holding back development in this key part of Civic if they are successful in imposing timeframes and new requirements additional to those that are already in place between the territory and the Queensland Investment Corporation. Ms Dundas said in her contribution that there was a serious lack of community facility space in Canberra.

I have with me a somewhat lengthy list of the community facilities that are already available in Canberra and I wish to place that information on the record. Canberra has a broad-ranging capacity for community facility space. There are 11 community centres

in Canberra: the Belconnen Community Centre, which includes the youth centre and the Ginninderra Childcare Centre; the Griffin Community Centre; the Gungahlin Community Resource Centre, which includes a youth centre and a library; the Hughes Community Centre; the Lanyon Community Centre, which includes a youth centre; the Majura community occasional care centres; the Pearce Community Centre; the Southside Community Centre; the Tuggeranong Community Centre; the Weston Creek Community Centre, which includes a youth centre; and the Woden Community Centre, which is an occasional care centre.

Canberra has 11 community halls that are located at the Causeway, Corroboree Park, Downer and Ginninderra. Included also are: Humpty hall; Kaleen community hall; Macgregor community hall; Nellie hall; Oaks Estate community hall; Palmerston temporary hall; and Torrens community hall. There are nine community houses, which are as follows: Conder Community House; Gilmore Community Centre; Giralang Community House; Isabella Plains Community House; Kambah Community House; Richardson Community House; Theiss Cottage; Nicholls Community House; and Vocal House at Narrabundah.

There are six neighbourhood centres: at Calwell, Charnwood, Chisholm, Erindale, Ngunnawal and Richardson. In addition, the Department of Urban Services administers the Grant Cameron Community Centre at Holder. I refer also to the Watson Technology Park Building and the old Watson High School, which is a mixture of commercial space but which also retains some community space. Other community facilities are located at Manuka, which houses Manuka Arts and Photo Access. Included also are the Tuggeranong Community Arts building, Downer Primary School, John Knight Hostel, former Pearce Primary School, Queen Elizabeth II Building, Gorman House and the Anchor buildings at Mitchell and Dickson.

Mr Wood: That is not a full list.

MR CORBELL: That is not a full list but it covers a broad range of community facilities across Canberra that the ACT government provides—facilities that are used for a number of purposes. Any assertion that there is not enough community facility space in Canberra reflects on the range and diversity of spaces that are provided by the territory. The government has acknowledged that it will be difficult changing from the old Griffin Centre to the new Griffin Centre. The government also acknowledges that community organisations that currently are not tenants of the Griffin Centre will want to be tenants of the new Griffin Centre. That is understandable. It will be a modern, new building and, as such, it will be attractive to community organisations.

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

MR CORBELL: It is appropriate for the government to make a judgment, in collaboration with community organisations, about who should have tenancies in the new Griffin Centre. First and foremost, the government must ensure that existing tenants are accommodated in the new building. That is only fair. It is not necessarily the case that every other community organisation will be located in that building. As a number of

organisations provide a range of services, the government has to make a decision about whether they all need to be accommodated in that new building.

The provision of appropriate space in Civic was determined following a preliminary assessment under the land act. Twelve submissions were received in relation to that preliminary assessment, including a submission from the ACT Council of Cultural and Community Organisations. On 22 June 2001, following consideration of that preliminary assessment, it was determined that no further assessment was necessary. There has been a wide-ranging assessment about what sort of space is required and about what the impact of the development will be, including the impact on the provision of community facilities. That is all part of the preliminary assessment process.

It is wrong for opposition members to assert that there has not been a wide-ranging, comprehensive and detailed debate in relation to this project. It is wrong for them to suggest that there is not enough community facility space in Canberra. I refer members to the list of community services that I read out earlier. It is wrong for opposition members to assert that all organisations that are currently located in other parts of Canberra should be located in the new Griffin Centre.

First and foremost, we must ensure that existing tenants at the Griffin Centre are accommodated in the new building. Second, if additional space is available, we must ensure that the tenants are the most appropriate organisations to occupy a building in a central location. The government does not support this motion simply because it will further delay the establishment of an important community facility in Canberra—a facility that is desperately needed to replace an old and ageing building. The Griffin Centre project, which is already overdue, needs to be built.

MRS DUNNE (5.04): Liberal Party opposition members did not intend to support this motion but, as a result of earlier discussions, we circulated some amendments that will make it possible for us to do so. It was necessary to come to a compromise on this issue because of the important matters raised by Ms Tucker. We had trouble with the wording in the original motion and were unable to support it. The minister quite rightly said earlier that we should not hold up the building of the Griffin Centre.

Those who contributed to debate earlier delved into the history of the Griffin Centre. It is important to note that there has been a long process of consultation. However, some of the processes have been flawed. During the hearings of the Standing Committee on Planning and Environment into the draft variation—the number of which escapes me at this time—I was made aware of the fact that there were discussions between the government and the developer and the government and users of the Griffin Centre. Under successive governments, government officials discouraged discussion between the builder and the people who were using that building. It came to our attention that this had been an ongoing problem.

As a result of the hearings of the Standing Committee on Planning and Environment, the proponents and the lessees of the Griffin Centre had their first meetings to determine what was required. At those meetings much of the misunderstanding and mistrust were dispelled. However, a number of community groups still require accommodation. Ms Tucker pointed out that some of those community groups provide much-needed

services to people on the margins of our society who have problems reacting to and interacting with the wider community. That presents us with logistical problems.

These problems can be overcome in a process of real and open consultation. The governments that have been involved in this process have not facilitated open consultation. The minister, Mr Corbell, referred earlier to the problems that would be experienced in the transition from the old Griffin Centre to the new Griffin Centre. I think we are remiss for not making that process easier.

I seek leave to move the amendments circulated in my name together.

Leave granted.

MRS DUNNE: I move:

1

Paragraph (1)

Omit “the failure of the previous and current governments to take”

Substitute “the lack of”.

2

Paragraph (2)

Omit “the inevitable”

3

Insert “to” immediately after paragraph (2) “calls on the Government”

Omit “to” immediately after paragraph 3.

4

Paragraph (4)

Omit “any final designs for the building”

Substitute “the internal design and fit out of the building”.

5

Paragraph (4)

Insert “in and around Civic” immediately after “until these accommodation issues”

Omit “satisfactorily” immediately after “in and around Civic have been”.

Mr Wood: We will send QIC to you.

MRS DUNNE: These amendments improve the wording of the motion but I still have difficulty with some of the issues in the motion. In a spirit of openness and cooperation, these amendments will ensure that the consultation Ms Tucker is calling for takes place. However, that consultation will not hold up the construction of the Griffin Centre. Liberal opposition members will not support any motion that holds up the construction of that building.

The negotiations that Ms Tucker has called for will occur after the internal fit-out of the building. That gives the government a year within which to negotiate. If the government cannot solve the problems that are being experienced by these organisations next year it should not be in government. It is a simple task. Mr Wood, who is sniping and interjecting, said earlier, “We will send QIC to you.” Let him send QIC to me. At least I can talk to QIC. I do not adopt a belligerent attitude every time somebody crosses me, does something that I do not particularly like or creates work for me.

I would be quite happy to talk to QIC. QIC has proved, through the interventions of the Standing Committee on Planning and Environment, that it is quite happy to talk to community groups. For a long time it was not allowed to do that. Only after consultation will we be able to solve some of the problems being experienced by community groups. I was taken aback when Mr Corbell said earlier, “We do not have a problem. We have lots of community space—child-care centres, youth centres and community halls.” Those are not the sorts of spaces that we are talking about.

We will not set up a soup kitchen for homeless people next to a child-care centre or in the same building as a child-care centre. We will not set them up in a community hall or in a neighbourhood hall. When the minister referred earlier to a long list of community services I was waiting for him to start listing schools, which are all community facilities. However, people have specialised needs. The minister referred also to old Watson High School. The minister should visit that school to establish the state of the buildings.

Ms Dundas was right when she said earlier that community organisations around this town are doing work at the bidding of the government in facilities in which we would not let public servants work and in which we would not work. These are real and valid concerns. It does not matter what government is in office; the community has a right to voice these concerns and to have them addressed. If members agree to the amendments that I moved earlier, Liberal Party members will support the motion.

MR HARGREAVES (5.11): In addressing the amendments and the substantive motion I am confident that the new Griffin Centre will provide significantly improved accommodation for all existing tenants. The new purpose-built building will provide outstanding accommodation for the delivery of community services. The development of the new Griffin Centre is a demonstration of the government’s commitment to ensuring that the needs of our community are best met.

This will be achieved in a location that puts community facilities at the heart of our city centre. The design of the new Griffin Centre offers a flexible floor plan that will maximise the potential for existing and future requirements. These issues are being resolved through a consultative process with the Griffin Centre. Regular meetings are being held with the Griffin Centre board, the Queensland Investment Corporation and its architects, Cox Humphries Moss, and the department. Far from diminishing the resources available to support the needs of the most vulnerable in our community, the department continues to examine options to better meet these needs in the most appropriate locations.

Members will be aware that the department has commenced the development of an integrated asset management strategy for its community facilities. Extensive consultation has taken place with the community and that strategy will be available in the new year. The Griffin Centre in Civic is currently the best location to provide services for the homeless. In developing an asset management strategy the department is ensuring that a process is in place to monitor and manage the provision of facilities in those areas in which they are most needed.

Further aspects that are being dealt with in the asset management strategy are the provision and location of services and how best to plan for future need. Clearly, the department is addressing planning for both the provision of community services and

accommodation for community groups. The deed of agreement between the government and the QIC requires the Griffin Centre to be constructed as the first stage of the development of section 56.

The government has a commitment to the Griffin Centre and to its tenants to provide the new centre as part of stage one. Construction is currently scheduled to commence in April or May 2004, and building work will be completed in February 2005. The department continues to work with the Griffin Centre board, the QIC and its architects on tenant accommodation issues. I refer to paragraph (4) of the motion that has been moved. If the design and construction process is delayed there will be a substantial impact on the rest of the development and a consequent detrimental impact for a longer period than is necessary on those using Civic.

I emphasise the fact that there will be a severe impact on everyone if this project is delayed. Given the government's commitment to provide office space for existing tenants, any delay would contravene the government's commitment to work with community groups in the management of community space. The government will not act in a paternalistic and imperious manner when dealing with its community partners. The lease arrangements for the Griffin Centre require that the board manage the allocation and maintenance of tenancies within the facility.

The department and the board of the Griffin Centre have undertaken substantial consultation. I am advised that agreement has been reached with the board, the department and the QIC in relation to the building core and the general layout of spaces within the facility. The space that is available in the new facility will be 350 square metres or more than the space that is available in existing premises. The board is currently determining the best configuration of tenants for the new facilities. I am aware that the board has had a number of briefing sessions with existing tenants. The board continues to work with tenants and with the department to determine which spaces they will be able to occupy in the new facility.

In the normal construction process, final designs are approved and building management decided on the subsequent internal allocation of space for tenants. The government firmly believes that it will be able to obtain approval for the final design from ACTPLA early in the new year without compromising its commitment to existing tenants. The government remains committed to ensuring that all tenants will be offered space in the new building. The department will continue to work with all interested parties to ensure that mutually satisfying outcomes are achieved.

I refer to an issue that the minister mentioned earlier. Paragraph (3) of the motion makes reference to CAHMA, the free food program, WIREDD and Directions. As those organisations are already housed in the existing Griffin Centre they will be accommodated in the new centre.

I refer also to the amendments moved earlier by Mrs Dunne. The first amendment was moved primarily because Mrs Dunne is attempting to avoid accepting some of the responsibility for the delay so far. I do not understand Mrs Dunne's third amendment; it does not make any sense at all. Mrs Dunne said earlier that she would not do anything to hold up the construction of the building.

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This motion calls on the government “not to sign off on any final designs for the building until these accommodation issues have been satisfactorily resolved”. If amendments Nos 4 and 5 are agreed to, they will delay this project interminably. Mrs Dunne’s amendments propose inserting the words “in and around Civic” immediately after the words “until these accommodation issues”. What is meant by the words “in and around Civic”? Is the member referring to community organisations that operate out of Acton or Braddon or those that operate in and around Civic?

Is she referring only to former tenants of the Griffin Centre, or is she referring to the needle exchange program? Is she saying that if the needle exchange program is to be located in the new Griffin Centre her amendments to the motion will ensure that nothing occurs until such time as some agreement has been reached? These amendments are too vague and I do not really understand or accept them.

Amendments Nos 4 and 5 will do nothing other than delay the completion of the building and prevent people who are already affected from delivering their services. I oppose the motion and I oppose the amendments that were moved by Mrs Dunne.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Stefaniak	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Smyth	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

Question so resolved in the affirmative.

Amendments agreed to.

MS TUCKER (5.22): I would like to respond to a number of the issues that were raised by members who participated in debate on this motion. I appreciate the strong commitment that was made earlier by Mr Wood, but neither he nor Mr Corbell addressed the main issues that I raised today and they failed in their attempt to establish that this motion was not necessary. If we continue with this project without acknowledging the needs of different groups the final design of the building will be a failure and we will have to live with that design for a long time. This is our last opportunity to stop and think about what we are doing.

Mr Wood said earlier that he would ensure that current tenants were accommodated. He said in debate that key funded organisations would remain in the building. I do not know whether the soup kitchen fits into that category as I do not think it receives any government funding. For years I battled to obtain accommodation for the soup kitchen in the Griffin Centre. I then battled to obtain a dishwasher. I eventually obtained a dishwasher from the clubs. I might be wrong, but I do not think the government gives

that group any money. I assume Mr Wood included that group when he made his earlier commitment. It might not fit into the category of key funded organisations but it is an existing tenant and, as such, it deserves to be given space in that building.

Earlier I expressed concern about the internal design of the ground floor of that centre. If it is not designed to take into account the needs of particular clients we will experience ongoing problems, which would be a real shame. The government now has an opportunity to take into account the needs of those clients, in particular, access to the building and so on.

Mr Corbell expressed concern about delaying the whole development—an issue that was addressed in the amendments moved earlier by Mrs Dunne. We are concerned about the internal design—the walls and doors—of the building. It is important to these groups that those issues receive consideration right now to ensure that they do not end up with something with which they will not be able to work.

Mr Corbell also said that as the Griffin Centre will be a new, contemporary and quality building a lot of people would want to go there, which is not possible. I never suggested that this building should accommodate every community group, although I certainly said that I was concerned about the quality of the buildings in which many community groups are working. I was referring, in particular, to the state of the present Griffin Centre.

Ms Dundas and Mrs Dunne referred to the fact that other community groups were housed in buildings of an inferior standard. I refer again to Directions, which has been housed in an inferior building for many years—a scandalous situation.

Mr Corbell said that the new Griffin Centre would be better than the existing centre. I certainly hope so. A good tent would be better than the existing building. If the tent were erected in the right place people would be able to access the disabled toilet without getting mugged on the way there.

Mr Wood talked about the importance of combining community services. I acknowledge that that is a good move but many of these groups do not fall within the community services portfolio; they fall within the health or education portfolios.

His argument was not convincing. We clearly do not have a strategic approach to these problems. That is the view of people in the community sector. I acknowledge that the government has gone some way towards addressing this issue. This motion gives us an opportunity to design this centre in such a way that it will meet the needs of the clients. I thank members for their support for the motion.

Motion, as amended, agreed to.

Environmentally friendly fuel

Pursuant to standing order 128, Ms MacDonald fixed a later hour for the moving of the motion.

Australia Day ceremonies

MR SMYTH (Leader of the Opposition) (5.28): I move:

That the Legislative Assembly for the ACT:

- (1) considers it highly important that the ACT Government supports Australia Day ceremonies appropriate to the significance of the day;
- (2) welcomes the transfer of the announcement of the Australian of the Year awards to Canberra;
- (3) views with great concern the inexplicable decision by the ACT Government not to fund the Australia Day in the National Capital Committee to organise the celebration of Australia Day in 2004;
- (4) calls on the ACT Government to restore funding to the Australia Day in the National Capital Committee as a matter of priority so that the ACT can celebrate Australia Day at an appropriate level; and
- (5) opposes any moves by the ACT Government to celebrate Australia Day in future years in a way which is inconsistent with the national celebrations.

Australia Day is one of those important days on our calendar. It is a time to come together and celebrate, to rejoice in our diversity and enjoy each other's company or, at the basest level possible, if you just want to sit and enjoy a beer, you can. We have celebrated this occasion in this city for years. This occasion has, for many years, had a public side to it; it has been conducted primarily in Commonwealth Park for those who wanted to come together and celebrate their national day.

This event will not happen in the coming year because the man who is becoming the scrooge of the ACT, Mr Wood, has chosen not to fund Australia Day in the national capital. I am afraid that Canberra is picking up the appellation of Pleasantville: no car races, no fireworks, no funding, half the funding for Clean Up Australia Day, cutbacks on the balloon fiesta and now no funding for Australia Day in the national capital. The defence seems to be: the feds are doing it; why would we duplicate what the feds are doing? The answer simply is that the feds are not doing it.

The feds are not organising a local celebration; they are organising a national introduction to Australia Day. They will run a gala event. All the events they are running are on the day before—25 January—not on Australia Day. They are running all of their events to get Australians warmed up and rearing to go to celebrate Australia Day in the way they see fit. All around this country, in little towns and big cities, city councils and state governments will have funded celebrations for Australia Day, except in the national capital. That is a shame. Mr Wood ought to be ashamed of himself.

Mr Wood: So you think nothing is happening on the day?

MR SMYTH: What is happening is done through the auspices of the community and the goodwill of individuals, not through the financial contribution of the ACT government. The shame of it is that we have had a rolling round of excuses. Initially the excuse was

that the federal government was doing it. The excuse then changed to: “We don’t want two concerts.” I said, “Why can’t we have two concerts on successive nights? Who cares how many concerts there are. Celebrate it because it’s Australia Day.”

There are not two concerts, but there is definitely a concert on the eve of the 25th to celebrate Australia Day. But on the following day, the 26th—Australia Day—Australia Day in the National Capital Inc wanted to organise an event called Picnic in the Park. Its application states:

This will take the form of inviting the community to bring a picnic lunch to Commonwealth Park for a full afternoon of entertainment from stage 88. The finale of this entertainment program will be a specially commissioned work for Australia Day under the theme of ‘an Australian journey’.

We can quibble about whether or not it is a concert. Irrespective of that, whatever it was going to be, it was going to be ours; it was going to be local, genuinely Canberran and, as in previous years, should have been sponsored by the ACT government—as it should be in the coming years. But for reasons unexplained, and for excuses bumbled over, this year the Australia Day in the National Capital Committee will not receive the funding it needs.

If we go back to the original excuse that we do not want two concerts because the feds are doing one, the interesting question is: why do we have two Christmas trees? There is a national Christmas tree up in the mall that is now lit and glowing. Some time later this month the minister, no doubt, will launch the Christmas tree in Garema Place. “Let us get rid of the Christmas tree. We do not want duplication; you can’t have two of anything in this town”—that would be a terrible thing.

Let us take it further: let us get rid of the planning system. If the feds are doing it, we do not have to do it. Let us get rid of ACTPLA! Mr Corbell, you have just lost your ministry because, under the logic that Bill Wood applies to this, anything the feds are doing we should not do.

Mr Speaker, your job is at risk: there are two parliaments in this town. Under the logic that Mr Wood applies to this, perhaps one of the parliaments should go. The feds are doing it, so why would we have the temerity to do something the feds are doing anyway? The logic of that just falls away when you examine how ridiculous it really is.

Then we get to the excuse that Australia Day in the National Capital Inc did not do as it was told. It was told to change its application as it did not meet the guidelines. One of the excuses was that the organisation did not provide enough detail, that it provided limited detail. This organisation has been applying for these grants for well past 10 years now and has been running these events for a period longer than that. I have a copy of its application, which is six pages long. It covers what the organisation would do, says what might go if other funding is not provided and how it will address the criteria and answers the questions that the government asked of it—and it has been rejected by the government because it does not have enough detail.

I am not sure if Australia Day in the National Capital Inc were told that they did not provide enough detail. In my discussions with them it appears that they were the ones

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who initially said that we did not need two concerts. They did not want the event to be a concert like the gala event that the Commonwealth is running; they wanted to run a picnic. On Australia Day what is more Australian than a picnic in the park with a group of people who want to celebrate it with you? So that excuse flies out the window when you examine the refuting of the government's claim by the head of Australia Day in the National Capital Inc.

I think it is important that we celebrate Australia Day appropriate to the ACT and appropriate to the event. I do not believe that will happen. Mr Wood was asked on 2CN, "What will the ACT government do for Australia Day?" After a series of ums and ahs, he said, "We will have a swearing-in ceremony." The total commitment of the ACT government to Australia Day is a swearing-in ceremony.

This is an important ceremony, a fabulous ceremony. It is held below Regatta Point amongst the trees. The wattle are flowering, people are excited, the band is playing and a big breakfast is put on. It is a really fabulous event. It is a shame that that is all the government will be sponsoring this year.

We should all welcome paragraph (2) of the motion: "the transfer of the announcement of the Australian of the Year awards to Canberra". I wish they were here every year. I think they should be held here every year. I urge the NCA and the federal government to fight to have them here every year as we are the nation's capital—we belong to the nation, we are part of the nation, we are the national symbol, we are the national capital.

On the other hand, this is a place where people live. National celebration and local celebration go hand in glove. These celebrations have worked every other year and can continue to work. This government should be committed to building up the community, developing social capital and giving opportunities to people to come together and be a community. But, based on example, we have a government that does not believe or understand the importance of that.

The inexplicable decision by the ACT government not to fund Australia Day in the national capital may well have something to do with its membership because apparently it is unrepresentative. These are people who have the temerity to come together to organise something on behalf of their community for no remuneration but simply for the sheer joy of getting together to celebrate an event that they think is important.

I note that there are some notable luminaries on the list of members on the committee, including Mr Bill Stefaniak MLA who has given of his help and time over the years. Maybe that is the problem—maybe there are too many Liberals on the committee. There are also some notable Labor supporters on this committee. So, again, I am at a loss.

Then we had the excuse trotted out that what would happen locally was a replication of what was happening with the federal government. What was not taken into account was the fact that the chair of the National Capital Authority is a member of Australia Day in the National Capital Committee and that, at the time of the rejection, the NCA had not even finalised its program. How the minister can say that the government did not want to duplicate something that at that stage did not exist and was not finalised is beyond the ken of ordinary people.

This shows that there is another motive. Maybe the minister would explain what the real motive is in getting rid of Australia Day in the nation's capital. The rollout of different explanations, all of which have enormous holes in them, is extraordinary. When you look at each of them in the close light of day, none holds water.

Paragraph (4) "calls on the ACT Government to restore funding to the Australia Day in the National Capital Committee as a matter of priority". The shame is that it may be too late for some of these events. Part of the event was to involve ACT schoolchildren so that they could be part of the Australian journey, learn about their history, participate in the celebration and help spread the message that together—united—we are a wonderful country.

That opportunity has now gone because (1) there is no funding and (2) the denial of funding came so late that the committee was unable then to go ahead with the development of the Australian journey and train the schoolchildren. We have a government that is against schoolchildren learning about and participating in the celebration of Australia Day. What a miserable bunch!

If you add all of that up, what you have is a synopsis of a government that is not paying attention to what it does. It is interesting to read a letter from a public servant to the committee. It says, "Your application was peer-assessed by the ACT Festival Fund Assessment Committee." How do you peer-assess Australia Day when there is only one Australia Day ceremony? It is not like any other festival or any other event.

The letter from the committee to Mr Wood refutes much of what has been said by the minister over the last couple of days. Either somebody is telling porkies or something did not happen. If you read the letter to Mr Wood it clearly shows that all of the excuses that were made, all of the reasons that were given, are easily refuted.

Paragraph (5), the last paragraph of the motion, is a warning note. It says that the Legislative Assembly for the ACT "opposes any moves by the ACT Government to celebrate Australia Day in future years in a way which is inconsistent with the national celebrations". On a radio station the commentator told me that he was quite worried that an apologist view of Australia Day might be taken.

Over the last couple of hundred years certain things have happened in Australia that we are not proud of—there have been atrocities and sadness. Australia Day should be a day of great joy. It should be a day that we can celebrate together. After some of the Chief Minister's outbursts in question time I have concerns over his view of what Australia Day might be and what it might become.

The last point is the government's response to all of this when it was caught out: "We will set up a new process." When will it set up the new process? It will set up some sort of new process not for next year, 2004, but for 2005.

So inept is this government, so out of touch, so uncaring, so unmotivated to make Canberra a better place to live, that it is willing to skip the celebration of Australia Day for a year just because we are not ready, we have not thought about it or we have been caught out—for whatever reason. No-one can reasonably explain why this funding has

stopped. No-one has given a valid excuse as to why the government has stopped this funding.

I think it is sad that the government is willing to let Australia Day in the national capital go it alone. It is sad that the committee is willing to tell the government that it was not interested in the late advice. The committee rang on the morning of 30 October to find out where its application was and was told that a decision had not been made. Yet the letter Mr Wood sent to it saying that there was no money is dated 30 October. I do not know what happened between the phone call and the signing of the letter. Clearly people did not know what they were doing and what was going on, and a great community event has been put at risk because of the inactivity, laziness and ineptitude of this government.

Australia Day is an important day—a day that we should question ourselves and ask where we are going. We should look at where we have been and what has occurred in this country. We should celebrate the good things, the things that bring us together; we should celebrate our diversity; and we should celebrate publicly. This government denies us that opportunity.

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) (5.43): Just before Mr Smyth concluded his speech he got onto the conspiracy side of things—the notion that somehow we want to change the way things are done. That is not the case. Mr Smyth was more correct when he was talking about what Australia Day means to Australians and to people on this side of the Assembly. The people that make these recommendations are very proud about Australia Day and what it is to acknowledge that important day.

Australia Day is a day to reflect on what it means to be Australian—a day when individuals and communities get together to celebrate what is great about Australia and being Australian. It is a day to reflect on what we have achieved and what we can be proud of in our nation. It is a day of great meaning—a day for us to recommit to making it an even better place in the future. These are all things that we believe in.

The ACT government support the celebration of Australia Day. We welcome the recent announcement by the National Capital Authority of its major Australia Day concert—it was well known and had been well promoted for a long period before these decisions were made by us—and the announcement that the Australian of the Year ceremony would be held in Canberra. The authority hopes that this will be a yearly event in Canberra. The aim of the major concert is to promote Mr Howard as much as anything. It is highly appropriate and meaningful that this ceremony is held in Canberra. It is about time Mr Howard started paying some attention to Canberra and the significance of this city. This is belated recognition.

Mr Smyth's motion seems to be suggesting that somehow the ACT government is not supporting Australia Day by not making one grant from the festival fund for one specified activity, just one of a number of activities that Australia Day in the National Capital Inc is proposing to undertake as part of its program for the day.

Australia Day in the National Capital Inc, an independent organisation, sought \$50,000 through the festival fund for a concert and associated fireworks to be held in the

afternoon and evening of Australia Day. But some days before—in fact, well before—this application was discussed by the festival fund with Australia Day in the National Capital Inc and its resulting application lodged, the Prime Minister had already announced that the National Capital Authority would be staging a concert on 25 January, the day before the proposed Australia Day celebrations locally.

People need to understand this; there have been changes. The festival fund is a competitive fund that has comprehensive and very clear guidelines, which include a statement that activities seeking funding should complement and not duplicate existing activities.

I understand that Australia Day in the National Capital Inc knew about the NCA's plans. The guidelines and fund criteria were explained carefully and the organisation was advised to be particularly clear about how its proposal complemented and did not duplicate the other concert, but that is why it asked for funding. After careful consideration, but not surprisingly, the festival committee felt that two concerts on two consecutive days was not a good use of scarce grant funds.

I now come to a key issue that this motion seems to want to impose. I think members will understand the terminology that I use. I accept responsibility for the decision. I am the minister and, when the application came to me, I questioned this and other recommendations that had been made. I discussed the outcome with the chair of the festival committee and signed off.

I accepted recommendations. I do not have a great big whiteboard in my office and I do not propose to have one. That is the system that the Liberal opposition now seems to want imposed. It does not want a great big whiteboard in my office; it wants a great big whiteboard somewhere behind the Speaker or on the wall in the Assembly. The opposition now want the Assembly to make the decision about grant funding. That is what this motion requires: that the Assembly will now sit in judgment on the applications for grant funds.

If I am to give some funds to the Australia Day in the National Capital Committee, the question arises: where am I going to take the funds from? I announced the distribution of those funds on the recommendation of our funding committee. Which group am I going to write back to and say, "Sorry, the Assembly has overruled this decision. We've got to make adjustments and I'm afraid you're not in it"? Which of the festival groups that got funding are you going to take that money from?

There is a factor here that needs to be understood. The process that may have applied over many years has changed. These funds are now competitive. There is no automatic flow of funds to any organisation. You have got to get out there and compete for funds; they do not come automatically. That seems to me to be eminently fair. That is the process that has been established.

The opposition wants this great big whiteboard. It wants to do all the assessments itself. It does not want a group of people carefully chosen, balanced and all that, to make a decision—as we do with so many funding distribution arrangements in this city—it wants to make the decision here in this chamber. I am not sure that is a very good way to go.

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The Australia Day committee is continuing with other activities that it has planned for that day, including the flag-raising ceremony, the Great Aussie Day Breakfast and Picnic in the Park. The only thing that is not proceeding is the concert which our peer assessment panel recommended that I not fund—and I agree, because it duplicates an already announced event on the previous evening. Those opposite can put aside their conspiracy theories.

The Australia Day committee already receives about \$35,000 in direct funding from the Australian government to support its activities, as it does around Australia for Australia Day and for various other things. The National Capital Authority has also provided some funds for festivities in Canberra. I hope people will be happy to attend the National Capital Authority concert and cheer Mr Howard and very properly cheer the Australian of the Year who will be announced there, and then attend the activities that have been organised for the next day, Australia Day.

I did make a comment at one stage on radio—I think correctly—that the Australia Day committee was unrepresentative. I am delighted to see that Mr Stefaniak is a member of that committee. It is my understanding that you become a member of that committee by invitation. This committee is a bit of a closed shop. There are fine people on it and they may be representative of various people or groups around this city but it is a bit of a closed shop. I encourage the Australia Day committee to expand its membership—I could come up with a few names—and improve communications. Perhaps it could advertise in the newspaper—I do not know if the Australia Day committee advertises in the newspaper; I do not believe it does—for interested people to join.

Mr Smyth: Did you ask them?

MR WOOD: No, I have not. I might do the advertising. I might advertise in the paper for prospective people for the Australia Day committee, as I often do. I do it for the Cultural Council, for example.

Mr Smyth: It's all central control now. The government will run the committee.

MR WOOD: There is no central control, but I think there is a bit of central control about the Australia Day committee in that membership is by invitation. It needs to open up. I think it can do a whole lot better with its applications in the future and to be more inclusive of the whole community.

MR STEFANIAK (5.54): I am amazed at what the Minister for Disability, Housing and Community Services has said. Minister, if my presence on the Australia Day committee is a problem, I will happily resign. I was wondering what was wrong with this committee. I have been on and off it for about 11 or 12 years. There have been some very prominent Labor people on the committee, such as the late Fred Daly. I recall Fred Daly speaking in the park and I assisted him on a few occasions, which was great. The late Joan Taggart, a tireless worker, was also a member of the committee, as was Ellnor Grassby. Maybe they were all the wrong faction; I am not too sure. I looked through some of the names of those on the committee.

I think it is ridiculous for the minister to say that the committee is not inclusive enough and that it should advertise. If you applied that criterion to most of the committees in the ACT I am sure you could find fault with all of them. A lot of people would not necessarily be interested in being on these committees.

I am pretty damn certain that the ACT Rugby Union Committee and a few other committees are not terribly reflective of the community either, but that does not stop them getting funding. Others on the Australia Day Committee include Joe Guingi from the Fyshwick Markets and Ken Helm, an independent. My colleague Mr Smyth has also mentioned a number of people who are on it.

Australia Day is an event which has been funded by all ACT governments. It is a wonderful day in the park and provides a lot of enjoyment for many thousands of our citizens. There is community singing through to public speaking and impromptu acts—people getting up and reciting poetry. I was amazed to hear the minister say that we cannot have two concerts, which was one of the prime events in the application of Australia Day in the National Capital Inc. The ACT Festival Fund Assessment Committee, which assessed the application, decided not to fund it.

In the debate earlier, the application was here—Mr Smyth might have tabled the application since; I do not know—and I had a good look through it and noted that there were about eight or nine different things happening together with the concert, including fireworks. I know this government does not like fireworks—it has had a lot of problems with illegal fireworks being let off and people finding mortar all over the place—and that they were canned last year for Australia Day, which I think is quite churlish. Perhaps there was some subconscious problem and the money was not available because of the fireworks.

I hark back to the committee and ask the minister: is there something wrong with the committee? Is this committee not politically correct? As I said, I am delighted to get off. I am not terribly politically correct, I am sorry. I am probably not the sort of person you want on the committee and I would be happy to get off. I am an MLA; I am not inclusive—you have to be born here. I have a conflict and I declare it: I am a member of the committee.

I approached the government last year for funding because it was a bit tardy in this area. The government did fund the committee. It was not what the committee had asked for—it was about 80 per cent—nevertheless, it was gratefully received. The government needed a bit of a push and a shove along, but it gave the funding. However, this year funding has been cut.

Thousands of Canberrans come to Commonwealth Park for the Australia Day event. Many people come back every year. Events are organised and a show is put on by the committee. There is something for everyone to enjoy, be it a five-year-old kid or an 80-year-old. There is a lovely informal atmosphere in the park with lots of events.

Marjorie Turbayne, a senior citizen—she would not mind me saying that—and president of the Australia Day committee, has put in a magnificent effort over many years. Perhaps the festival committee did not like the fact that she has an MBE or that she is an old monarchist or something; perhaps that has something to do with it. Perhaps the problem

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is that she been there too long; I don't know. Why not give credit to someone who has put in a magnificent effort over many years and has got dozens of people out—not just committee members, but other helpers—to organise some wonderful events that have entertained thousands of Canberrans for well over a decade?

The committee comprises people from all walks of life, from all areas of the political spectrum—Labor, Liberal, Independents and probably others. They have done a very good job and have helped supervise a large number of events—year in, year out—on the day, which have gone incredibly smoothly. The day is traditionally finished off with a big fireworks display and activities at night. Sadly, I went to only one of those events. Having been an active worker—though not as active now as I would like to be—I can vouch for the fact that this event has been well run for many years and has provided entertainment for thousands of Canberrans.

I am a little concerned that this is the start of some problems in the festivals and grants area, because I am starting to get a few complaints about people who are missing out. The minister needs to go back and look at how the criteria are being actioned.

Mr Wood: You can put your whiteboard on your wall, if you want to.

MR STEFANIAK: I am not suggesting a whiteboard. I do not particularly like whiteboards. You need not only criteria but also to keep tabs on exactly how it is all panning out and how people are being assessed. Blind Freddy could tell you that the Australia Day in the park was a very good event. The committee receives no funding now, but last year and the year before it received less funding than it did at its peak.

Mr Wood: That's not what they asked for.

MR STEFANIAK: That is good, Minister! The committee is not asking for it. The year before it asked for \$50,000 and received about \$42,000, but that is fine. That happens with grant applications. I accept that. I have been a minister responsible for overseeing a large number of grants, and that often happens when a committee who has to assess grants is looking at whether to fund. I have signed off on them. On occasions I would certainly query why certain groups did not get it. Quite often changes would be made as a result of that. I regarded my intervention there as being very important and a responsible thing to do.

As I said, blind Freddy can tell you that this is a very good event. I am utterly amazed that the only excuse seems to be the clash of the concerts, but they are not even on the same day. I suggest to the minister that he should get out the application of the Australia Day in the National Capital Committee and look at what it wants to provide. It is more than just a concert; it is more than just a fireworks display—if that is causing him concern—it is a series of enjoyable events. The committee, obviously, will not now be able to do some of these events.

I am delighted that the committee is still going to go ahead and that the federal government has enough sense to ensure that this group gets funding. Only last year the committee organised a barbecue for all the people involved in the fires, for all the volunteers and for all the victims of the fires. I happily remember cooking sausages and having a great time. A few people who turned up at our Assembly open day availed

themselves of the festivities there as well. People who had only recently been traumatised by the fires and a number of volunteers were there. There was a good community atmosphere.

I did not see as many as I would have liked. The reason some of the volunteers were not there was that they were out helping fight fires as there were still some extreme fire problems in the territory. The state of emergency had not been lifted. I remember having to race home and make sure that my place was secure as there was a fire threat in north-west Canberra.

This event was innovative, something a little different, which Australia Day in the National Capital Committee does each year to keep up with the times and remain relevant in terms of what should be provided. Thousands of people benefited; they thoroughly enjoyed and appreciated it. It was a small way of saying thank you to the volunteers. People who had lost their houses joined in a nice community activity.

Australia Day is a unique event. The Australia Day committee has certainly moved with the times and has provided Canberrans with much fun and great events each Australia Day. I think it is an absolute tragedy that this government and the minister have not funded the committee. I urge members to support Mr Smyth's motion.

MR PRATT (6.05): I support Mr Smyth's comments about our deep concerns on the future of Australia Day in the Australian Capital Territory. We should be proud to celebrate Australia Day. The day itself—26 January—was nominated and determined by our forefathers. We should respect the fact that they determined that this was going to be the nation's day of celebration. It is not for us to change it, to underrate its importance or to minimise its impact.

What other day would we celebrate as a national day? Does it really matter to this government if we have an Australia Day celebration in the Australian Capital Territory? That concern does not seem to be there. Australia Day is a very special day and we should be proud to demonstrate that. The fact that the government has denied funding sets a very bad precedent.

How do we develop pride in our children to celebrate their nation if we, as community leaders—I am talking about MLAs; the government has a leadership role in this community—do not give a toss about Australia Day? This government, by its actions, has denied Canberrans the opportunity to celebrate Australia Day properly. How does the Canberra community feel about that? Other communities will be celebrating Australia Day proudly around the country. This community is a bit parlous compared to our sister communities.

What example is the government giving newly arrived Australians? That Australian authorities do not give a damn, show enough respect, properly resource or promote Australia Day. New Australians come from communities which passionately support and celebrate national days—some a tad too much—but they are, at the end of the day, very proud of their national days. When they come to this community they find that the government is not going to fund Australia Day in the Australian Capital Territory.

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I am pretty proud of my country and its history and I recognise its strengths and weaknesses. We, as Australians, must be very open about that. We have to recognise Australia's strengths and weaknesses. On Australia Day we need to reflect on our weaknesses as well as celebrate our strengths. Most Australians do that in balance. At the end of the day, they will still be proud of the day they are celebrating and what the day means. By downgrading its support, this government demonstrates that it is not particularly proud of this country's history.

The comments made by the Minister for Disability, Housing and Community Services a little while ago about the Prime Minister again demonstrates the ACT government's propensity to politicise issues about Australia Day, just as the Chief Minister did in this place in question time recently. He seemed to demonstrate his ambivalence to Australia Day, and in fact used the occasion to politically bash the federal government. If that is what Australia Day means to the Chief Minister, I pity him. If that is all he can talk about when we raise the issue of the importance of Australia Day, it is a pretty sad reflection on him.

I want our schoolchildren to recognise the gravity of the occasion. The community expects the education department to not only direct its schools to teach the importance of Australia Day but also encourage our kids to join in these celebrations. If the education department and any other government department, which have responsibilities to talk up and promote Australia Day, are looking to the government for inspiration and leadership they will not find it. We want our children to learn about our history and to be proud of this nation. Australia Day is a very strong anchor point in that process. This government is not demonstrating that when it denies funding to the Australia Day committee.

Why does the government need to interfere with the Australia Day committee? Why is it necessary to interfere with an activity that has run so well for so many years? A little earlier Mr Stefaniak quite colourfully described the activities that have characterised so many successful celebrations of Australia Day in Canberra. Can you imagine how those who have been deeply involved over the years in organising, planning, coordinating and implementing Australia Day activities would be feeling?

I implore the government to reverse its decision, to take a stronger interest in and underscore the importance of Australia Day and to demonstrate a little leadership to the ACT community rather than making it look as if this is just another pesky day—just another budget cut—a day of not much importance.

MS DUNDAS (6.12): Australia Day has significance for many in the community—most of all for our indigenous people, who refer to it as invasion day. I clearly remember last year's Australia Day celebration at Federation Square. We could hear the impassioned pleas of protest coming from the tent embassy, echoing all the way down to the shore of Lake Burley Griffin.

The ACT government funds many worthwhile festivals and community events. It provides funding for the Multicultural Festival, the NADOC Week celebrations, Youth Week events, the Spring Out Festival and festivities to mark the International Day of the Older Person, International Day of Women and Carer's Week. The list does go on and on about the money that goes to community events. All these festivals celebrate who we are as Australians.

Fixing 26 January as the day that sums up who we are as a nation seems rather limited. It was the date the First Fleet arrived with its boatloads of convicts. I find it a little curious that the Liberal Party has chosen that event to be given such a high level of funding and attention as opposed to all the other dates of national significance to the community. Youth Week is a great event that celebrates our youth culture and gives them an opportunity to promote who they are and what they want to achieve. That event receives minimal funding from the ACT government. I hope the ACT government puts more money into events like that in the future.

I cannot support this motion. Today we have had enumerated all the different festivities, funded by the National Capital Authority and supported by the ACT government, that are already happening to support and celebrate Australia Day. Our funding resources should be better targeted on community events rather than just focusing on one day.

Many Canberra residents I know either head to the coast for the Australia Day weekend or have a barbecue with family and friends. They build their own communities in their own way. I think we should support that. It is a good way to spend Australia Day. We need to focus on the history of Australia Day and what it means to many Australians. There are those who view it as invasion day, a tragic mark on our history. The United Kingdom came to what they thought was terra nullius and took it over without considering the impact it would have on the natives.

Over the past 200-odd years the indigenous people of Australia have had to endure horrible tragedies. One of the disappointing things about Australia Day is that the federal government has missed the opportunity over the last 200 years, but specifically over the last six years, to say sorry to the indigenous population for what happened.

I see the point the opposition is making about supporting and promoting Australia Day festivities, but there are many other days in Australia's calendar that are just as worthy of support. We cannot be fixated on one day—26 January.

MRS BURKE (6.16): I have been listening to this debate with interest. While I was reading some background to further what I want to say, Mr Wood was reading from the web site "Australia Day. Celebrate what's great". I thoroughly endorse his comments. Under the heading "Our diversity: it is stated:

A nation of difference and unity. People from the city, the country, different nations and backgrounds; we are one people, living together. Through our diverse beliefs and experiences we learn from each other and grow together.

I am an import to this country. Having come from England, I realise the background of this country and I do not wish to get into a political debate about it at all. We cannot ignore it, but we have to use this day to celebrate all that is good about Australia and move forward. I have spoken to several Aboriginal elders and I know that they would be of that mind too. We should not forget, but we should move forward in a very positive way. We need to be united. We should not dwell on the past and keep holding onto the baggage that pulls us down and almost gives us this self-deprecating feeling of being worthless. Let us move on and move forward positively.

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The National Australia Day website holds great information and I recommend it to members. It states:

The National Australia Day Council was formed in 1979, with state and territory councils and committees soon after. From their inception they have encouraged more 'grass roots' celebrations ...

That is the key—grass roots. We are talking community; we are talking local—grass roots. It continues:

... working with local government authorities to promote the wider celebration of Australia Day.

I will touch on that a little later. I am absolutely mystified as to why the government is so mean when it comes to celebrating Australia Day. I have heard the comments made by Ms Dundas, and I wholeheartedly agree that there always needs to be more money given to broader community events. But this is the national day. We need to stand proud and be strong as Australians. I came to Australia to be Australian, to input in any way I could with my gifts, skills and abilities. I came here to join with other Australians to celebrate this great nation. Am I in the wrong place? Is this the country I migrated to—Canberra, the nation's capital?

This government does not care about celebrating its national heritage at a local level. As I said, we must remember the good and the bad, that we are a nation of battlers. Isn't this what we are celebrating? We demonstrated this in January this year. Isn't celebrating our cultural diversity as a nation on our national day a good thing to do at a local level? What message are we sending to our community? What message are we sending to our children?

I was sorry to hear a very bitter-sounding Mr Wood. He doesn't often do that. He found it hard to celebrate Mr Howard. Mr Howard is the Prime Minister and we celebrate our leaders. The Australian of the Year awards are going to be held in our national capital, which is excellent. Any Prime Minister would be proud of that.

I think it would suit Mr Wood too to have a new competitive funding process for national day celebrations. I have issue with the fact that this group are even having to be included in a competitive funding process. It certainly lets Mr Wood off the hook a little. Surely Australia Day should not have to compete in this way. The funding of this event should be automatic, a given.

Mr Wood alluded to the fact, and rightly so, that \$35,000 has been given by the Commonwealth. The NCA has also chipped in some money. If we are the nation's capital, why are we not supporting activities with some matching funding at a local level? We are penalising people in the ACT at a community level because in the government's eyes there is duplication.

We have had an incredibly challenging year. The government has chosen to axe funding this coming Australia Day, of all days. If the government were going to up the ante on celebrating Australia Day it should have done so this year. How does that leave the community feeling? Just because we are the nation's capital we are somehow hampered

by some of the things that we do. We have to remember that there are people working at a local level as well.

Australia Day reaches to the heart of what this great nation stands for. It is the national day. How are we to continue to instil in each one of us, and in particular our young, a sense of pride in this country if we forsake community local events and do not support organisations like the Australia Day committee?

I fully support Mr Smyth's motion. It is sensible, compassionate, caring and people focused. The motion states:

That the Legislative Assembly for the ACT:

...

- (3) views with great concern the inexplicable decision by the ACT Government not to fund the Australia Day in the National Capital Committee to organise the celebration of Australia Day in 2004;

I agree. We should call on the government to restore funding to Australia Day in the National Capital Committee as a matter of priority so that the ACT can celebrate Australia Day at an appropriate level. It is not too late. This government can do it if it wants to—that is the key. As has already been said—and it is quite silly—let us not have two Christmas trees; let us not have two of anything.

Again, let us not disadvantage people. This has been an awful year for Canberra and this year, of all years, we should be funding such an event. I call on the government to seriously reconsider its decision. I support the motion.

MRS CROSS (6.22): I also support Mr Smyth's motion. Mr Smyth found it necessary to move a motion like this because of political opportunism by this government and, in particular, by the Chief Minister. I was looking at writing something on Mr Smyth's motion, so I referred to the *Hansard*. I am going to quote an answer to a question put to the Chief Minister by Mr Stefaniak a couple of weeks ago relating to Australia Day. I remember when Mr Stefaniak asked this question. I thought I heard the Chief Minister say that he was almost ashamed to be an Australian. I thought: "No, Helen. You must have got that wrong. Go back and look at the *Hansard*." And I did. As Australians we need to be debating this matter. Mr Stanhope stated:

It is an interesting view of Australia Day and our Australianness, our loyalty and our nationalism that is put about by some. We all have a different view about these things. We don't all have to go off to a flag-raising ceremony and salute the flag. We don't all have to go off and watch marching bands. We celebrate Australia Day, just as we celebrate all national days, in a variety of ways. I think that 322,000 very proud Australians that live in Canberra will find an appropriate way to celebrate Australia Day.

Many of us will perhaps think with regret about all those aspects of being an Australian today that do not bring us so much joy and pleasure. Many of us will dwell on how unAustralian it is to persist with the refugee policies that we persist with. Many of us will probably think how unAustralian it is that we have a government that will not defend Australians locked up in concentration camps in Cuba. Many of us will dwell on all those aspects of why it is not so much fun being

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an Australian these days. We will think about why it is that the Liberal Party thinks it is fine to lock up children behind barbed wire in concentration camps in the deserts of Australia. Many of us will think about why it is not such a good thing being an Australian today ...

I was ashamed to read this. Some of the detail may or may not be true. My personal view of this, from the information I have, is that it is extreme. These are the words of someone who is unhinged. The Chief Minister, in an attempt to put his own stamp on things Canberra, was extreme in the way he made this decision. There is almost a perception, a sense, of resentment from this man and from this government. They are doing everything totally opposite to what has traditionally been done for the ACT. I understand that governments like to put their stamp on things. The occasional vitriol comes out of the Chief Minister's mouth when he disagrees with something that another member says or does, such as he did today. We are used to the vitriol, the poison.

Mrs Dunne: No, the poison is mine. I do poison.

MRS CROSS: I am sorry. He said that to bait you, didn't he? I am concerned that the self-serving interest that relates to votes rather than uniting our community is driving this government's decision. The Chief Minister does not show snippets of leadership qualities. As I said earlier, he has made statements recently that some could describe as unhinged.

Mr Wood: On a point of order, Mr Speaker: this is not relevant to the debate.

MRS CROSS: This is about Australia Day. It is very relevant.

Mr Wood: Mr Stanhope had no part in this decision, Mr Speaker.

MRS CROSS: It relates to patriotism. It is relevant.

Mr Wood: It is not at all relevant, Mr Speaker.

MRS CROSS: It is relevant.

MR SPEAKER: Order! I will rule on Mr Wood's point of order.

Mr Wood: This is just an attack on Mr Stanhope. It is not a debate about this.

MR SPEAKER: Mrs Cross is entitled to refer to comments that were made by Mr Stanhope about Australia Day. It is unparliamentary to describe him as unhinged. I would ask you to withdraw that.

MRS CROSS: I withdraw 'unhinged'. I found the comments pure theatre, self-serving and a gross exaggeration of the facts. No rational person would talk like this. The comments were cynical. It was nothing more than a political point-scoring exercise and unpatriotic.

We are talking about Australia Day. Irrespective of the political affiliations of any parliamentarian, irrespective of their position and their opinion on what the federal

government did or didn't do about Hicks, Guantanamo Bay and the children behind barbed wire fences—I remind the minister that detention centres were started by the Labor government, so don't you bloody go throwing stones at me in this place—irrespective of our personal feelings, as legislators we should not—Ms Tucker thinks it is funny. Of course she would.

Ms Tucker: I am just laughing at your language. It is all right.

MRS CROSS: Good. What has happened to the patriotism of Australians? What has happened to us being a united community, irrespective of our political beliefs? Why do we use political point-scoring and potential vote-scoring as a basis for dividing the community instead of bringing them together, particularly in a year, as Mrs Burke said, that has been extremely challenging for the Canberra community? Why can't people of your vintage do the right thing? You are a traditionalist.

Mr Wood: You bagged this Assembly this week. You bagged us unmercifully this week. Don't talk about not dividing, for heaven's sake. You slagged off at everybody in this place.

MRS CROSS: Quite rightly. Twenty million Australians do not all think the way this government thinks on Australia Day. Some will go off to a flag-raising event and some won't. We celebrate our national days in a variety of ways. Most countries that I have lived in have a great respect and a high regard for the way they celebrate their national day. They use it as a basis to look back on their history—the good, the bad and the ugly. They use it as a basis from which to learn to move forward. They never say that they have had a perfect history. We have all learnt from our history.

Saying sorry is important. Someone said earlier that the government should say sorry. Maybe someone should say sorry. At the end of the day let us not use that fundamental approach to things. We are dealing with some zealots here, fundamentalists that only see things in black or white. Let us not use that fundamentalist attitude to divide this community at a time when we need to be closer together, at a time when our security is an important issue. Will anyone quibble that security is an issue? No. It is an important issue.

Why are we using Australia Day as a basis to divide this community? We have an election year next year. The best thing that I as a leader could do, and the Chief Minister and his government should do, is bring everybody together, irrespective of personal beliefs about the Australia Day committee, whom they vote for and whom they belong to. That is irrelevant. At the end of the day I want to see the people of the ACT brought together by all legislators rather than it being used for political point-scoring on minority issues.

What does Australia Day mean? I was disappointed to read the *Hansard*. I thought to myself that we must not reflect on the selfish agendas of individuals. We must not as legislators use such a special day for political point-scoring. Zealots on either side of politics are dangerous. I have said that in this place on a couple of occasions.

I am very concerned that, instead of looking to do what is good for the majority of the Australian community and the Canberra community, we have self-interested people who

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are looking at individual agendas. They are coming across as bitter and negative souls who need help. I am concerned that people knock anything that is either not their idea or does not have their name on it, such as the Australia Day celebrations; they use it as the basis for simply cancelling it—the federal government is doing something, let's not worry.

“Why should I worry,” the Chief Minister says. Many of us will think about why it is not such a good thing being an Australian today. Frankly my message to those people is: if you do not think that it is worthy being an Australian, leave. Don't stay. At the end of the day we take our countries for the good, the bad and the ugly. If we want to make a difference—

MR SPEAKER: The member's time has expired.

Sitting suspended from 6.33 to 8.00 pm.

MRS DUNNE (8.00): Mr Speaker, it is a shame, as Mrs Cross said, that we have to rise and speak today in support of the Australian character, Australian nationalism and Australia's national day. I was not surprised by the fact that some members have raised that people feel a little uncomfortable about Australia Day. The Chief Minister spoke about it the other day and Ms Dundas spoke about it today.

But I'm sorry, Mr Speaker; 26 January is Australia Day. If people do not think that it is appropriate we celebrate our national identity and have our national day on Australia Day, they should go about changing that. But until it is changed, Australia Day is our national day. We have other days of commemoration and there is always a tug at the heartstrings on Anzac Day. In many ways Anzac Day is a much more emotional day. But Australia Day is the day on which we celebrate what it means to be Australian. And for me, as for almost everybody in this country, that is about celebrating everything about Australia.

The Chief Minister the other day—Mrs Cross brought this up—talked about all the bad things, and there are bad things in any nation's history. We are a fortunate nation because those bad things, by comparison with other nations, are few and far between. What we have to celebrate is something about which I think all Australians can be proud. We are here in this place because we are a free democracy and we have been a free democracy for a very long time. We came to being a free democracy not by the force of arms but by the force of the will of the people who populate this country.

We are a free democracy and we celebrate that. Sometimes we might not agree with what governments do. It is our job to participate in the debate because that is what we do in a democracy. But we do not spend our time trying to run down our nationhood, our nationality and what it means to be Australian.

Most of us, Mr Speaker, who have had the privilege to travel will always say that there might be a hundred different places that you would like to visit but it is always great to come home. It is great to get on that Qantas plane, hear that slightly jarring accent and know that you are on your way home. This is what Australia Day is about—whether it is in the national capital, where it is proposed that we have a picnic in a park, or at a hundred little villages across the country.

I was thinking about this today. Over the Christmas holidays we will be driving north. There is a place that we often stop at near Bundaberg. It is called Apple Tree Creek. Apple Tree Creek always stands in my memory because it has a fantastic huge park in the middle of town. It is by a creek. It has a gazebo or bandstand and a memorial—a cenotaph to the people who fell in the First World War. This is a minute town and it has a huge cenotaph with probably 40 or 50 names on it. On Australia Day the people of Apple Tree Creek will go to that place and have a community picnic. They will play cricket under the shade of the trees. But the people of Canberra will be deprived of a similar gathering because of the meanness and stinginess of this Labor government.

This is something that the people in Canberra should be appalled about. We are talking about a simple straightforward picnic. I do not know how many times in the past 23 years I have lived in Canberra that I have been to Australia Day in the park and how many times I have heard Sirocco play. Sirocco is almost part of the tapestry of Australia Day in the national capital, but somehow we can't have that this year because that would be duplicating the concert.

As Mr Smyth said here today, this is not really about duplication. We duplicate things all over the place in the ACT. We have two planning systems. We have two Christmas trees. We have two Labor parties. Shall we do away with Mr Stanhope's Labor Party and replace it with Mr Latham's Labor Party? If we are doing away with duplication, let's do away with the lot.

We had a whole litany of excuses: there was duplication; the people did not have enough detail. But I ask this: if there was not enough detail in the submission, did anyone from the bureaucracy get back to them and ask whether a bit more detail could be provided? I think the answer is no. A whole lot of things were said. I do not think I heard the one, "The dog ate my homework" but I could have been mistaken.

What this boils down to, Mr Speaker, is a complete abdication by the government. Little town councils in country New South Wales and country Queensland can put some money into Australia Day. But the governing organisation for the national capital of Australia is too mean to do it, because it does not quite fit in with their social and political landscape.

I just had this pointed out to me: the opening pages on the website for National Australia Day state, "Celebrate what's great." Yes, Mr Speaker; we should celebrate what's great: celebrate our heritage; celebrate the fact that generation after generation of people found their home in Australia when there was nowhere else to go. Be concerned, Mr Speaker, that at the moment we don't seem to be as open as we were—that we do not seem to be as open as was the case when my family, when the Scarrabelottis came to Australia. Be concerned; ask the questions; delve. But don't turn away from our proud history because of something that is happening now.

On the homepage of National Australia Day "Celebrate what's great", you have a rundown of events along the side of the page. If you click on each of the states, it will tell you what is going on. In New South Wales you have big events. It tells you what is on locally. It gives you addresses; it names ambassadors; it mentions children's centres. It tells you where you can go to fly your flag—all these sorts of things. This is repeated

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for every state. You get to the Australian Capital Territory and it says, "This page will be updated closer to Australia Day 2004." That is because this mean-minded, scroogy, scrimpy government does not want to support something that is a tradition. The Labor Party is saying, "Well, we're the Labor Party and we're opposed to everything. We want to put our stamp on everything."

It is the same as what happened when Mr Wood was the minister for the environment. He threw out all the environment advisory committees and created his own because he had to put his own mark on things. It is the same; every element of what has come before has to be thrown out and created anew by this government.

We are throwing out everything that people value along the way. We have not even got a solution to what we might do instead. We are going to have another inquiry. How many is that, Mr Speaker? We are going to have another investigation so that in 2005 we might have a Laborised version. This is not appropriate. I ask the members of this house to support Mr Smyth's motion because it is about bringing our community together, not ripping it down.

MR HARGREAVES (8.09): We have been treated to a stack of emotional claptrap if ever I have heard it. I find that it is absolutely offensive. Like Mrs Dunne, I came to Australia from overseas, and I love the place. I took out citizenship, I joined the army, I did my bit. Why? Was it because it was a good idea at the time? No. It was because I love this country I think it is fantastic. We are throwing out everything, says Mrs Dunne. What a load of rubbish!

There are a few facts about all of this stuff that people seem to gloss over in their desire to get an emotional point into this argument. This committee, the national capital committee, is not representative of the ACT community. Wake up to yourselves; it is not. This committee is not a creature of this Assembly, it is not a creature of this government, it is not a creature of this community. It is a bunch of people stuck in there because they have nothing better to do with their time.

What this minister is all about is restoring the dollars to a representative body. Mr Speaker, was I asked what I felt would be a good celebration exercise for this community? No. Was Ms Tucker? No. Was any member of the Liberal opposition? Well, I do not know. Certainly nobody on this side of the house was ever asked. Was this Assembly asked? Was the standing committee of this Assembly asked? No. Somebody in their kitchen decided, in their wisdom, that they were going to have a party. I don't think that is a bad idea—

Mr Pratt: What was different to the previous year?

MR HARGREAVES: I didn't like it that time, Mr Pratt, and I don't like it this time, either. What I do not like is a photocopy of the federal parliament, and that is what you have here; you have a photocopy. It is not on.

Mr Speaker, what this motion says is that we should not do something which is inconsistent with the national celebrations. What a bunch of federal Liberal Party sycophants you lot turned out to be. You are just perpetuating the notion that we are

children at the apron strings of the NCA. Good on you! So much for a mature Assembly; so much for mature representation in this town. You people have failed miserably.

Mrs Burke: What about the people of the community, John?

MR HARGREAVES: “What about the community?” says Mrs Burke. Was the community asked what nature of celebration they would like? No, they were not.

Mrs Burke: That’s a ridiculous comment, a ridiculous comment.

MR HARGREAVES: It’s a ridiculous comment, she says. Asking the community what they think is a ridiculous comment, says Mrs Burke. Well, I do not suppose that is the first time we have heard it and I do not suppose it will be the last.

What we have got here, Mr Speaker, is a duplication of the federal NCA’s idea of what we should do: two parties, two shows, two sets of fireworks. I ask you, Mr Speaker: does doubling something make it twice as good? And being a photocopy of the NCA, I am afraid, does not do you any credit at all.

The other states in Australia do not have somebody else putting on a party in competition to them. They do not have somebody putting on a rock band and fireworks the day before. No. Why is that? It is because the NCA stays out of their face. It is none of their business. Mr Speaker, I’m getting sick and tired of the federal government telling us—the people of the ACT—how to celebrate things like Australia Day. I am sick to the back teeth of it.

The federal government is saying, “Yes, you can have your party. But we’re going to have one the day before and we’re going to have a bigger one and a better one than you because we’re a bigger and a better parliament than you.” Guess what, guys: most of those people on the hill are not even here. They are in their constituencies in the states. They are not in town. What they are doing is saying, “This is the party you’re going to have but I’m not going to stick around and watch it.” These camp followers are not even here to enjoy the show. What are they doing? They are having a day off just like most people. Mr Speaker, how many people go to this national capital committee’s functions? Last year how many went?

Mr Stefaniak: 20,000 to 30,000.

MR HARGREAVES: Mr Stefaniak says that it was 30,000. Any bids on that? Going once, going twice. No, I have got news for you. As many people attend the Tuggeranong Community Festival as that.

Mr Stefaniak: Good on them.

MR HARGREAVES: How’s that? There are 330,000 people in this town and they can only just get 10 per cent of the people along. That is a rank failure in my view. It is a rank failure.

Mrs Burke: Perhaps if you promoted it on that day people would want to go.

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MR HARGREAVES: Mr Speaker, they are not providing anything unique to the ACT.

Mr Smyth: They're providing the only thing to the ACT.

MR HARGREAVES: All they are doing is providing a party—somewhere to sit on the lawn, listen to some music and watch the fireworks go up. What is unique about it? What is different about the National Capital Committee's party when you compare it to the NCA's one? What is different about it? Nothing, absolutely nothing. The actions of this government are sending a message to these sorts of people. We are not going to put up with being a photocopy of the NCA. What the minister is saying is: you come up with something which is ACT-centric and we will fund it.

Mr Smyth: It is.

MR HARGREAVES: "It is," says Mr Smyth. Did he respond and say what is different about it? Nothing is different about it, except perhaps some of his mob going along and joining their federal mates and having a free sausage. However, I have news for you. Federal mates are not going to be there. They are going to be back in their constituencies.

Mr Speaker, if these people opposite want to have something specific to the ACT, unique to the ACT, they will agree with the actions of this minister, support the actions of this minister, and support the restructuring of those people who are going to be providing us with an Australia Day celebration which can mean something to the people of the ACT. This latest little turnout is just a big dummy spit.

Mr Smyth: How many years have you been doing it?

MR HARGREAVES: That is a big, insightful question.

MR SPEAKER: Make your comments through the chair. Mr Smyth, stop interjecting.

MR HARGREAVES: Thank you very much, Mr Speaker. That was a rhetorical question. How many years have we been doing it? Let me ask you: how many years have you attended it? I would suggest to you about seven. Ever since you got elected to this place you have trotted along there to shake the babies and kiss the hands, or have I got that wrong?

The action of the government is saying to this committee that is not delivering for the people of the ACT. You come up with something in the next 12 months that delivers to the people in the ACT and we will cop it. I urge the minister to have nothing to do with that committee and create another committee which is a creature of the people of this community, because nobody on that committee, as far as I am concerned, represents me or anybody I know. I can tell you, Mr Speaker, that I do not go to that particular one because I do not like going to two parties on consecutive days that do exactly the same thing. Mr Speaker, I urge this Assembly to toss this motion out because it is a load of emotional claptrap.

MR CORNWELL (8.17): It is a little difficult to know where to start in responding to Mr Hargreaves; so I will not bother. Mr Hargreaves, on the face of it, put up an argument that would appear to be, well, arguable. However, I think it was Ms Dundas who gave

the game away a bit when she referred to 26 January as invasion day. I think underlying this government's attitude is something along those lines.

I ask members to bear in mind that it was Mr Stanhope, the Chief Minister, who talked about illegal refugees, who talked about the two possible terrorists locked up in Cuba. It was Mr Stanhope, the Chief Minister, who included those people and who said that some people were not proud to be Australians because of those circumstances.

Mrs Cross exposed this. We are dealing in fact with a political direction. I am not obviously one of the black armband people. I do not accept that. But I do accept that the country needs to be united and we will not achieve that unless we have some purpose, some reason for which to unite. And Australia Day happens to be an opportunity to do that. Anzac Day might be another. But as Mrs Dunne has said, that is a different type of celebration. In fact, I would say it is a memorial rather than celebration.

We do need a reason to unite. Mr Pratt earlier referred to this matter. I would go further. I think that we need a national day, and we have Australia Day, because I think we do still need to build a lot more pride in this country. Australians do not have a great deal of pride. We do not necessarily stand up with our hands on our hearts as some people elsewhere in the world may do. We do not necessarily stand up and sing an anthem first thing in the morning at school. There are those who say that we should be doing this, Mr Speaker. I do not want to enter into that debate, because it is not really germane to this motion.

What I do want to say, however, is that it does require more pride in who and what we are. Anything that can engender that I think is worth while. Hence, the focus of one day in the year, Australia Day, that I believe can be used for this purpose. Why, Mr Hargreaves, should the people of the ACT be denied that day?

Mr Hargreaves: They're not.

MR CORNWELL: They are; 320,000 people, thanks to your government, are excluded from this national event. Why? It is because this government, with its black armband view, with its political worries about Cuba and illegal boat people, et cetera, is seeking to remove the responsibility for celebrating a national day. If they do not like it, at least they should have the honesty to come out and say so. But tell me this: what do you propose to replace it with? This is the same crowd—

Mr Pratt: International solidarity.

MR CORNWELL: Socialist international, did you say, Mr Pratt? This is the same crowd that was all in favour of supporting a republic. The problem was that the republicans could not even get one particular republican model up. I therefore believe it would be extremely difficult to replace something that we have already—such as 26 January—with something else. Apart from that, it may surprise members of the government to realise that we would be totally out of step with the rest of the country.

The rest of Australia is quite happy celebrating Australia Day on 26 January. They do not see that there should be any change. May I say that those people in the ACT that Mr Hargreaves suggests have not been consulted are quite happy to celebrate Australia

Day on 26 January. It is just that their current government, which we trust will not last beyond the next election, does not believe that this is acceptable.

Mr Hargreaves talks about the Australia Day committee not being representative of the Assembly. Why should it be? I suppose you could say it is. Mr Stefaniak is on it and I know, without mentioning names, some Labor supporters are also members of the committee. So you cannot say it is unrepresentative of the people of the ACT if you are talking about it in political terms. I do not know whether there are any Greens or Democrats there. I am not aware of that, but I do say that we are behaving in a very shabby way if we deny 320,000 people in this city the right to celebrate our national day.

There is something else involved in this. It must be my rhetorical speech or something, but it is interesting that the government members have fled from their seats. The point we have to remember is that this is not just the national capital of Australia. This happens to be home to 320,000 people.

Mr Smyth: My home.

MR CORNWELL: “My home,” said Mr Smyth; and mine, and that of my colleagues here. It is even the home of the members who should occupy the empty government benches. The problem is that we are entitled, not only as Australians who just happen to live in the national capital but as citizens of Canberra, to celebrate our national day. This is being denied us by government for reasons that I can only speculate on, but for which I harbour some very dark suspicions.

MS TUCKER (8.26): I will make some comments on this interesting discussion. I will actually start off this discussion of Australia Day celebrations with a few comments on Christmas. I am inspired by an article that ran in the *Australian* on 1 December where the Commonwealth minister for multicultural affairs and community harmony called on schools and kindergartens to “set up nativity scenes, throw Christmas parties, and remember the story of the birth of Christ”. I do not particularly have a problem with that. Indeed cultural heritage plays an extremely important role in our lives together. But I do have a problem with his rationale. I will quote Sophie Morris’s article in a little more detail:

Defining multiculturalism as built on a bedrock of Western Christian values and traditions, the Minister said input from other cultures was welcome but this occurred in a framework established by past generations.

“Our culture, our tradition, are something that has attracted people from all around the world to come and live here and be part of”, he said.

“We have an opportunity to learn from the cultures they brought to Australia. But we were here first, our framework was in place because of all of the efforts of previous generations. Our framework is what made it possible for all those people to come and we should never be afraid of it.”

“Despite not being a regular church-goer himself, Mr Hardgrave said he felt strongly that Australians should be strong in our faith” and that a return to Christianity’s core values would show how to accommodate other religions.

It is certainly a very good thing, Mr Speaker, that the minister does not have responsibility for reconciliation. That honour, as I understand it, rests with Amanda Vanstone. Nonetheless, for a Commonwealth minister with a responsibility for multicultural affairs to describe us as “being here first” really has to be noted. Basically, he was making it clear that indigenous Australians are not us. They remain still, even in this day and age, excluded. They are not Australian, presumably not deserving of children, or culture, or responsibility for the land which shapes their identity.

It is an extraordinary damnation of the superficial, conservative, narrow cultural view that the Australian government has been championing since John Howard became Prime Minister. No wonder that the Prime Minister himself cannot say sorry. Why should he? These people do not have the status of true Australians, Mr Hardgrave has told us. No wonder the government has white-anted—how appropriate that word is—the National Museum here in Canberra. It clearly is telling the wrong story when the right story is the white story of Anglo-Australia.

In fact, Canberra is the only capital city in Australia with anything approaching an indigenous name. It makes sense then, given the extraordinary distance we need to come in our understanding and acceptance of people, that Australia Day should be entirely a commemoration of the invasion of this continent by a foreign military power and the beginning of a process of destruction of extraordinary cultures and a great celebration of the survival, humour, and creativity of the indigenous people of this continent and the land to which they belong.

I echo the things that have been said by others in this place, particularly Mr Stanhope and Ms Dundas. I disagree absolutely with the people who have cried shame and scandal with such passion because we have dared to challenge who we are as Australians. In fact, I was interested in Mr Cornwell’s comments where he says we need to build pride in this country.

I am proud of many aspects of our country. I am ashamed of some of them. Mr Cornwell said that we need to build pride in who and what we are. To build pride in who and what we are we have to think about who and what we are. What Mr Stanhope and Ms Dundas did in their comments, as is their right, was to raise those questions about who and what we are. That is healthy in a democracy and it is one of the things I am proud to be Australian for. In Australia we are allowed to raise issues and challenge the status quo, although the Liberals and Mrs Cross find that somehow unpatriotic.

On the contrary, I would say that it is unpatriotic for people to close down discussion, debate and reflection in the way the Liberals and Mrs Cross have done tonight. That is unpatriotic. If we actually want to progress as a nation in this world with all the challenges that we are dealing with, we do not close down; we open up; we have this discussion. Australia Day, I believe, is a day when we can choose to reflect on those things.

The other part of this motion is about the particular arrangements that this government has now changed to in terms of deciding where public money goes in terms of festivals. I really do not want to go into the detail; I do not think it’s particularly important. I know that the feeling of the Liberals from what they have said is that it should not have been competitive and we should have had what we always had. They do not see any real value

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in the argument that there is already a concert and that the federal government is actually funding that and making that happen.

Perhaps it is not necessarily the best way of spending public money to have two concerts in a row. I do not have a particular position one way or the other on the matter. If that is the way the government saw it, they have a competitive process in place. There is a council which decides which festivals look as if they have the most merit. I understand these people were invited to go back and rethink because of the federal government's concert and so on. They did not want to. That is the process that is set up. I cannot see that there is a huge issue about it.

The main thing I wanted to respond to tonight is what I see as a really quite extraordinary and irrational response and reaction from some members here. I think that as Australians we need to be proud of the fact that we challenge things. I find their attitude really strange. I also find this talk of patriotism to be strange. Where does patriotism actually lead? That is the language of war to a large degree.

Opposition members interjecting—

MR SPEAKER: Order! Ms Tucker has the floor.

MS TUCKER: I will wait for them to settle down. That obviously worked. That was good. I just find it really amazing; nearly every day we are hearing about global climate change—even in the *Canberra Times* now.

We are hearing that the icecaps are going to melt, that Sydney will be flooded, that we have climate change causing extreme climatic events and disease around the world. We are hearing that, in fact, if this is not brought under control there is potential for the whole cycle of greenhouse gases and methane emissions to speed up exponentially and for us to end up in a situation where this earth is no longer even habitable.

When you think about those kinds of challenges, I must say I find this notion of patriotism really out of order. We are not going to have a country to be proud of if we do not have an earth that sustains it. I wish I could see as much passion from the people in the Liberal Party and Mrs Cross about the fact that we are destroying our earth.

MR SMYTH (Leader of the Opposition) (8.35), in reply: I thank members for their interest in this subject this evening. I would like to start, Mr Speaker, by looking at Mr Wood's defence, which was simply the same old excuses and then the classic position: how dare the Assembly tell the government to do anything.

It is the right of the Assembly to tell the government to do things. It is the right of the Assembly. It is our job and it is our obligation to challenge what the government is doing with the taxpayer's money that has been appropriated to you through this place. If you think that it is wrong for us to have the temerity to question what you are doing, the arrogance of your government grows and grows and you really ought to question what it is you stand for rather than challenging what we believe.

The point, Mr Speaker, is that there is no explanation for this except they do not seem to like the group called Australia Day in the National Capital. I ask the question: if you did

not like them when you finished giving them their grant last year and when they did their report, why didn't you tell them? What counselling was given to these people? What process have you got in place to say, "We gave you \$50,000, \$40,000 or \$30,000 last year and you didn't spend it properly"? Did you do it, Mr Wood? Did the government tell them they were getting wrong? Did they offer them guidance? Did they offer them suggestions? Did they offer them leadership?

They are mute, Mr Speaker. It is a pity that the *Hansard* cannot record mute. The interjections are not coming at all because the truth is that nothing was done. Nothing was done. And why wasn't anything done? They do not know and what are they going to do in the future? They do not know but whatever it is it will be ready for Australia Day 2005. That is a year from now. Forget about Australia 2004. My God, we forgot about 2004. What are we going to do? We will not give out any grants; we just forgot about it. It is like Groundhog Day, Mr Speaker.

I refer to the *Hansard* for 10 December 2002. What were we asking the government on 10 December 2002 in question time? The subject was the Australia Day Council. Mr Stefaniak asked his question of the minister for the arts and urban services, Mr Wood. He asked the minister whether he would be giving the Australia Day Council some money. We were going through this last year—same day, same place. It is a rerun of a bad American soap opera. But what did they do? What did they do in the interim? They did nothing; two-tenths of stuff all. It is appalling that we get to this position.

Members say that they have different views for Australia Day. That is beaut; you live in a country where you can express those views. Ms Tucker's comment that patriotism is the language of war is so appalling in the extreme when, over the years, the thing that has made us different to just about every other country in the world is that we have had continuous democracy and we have never had war on our soil.

It came close but there have never been enemy soldiers on our soil and the right that we have to speak in this place should be defended and should be celebrated on Australia Day. What is at the heart of Australia Day that people seem to be so much against? Oddly enough, the only good thing the government is doing is sponsoring the citizenship ceremony where people from every country under the sun can come to Australia and become citizens on Australia Day. They vie for the honour. They wait for the honour to be made a citizen on Australia Day because they see it as important. Clearly the government does not see it as important as some of the immigrants that have come to this country.

Ms Dundas spoke about high levels of funding for other activities. I could not agree more. There should be higher levels of funding for other things like Youth Week, but that is not an excuse for removing the funding to celebrate Australia Day.

We get to Mr Hargreaves and his opening analysis. He summed up the whole the debate in three words "Lot o' rot." That is deep; that is insightful; that is getting to the heart of it. Then he says—

Mr Hargreaves: It is so, and I said "emotional claptrap".

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MR SMYTH: No, we will come to emotional claptrap later. Then he says that it is a photocopy of the NCA. That is just the point. It isn't. It is not a photocopy. The NCA is not running a great Aussie breakfast. Citizenship ceremony: well, maybe they are. Flag-raising ceremony—NCA is not running that. Picnic in the park—NCA is not running that. Fireworks—NCA is not running that. It is not a photocopy. I can send you a copy of the submission if you want.

Mr Hargreaves says that he is sick and tired of the feds. What did he call them? He called them camp followers. Is "camp followers" parliamentary, Mr Speaker? Perhaps you would give us a ruling on camp following. He talked about rank failure. And then he said that this was "sending a message to these sorts of people". He referred to "these sorts of people". Who are these sorts of people?

If you look at the list, there is an MLA who happens to be a patron. There is an OAM, there is an AM, there is an AC, there is an OAM, there is an AC, there is an AO, there is a CVO, there is an AC, a DSO, an AFC, there is a KCVO, an AO and an AOM. Leading Australians are now categorised by Mr Hargreaves as "these sorts of people".

If you want to send a message to people about getting involved in their community, bring John Hargreaves out. He will get them fired up. John Hargreaves wants these sorts of people sent a message that we do not want them here. How dare you have the gall to form a group to do something nice for your community and ask the government for a bit of help.

Mr Hargreaves says that the government will be telling us who they can be. That is the message to the central government for Mr Hargreaves. Then he said the feds have told us what we can do. Well, the feds have not told us what we can do. They are organising their own function on the other side of the lake. You have got no idea. Who has told us what we can do? The ACT government has told them what they can and cannot do.

Ms Tucker has made some comments relating to what was said by the federal minister. Okay, if we have got it wrong, what is the alternative? What would she do? How would she celebrate Australia Day? Where is the debate brought on by the Greens about what Australia Day should mean?

She raises the issue of the National Museum. Who built it? After 20 years of argument, including 13 years of Labor government when Bob McMullan regularly trotted out the promise to build a national museum somewhere, sometime, some place in Australia, we actually built it. We put the money there. We built it.

We built the museum that is generating the debate. Isn't it a good idea that we might have some debate about our identity? The museum is there because the federal Liberal government put it there, after 13 years of failure of the Labor government who could not, would not and did not deliver it. If we are having a debate about the Australian identity because of it. That is a good thing. We should constantly have a debate and a re-assessment of what it is that we understand ourselves to be.

Mr Speaker, the beautiful thing about Australia is that we can celebrate so many festivals and everybody joins in, whether it is Dewali, Ramadan, Chinese New Year or—God forbid—Christmas and Australia Day. They are different days and we embrace them all

because we like a party. The problem with Australia Day in this country this year is that there will not be a government-sponsored celebration of Australia Day in the nation's capital at the local level.

If Mr Wood had gone a little further on the website he was so proudly quoting from earlier, he would have seen that the whole purpose of it was to encourage local activity. The irony, Mr Speaker, is that the Australia Day in the National Capital Committee will now get, I think, \$30,000 from the federal government to carry out local activity when the local government has given them zip. They ought to be ashamed of themselves.

If there is something wrong with the committee, why have they never been told? If you do not like the way it has been done, what have you done about it? If you are going to change something why, like everything, does it take two years? What are we going to have? Probably it will be the standing operating procedure of the Labor government—to have a review. We will call for submissions. We will have an inquiry. We will introduce some sort of paper, and two years from now we will come up with a process to celebrate Australia Day. In the interim we will probably miss Australia Day 2005 as well.

This is Australia. It is Australia Day. It might not be perfect. It might not be everything that you want. But if we work together, maybe we can make it a bit better, and maybe we should have brought this debate on much earlier so that we as a local community in our Assembly might have had a bigger discussion about how we see ourselves in the context of this country. But we have not had that opportunity; so maybe next year we will do it. Before 2005, we may do it a little bit earlier.

The problem is that next year Australia Day is approaching. It is a little over a month away. And the sad shame of it is that in the nation's capital on Australia Day, there will not be anything sponsored by the local government. Members, please support this motion because it is important we celebrate it appropriately.

MR SPEAKER: The member's time has expired.

Question put:

That **Mr Smyth's** motion be agreed to.

The Assembly voted—

Ayes 6		Noes 9	
Mrs Burke	Mr Stefaniak	Mr Berry	Mr Quinlan
Mr Cornwell		Mr Corbell	Mr Stanhope
Mrs Cross		Ms Dundas	Ms Tucker
Mr Pratt		Mr Hargreaves	Mr Wood
Mr Smyth		Ms MacDonald	

Question so resolved in the negative.

Motion negatived.

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Government Procurement (Principles) Guideline Amendment Bill 2003

Debate resumed from 27 August 2003, on motion by **Ms Dundas**:

That this bill be agreed to in principle.

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

That the debate be now adjourned.

The Assembly voted—

Ayes 7		Noes 8	
Mr Berry	Mr Quinlan	Mrs Burke	Mr Pratt
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Smyth
Mr Hargreaves	Mr Wood	Mrs Cross	Mr Stefaniak
Ms MacDonald		Ms Dundas	Ms Tucker

Question so resolved in the negative.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (8.52): I was not trying to be difficult or mess the house around by wanting to adjourn this. I wanted to adjourn it because both the bill and the amendments that are being telegraphed today I think are going to create a very undesirable situation, and I just hope that some time during this debate reason will prevail.

We have here a situation where the government is being required to show a preference to open-source computing software. The government does already consider open-source software. It is required to get best value for money and it is required to consider all suppliers.

If we accepted this notion in this legislation, we would be distorting the competitive process and we would, I think, be flying in the face of national competition policy, which we are also required to follow. But more importantly, we are probably not serving many of the providers of open-source software. Many of the providers of open-source software, including universities, are not in favour of this sort of provision.

The way that a lot of open-source software works is that somebody who has a good idea and some talent can build a system. But the only way they can virtually break into the market is to provide it as open source for everybody to use with a view that, at a later stage, that same software will become proprietary software in order that they, as developers, will become the providers of proprietary software. It is a way of leading in to the industry. But if anybody's code can be taken, can be altered, can be in any way used, it won't necessarily favour those people that in fact create open-source software. There may be some that are thinking short term at the moment and want that sort of preference, that preference that distorts competition. But it is not going to be effective in the long run.

This is just not going to be good legislation. At this stage I don't think there is a real call for it. Imagine if a government were in fact required to show preference to a certain class of software over another class of software. We are then limited in what we can acquire. We can be required to buy open-source software—with no guarantee, because there is not a proprietary support for it—that support is going to be continuous, that it is in fact going to be a useful product over a reasonable time span, whatever it is for the system.

I also understand there is the probability that there will be an amendment moved which says that we are required to consider open-source software. What that means is that we are required to consider it. But we are required to consider it now. We will have a complete chunk of additional legislation that does absolutely nothing more than is required now.

I have said before and I will say it again: this place has to move beyond the level of junk legislation—legislation that is more about the author than it is about the objective. I think that is what we have got here. I am prepared to be convinced otherwise, but I have been talking to the people in administration today. If their opinion is worth anything to you, if their opinion is worth anything to this Assembly, if their opinion can in fact transcend the competitive nature of this place, please listen to the fact that people from our procurement solutions area believe this is bad legislation and will operate to the detriment of the territory and the probable detriment of many of the providers of open-source software.

If the legislation is modified back from saying “show preference” to “show consideration”, it will be just a piece of junk. It will not be the first such piece of legislation. From time to time we debate what a dog's breakfast the Financial Management Act has become. It has been the target of members—probably even members of the ALP—that want to make a name in terms of demonstrating that they are keeping the government accountable. I am not being self-righteous about this. There are pieces of legislation in this place that have been tinkered with beyond that which is necessary for good government and for good administration.

I was recommending that we adjourn the debate and I do hope we get an opportunity to do that again. Perhaps reason will prevail. I will commit myself to providing everybody in this place with a full briefing on what is seen by the administrators as a full impact of this legislation before we make it law. Let's get beyond this adversarial approach and make sure that we do not create legislation that, in fact, by its nature, reduces competition, reduces value for money, and in all probability does not benefit those that it is aimed to benefit.

Mr Stefaniak: It is a bit like industrial manslaughter.

MR QUINLAN: Pass it because of the industrial manslaughter bill? That would be bloody logical. Idiots!

MR SMYTH (Leader of the Opposition) (9.00): Mr Speaker, I have had many members of the local computing industry come and tell me that they are very supportive of this bill. They are very supportive that we should consider open-source standards—

Mr Stanhope: In writing? Have they done that in writing?

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MR SMYTH: They have an opportunity to position themselves and participate in a market that is just getting smaller and smaller.

Mr Stanhope: Table their letters.

MR SMYTH: The Chief Minister says, “Table their letters.” They came into my office and sat around my table because they can see people like us. They cannot get in to see people like you. The legislation sends a message. If the amendment that has been mentioned that has the word “consider” in it is moved and passed, it will send a message. Mr Quinlan says it is a piece of junk. I think sending messages sometimes can be very effective and messages should be considered.

It is interesting at this late hour that the Treasurer jumps to his feet and offers everyone a briefing. This piece of legislation has been on the paper since 27 August, almost five months ago. I have heard nothing from the Treasurer until this evening about his concerns on this and we have never been offered a briefing, to the best of my knowledge, on this issue. So suddenly at the last minute, the late hour, we get the offer of a briefing about something that might or might not be. I think it is this attitude from the Treasurer that causes me more worry because he has not even been interested enough in this bill to come and speak to people.

If we look at the amendment that Ms Dundas will be moving, it has words in it like “as far as practicable”, “prefer”, “avoid”. If the amendment from Mrs Cross, as circulated, gets up with the word “consider” in it, what the bill does is send a message. It sends a message that there are alternatives and they should actually be considered. I think that is really at the heart of competition. Many people are very much afraid of what is happening in the world of software because the giants are taking over. They do get bigger. This is one of the ways that would ensure small local computer firms, like so many of them here in the ACT, will actually survive.

We are willing to give this bill a go, Mr Speaker. I foreshadow an amendment that I have that we will get to after the in-principle stage that says the section expires three years after the day it commences. The intention of this is that, if there is a detrimental affect, a review will be carried out before. We will look at what effect it has had, if any, and whether that effect is positive or negative. The opportunity will be there for the next Assembly to decide whether or not to consider that this should go ahead.

I think the way in which the government has behaved this evening is unfortunate—everything at the last minute, no alternative, no option. Yet the local industry that came and saw me, and which has spoken with me at many functions since, actually thinks that this will be a boon to it. Last week we got the government’s white paper that says, “Let’s develop an IT industry.” They tell me that this is one of the ways that a local IT industry will continue.

Mr Speaker, we will be voting in favour of the bill and I would foreshadow that most of the amendments at this stage look acceptable to the Liberal Party.

MRS CROSS (9.04): I shall speak to my amendments after Ms Dundas tables her amendments but I will be supporting this bill as amended. The bill seeks to place open-source software on equal footing with closed-source software in relation to government procurement.

My understanding is that the difference between open-source and closed-source software is that the code for open-source software is publicly available. It can be publicly accessed and even built upon. Sometimes these enhanced versions will be better and other times worse.

Most importantly, when you purchase open-source software you own it. You don't just purchase a licence as you do when you purchase closed-source software. You own the software. Anyone can fix open-source software. You don't have to rely on the company of purchase, and this means repair costs and upgrade costs are cheaper. This is the greatest advantage of open-source software.

Conversely, when you purchase closed-source software you only purchase a licence to use the software. Licensing rights to closed-source software usually belong to one company and the code is often kept secret. Closed-source software often has large licensing fees attached and is often expensive and time consuming to repair. Giving open-source software fair consideration when it comes to government procurement is extremely important for both open-source software producers and for the ACT government. It gives all software producers a fair go whilst providing the option of minimising costs and varying software for territory entities.

In saying this, I was concerned that Ms Dundas's bill sought to ensure open-source software was preferred to closed-source software. My primary concern was that this would have an impact on competition payments received for the National Competition Council. Legislating to restrict competition is highly unfair, dangerous and, bar the odd exception, should generally be avoided. I believe giving preference to one source of software over another was uncompetitive and should not be legislated for.

All tenderers and sources should be given equal opportunity to receive government contracts, with government contracts being decided by factors such as cost and relevance. I am, however, please to say that my amendment, which I believe is supported at least by the Democrats and the government, alleviates this problem. My amendment replaces the word "prefer" with the word "consider". This change ensures open-source software is given proper consideration when the ACT government seeks to procure government software.

Whilst not inherently disadvantaging closed-source software providers, this should protect competition payments and eliminate any legislative bias to one type of software provider or the other. I was also concerned that the standards software needed to comply with were not wide ranging enough. Reliance on only open standards, all of which are recognised by a W3C consortium, I believe, is too narrow. There are some internationally recognised standards that the open standards do not cover.

Thus I believe standards recognised by the ISO should also be reached before procurement is accepted. This ensures that the standards of software procured in the ACT are maximised and cover as many areas as possible.

Mr Speaker, I commend the amendments that I will table in a little while to the Assembly and commend the bill to the Assembly.

MS TUCKER (9.07): The Greens will be supporting this bill, and I congratulate Ms Dundas for bringing it forward. In a general sense, this bill is about realising that governments should be taking the lead on ecologically and socially responsible purchasing and other practices. Doing things differently at a fundamental level is essential if we are to halt the decline of species around the world, the extremely dangerous levels of carbon in the atmosphere, the absolutely unsustainable rate of consumption, the levels of toxic pollutants in our air, soils and oceans, and the imbalanced and inequitable distribution of food and other needed goods around the world's human population.

Open-source software per se is not obviously going to achieve all of these things, but it is part of the system of development that rejects a world where any knowledge underlying something that other people will pay to use is to be held secretly by a corporation. That is about prioritising commerce and making as much money as possible above all else.

Making money in itself is not evil, but prioritising that, prioritising economic concerns above all else, leads to really terrifying outcomes. Surely an IT company will not be hinging their entire business strategy on selling their product to the ACT government unless they have a special-purpose software. And if that is the case then surely it will win through on the practicality test.

The bill does not force the government to use only open-source software, and with the amendments it will not even require preferment. It will simply require consideration. Why consider open-source software—a particular sector? It is because we should be recognising the benefits of doing business and making good products in a better way for community benefit. Open-source software sets up some user ownership. It does require a bit of knowledge to help to improve it and no doubt each agency would have to take this into account.

MS DUNDAS (9.09), in reply: I thank members for their support for what it is we are trying to achieve today, and that is to open up government procurement principles and to make government actually support local industry and do what it says it will do, which is to support small businesses in the territory. I am disappointed that the debate got somewhat side-tracked by whether or not we should adjourn tonight and whether or not this will fit in with the government's concerns in regards to procurement principles.

I think the amendments that have been circulated by both Mrs Cross and Mr Smyth go a long way to address the government's concerns.

I would like to start off by just addressing some of the points that the Treasurer made. He was quite concerned that this is not going to be good legislation and that there is not a call for it because the government is already working on open-source projects. I think that there is actually a call for this, that we actually have a rethink within the procurement part of the ACT government about how things are being done and how taxpayers' money is being spent for the good of ACT public services and government.

If you look at the contracts register that is publicly available, you will see a number of contracts that have been signed within the last couple of months for Microsoft software to be used within the territory. These contracts total around \$15 million. When there are so many other open-source solutions out there that are being provided by people in the ACT, it is so disappointing to see \$15 million being spent in this way, especially when there are so many other different things that it could be spent on.

So I think this piece of legislation is very necessary, because if it was not necessary, then why are we giving \$15 million to Microsoft as I speak? We would have been able to find, I think, a better solution within the open-source community.

I also think that the Treasurer has the wrong idea about what open source is and what open source sets out to achieve. He seemed to indicate that open source exists, that people develop it and then somebody puts their name on it and sells it as proprietary software. If that is happening, then it is not actually open-source software.

The whole point of open-source software is that the code remains in the public domain, that it can be used and reviewed without restriction. That is the core principle of open-source software. So I think the Treasurer needs to go back and read his IT magazines.

Mr Quinlan: Well, we'll adjourn the bill and I will. Good thinking.

MS DUNDAS: Bit late for that, Mr Quinlan. But you can read them when you are applying these new principles under the procurement guidelines.

I would like to address some concerns that have been put forward over the last couple of months about open-source software. Open-source software does not mandate exclusivity. You can actually use open-source programs under Microsoft Windows. It can connect into the Microsoft operating systems. I think we should also not be choosing software solely on the basis of the fact it is open source. Interoperability and open standards for data are equally important and that is what my amendment seeks to go to. It seeks to actually address open standards.

One of the things that I have learnt looking into open source is the whole raft of problems we are having with archiving electronic data thanks to the way our operating systems and our software have been operating over the last 10 years. Documents that were done on the computer 10 years ago can no longer be read, and nobody has access to the source code to decipher how they can be read.

I think that is very concerning when we are looking at how computers are advancing into the future and what needs to be done to be able to access our historical information. I think the government should really be embracing interoperability and open standards as a way of making sure information will be accessible now and into the future.

What this bill will do is encourage local and Australian IT companies who are currently struggling to break free from the domination of one proprietary system, to be able to work with the government on solutions for what the government needs and what the government wants, in the same way that open source was used to develop the electronic voting system that we had in operation at the last election. That was open source and it proved incredibly successful.

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I think we know that open source can work, and we know the benefits that it will have for the community. We will have, if this legislation is successful, an environment that allows the government to consider what open standards mean so that we don't get locked into just one company's software. We can add new components to our system so that we can get at our data in the future, and we can support the local IT industry that has led the world in the development of open source issues.

If this legislation is successful today we will be the first jurisdiction in Australia to pass legislation, but we will not be the first in the world. We will join South Africa, India, Peru, Brazil, most of the European Union, and some of those fine states in America, such as Massachusetts, that the Treasurer likes to talk about in respect of how businesses are going.

As I said, I am disappointed the debate seemed to have got side-tracked tonight, but I am glad there is support in the Assembly for it because there is support in the community for it. This bill has not been drafted in isolation. It has been the subject of much consultation with the IT industry—both open source and closed source—and with local businesses on the ground in the ACT who are supportive of the moves being taken tonight. I thank members for their contribution to the debate and I commend the bill to the Assembly.

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 DUNDAS (9.17): I move the amendment circulated in my name [*see schedule 1 at page 5204*].

MRS CROSS (9.17): I seek leave to move amendments 1 and 3 circulated in my name together. They seek to amend Ms Dundas's proposed amendment.

Leave granted.

MRS CROSS: I move amendments 1 and 3 circulated in my name together [*see schedule 2 at page 5205*].

MS DUNDAS (9.18): I will address my amendment and Mrs Cross' amendments. What Mrs Cross' amendments seek to do is change the requirement of preferring open-source software to considering open-source software, which I think goes a long way in addressing the competition concerns that have been floated. But also quite rightly they add International Organisation for Standardisation standards into the legislation. So we are not just looking at those standards as dictated by the open-source community; we are looking at those recognised by the ISO. I thank Mrs Cross for the work done to get those amendments here today.

My amendment seeks to amend the original bill by better defining open-source software and adding a secondary requirement to avoid the procurement of software which does not adhere to open standards. Open-standard software is software which is available for all to read and implement. Open standards create a fair competitive market for implementations of the standard so that they don't lock the customer into a particular vendor or group; they are free for all to implement with no royalty or fee.

The reason why it is important that we are looking at open standards, and how they will be implemented, is that people who want to communicate with the government will be able to do so. At the moment if you are using an open standard or open-source software product and you want to log in and do your tax return online you can't, because the Australian Tax Office is mandating that you use Microsoft to be able to communicate with them. This is the government saying to the community, "If you want to talk to us, you have to talk in our software; you're not allowed to do it in software that you've developed; you're not allowed to do it in software that is recognised across the globe."

I think that is why it is important that we do start opening up our computer systems, that we are allowing accessibility. If we are serious about accessibility, then we are serious about open source and allowing other computer systems and other operating systems access to our documents, access to our information, and allowing them to be able to communicate with us online. That I think is one of the important additions to the amendment that I have put forward today, and I hope that these amendments are successful.

MRS CROSS (9.21): I have already spoken to my amendments, Mr Speaker, so I don't need to speak again. I have already explained why I put the amendments forward.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport Racing and Gaming) (9.20): We will support these amendments because, as I said, they will, I think, now bring the legislation pretty well back to what is required in more general terms, I have to admit, than the current legislation anyway. That is very desirable at this point of this argument.

MR SMYTH (Leader of the Opposition) (9.21): The Liberal Party will be supporting the amendments, Mr Speaker.

Mrs Cross' amendments agreed to.

MR SMYTH (Leader of the Opposition) (9.22): I move the amendment circulated in my name [*see schedule 3 at page 5206*].

Mr Speaker, it just inserts a sunset clause that says it expires three years after the date it commences. If there is any undue effect from this bill this evening, then of course it should be reviewed in a reasonable period of time after the effect has begun, to see whether or not it has achieved the purposes that it was put there for. Three years I think is a reasonable time.

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MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (9.22): I read out of this that the opposition has given up hope of winning the next election but doesn't really want to be encumbered by this legislation if they win the one after that.

MS DUNDAS (9.22): On Mr Smyth's amendment: I have no major concern with it being put into the legislation. I am impressed that the government thinks they are only going to win one more election, but I think all legislation needs to be continually reviewed. We have just got to flag a way in which to do it in terms of this piece of legislation.

Mr Smyth's amendment agreed to.

Ms Dundas's amendment, as amended, agreed to.

Clause 4, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Gaming Machine (Political Donations) Amendment Bill 2003

Debate resumed from 7 May 2003, on motion by **Mrs Cross**:

That this bill be agreed to in principle.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (9.24): You might appreciate that we will not be supporting this bill, and I think for reasonably good reason. There may be some hand-wringing and breast-beating and some high principles pervade here; today has been the day for that Mr Speaker. It hasn't been unusual in this particular Assembly, but there certainly has been a lot of high principle expounded here today. But this is not about high principles at all; this is about raw politics.

The bill itself takes me back to the days of Michael Moore in this place and his seething antipathy towards the ALP and towards its successful operation of originally a club and now a group of clubs. There is a touch of *deja vu* of course about this.

Looking forward to the high principles that will be expounded here, let me say: I think there is one amongst us who might be able to speak from the point of principle, and that would be Ms Tucker who, as coincidence would have it, was the one person that has been maligned in relation to this bill so far.

So let's just take it from the top. I am reminded of a story—and I couldn't actually find it on the net—about Noel Coward and Lady Astor. The punch line was: "We know what you are, Lady Astor; we're just arguing about the price." It was in the context of "we know what you are—"

Mr Smyth: George Bernard Shaw, I think.

MR QUINLAN: Was it? Well, whoever. I like the line anyway. I would be very happy to be corrected. As I said, I tried to look it up but I couldn't find it on the net. Right now somehow we are talking about the ill-gotten gains of gambling and that the ill-gotten gains of gambling should not be applied to politics.

The first thing I believe is that of course it is conventional within the community for we politicians to be maligned. We rank along with mothers-in-law in terms of being the butt of jokes. On some radio stations you have only got to say "politician" and you have communicated a message or an appeal to a populist view. But I am happy to stand here and state that politics is the core of democracy and is the core of the community and that the financial support for politics that makes politics operate is in fact a contribution to community. To deny that is to deny, in this place, that you are a part of community. Go ahead; but I believe that I am working at the core of our community and that any support that I get is support, indirectly though it might be, for the process of democracy and community.

There are others of course that would believe that too. We have done a little bit of surfing around just to see where money does come from by way of political donations. Let's start with the Liberal Party federal secretariat. The Liberal Party federal secretariat takes money from the Australian Casino Association, Mr Speaker, from the Australian Hotels Association, from British American Tobacco, from the Fosters Group—beer, cigarettes and gambling—from Phillip Morris, from Southcorp, from TABCorp, from Tattersalls. Tattersalls are directly involved in poker machines. That money flows to the Liberal Party.

On the local front, whom have we got? We don't really want to bag the Democrats totally out of hand—it is not their bill—but let me just say that Democrats at the local level take money from the Eros Foundation. Nationally they also take money from the Australian Casino Association, the Federal Group, Fosters, Lion Nathan, the Australian Hotels Association, the Spirits Council, Lion Nathan again, Southcorp. Southcorp rises again.

The Liberal Party donations come from the Tuggeranong Valley Rugby Union Club, my club; the 250 Club—I don't know whether they have got pokies there; we don't know who they are. I think we really should share these. The Australian Hotels Association donates to the Liberal Party. There are a couple more here somewhere. I will get back to them.

Let me say that, for example, the mover of the bill, Mrs Cross, got about \$2,000 from the West Belconnen Rugby Leagues Club in four lots. Mr Speaker, in different times Mrs Cross shared her money with Mrs Dunne. So Mrs Dunne got money from Mrs Cross, who got money from a leagues club. Mrs Dunne herself also got money from the Southern Cross Club, as did Mr Stefaniak.

So let me return to Lady Astor. "We know what you are, we're only going to be debating the price from here on." Let me say that, occasionally, we do have a little hypocrisy in this place.

Mr Stanhope: A little?

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MR QUINLAN: A little. Occasionally we do. Today I think that the moving of this particular bill in this place might end up being top of the pops for a while.

Just as a matter of interest: I don't know where Mr Smyth got his money because his money went through head office. Smart thinking. So did Mr Humphries'. Smart thinking. Take the odds to it. They are a very friendly party, the Liberals. Mr Pratt got money from the friends of Brendan Smyth.

I think the point is that what we have here is virtually everybody in the place, including the Dems—

Ms Tucker: Not me.

MR QUINLAN: Yes, you're okay. I said you were okay. Did you not hear that? I said you were okay.

Mr Cornwell: I'm all right too, I think.

MR QUINLAN: At least every political group in this place has been supported by gambling.

Ms Tucker: No, the Greens haven't. We're a political group.

MR QUINLAN: No, you are excluded. My opening was that you are pure as the driven snow. I said that; you should have been listening to that. You are okay. The rest of us are in the same boat.

What we have here, Mr Speaker, undeniably is a purely political manoeuvre. It has nothing to do with high principle, which we may or may not hear during the next turgid hour or so.

But I have to say, Mr Speaker, that there is not a lot more to be said other than I believe—and I firmly believe—that politics does deserve support and that support for politics is not a lesser action than support for other community activity. I also believe that in virtually every case—except for Ms Tucker and the Greens, that political group over there, that small group over there—everybody here has been in some way or another associated with not only the gains of gambling but in many cases tobacco and alcohol.

How can you in principle differentiate? We will hear something about quantum at a later stage, and that will make the difference. If you are doing well, you are bad; if you are just getting a bit, you are only a little bit pregnant.

Mr Speaker, as you can gather, the government will not be supporting this bill.

MR STEFANIAK (9.35): I don't know that you are going to get any high morals, principles or rantings from me or any rantings about the evils of poker machines. I have said in this place on a number of occasions in relation to poker machines and the revenue that clubs actually do get from them that a lot of that is poured back into the community.

We have got some wonderful sporting facilities—and some teams are being supported by sporting clubs—and other community activities as a result. Of course that is not to downplay problems of problem gambling or anything, but since 1976 probably the net benefits from poker machines to the territory and the revenue that has come from that have probably far outweighed some of the detrimental effects. Any form of gambling can be detrimental.

Yes, Ted, I have received benefits from poker machines and clubs as a politician. In fact, when Mrs Cross actually first bunged in this bill I thought, “Oh damn, if that’s successful that’s probably a little bit of extra money I might not get to assist and indeed that my party might not get too.” You are quite right, Mr Quinlan. It might have been in about 1998 that I got about \$2,000 from the Southern Cross Club. I can remember getting something from the Tuggeranong Rugby Club. It is a bit of a shame actually, but Royals, whom I was involved with for so many years, I don’t think, gave me anything. But there you go. But I have actually got some money, and that is something that would dry up. He has rattled off the names of a few other members of my party who benefit—the party as a whole. Yes, that will dry up if this bill were successful.

One of the things in relation to this bill—and it is certainly something that we looked at very carefully, and I have some sympathy personally from where Mr Quinlan is coming from—is that the Labor Club, which was established in the 1980s, I think, does well; it gets a considerable amount of money from poker machine revenue. It has expanded. Obviously one of its aims is to support the Labor Party. Yes, the party has benefited.

You mentioned Mr Moore. He was very fond of saying this, but it was certainly something that regularly cropped up. Because of, I suppose, the very substantial donations that your local party actually gets—and I think it is more than 50 per cent regularly of your annual donations from any source towards the actual parliamentary party, the running of it and of funding election campaigns—there has been this perception, real or imagined, in this place of a conflict of interest.

Indeed conflict of interest was something that concerned other members of this Assembly. I am thinking of Mr Osborne who actually used to abstain from voting because he was retained as captain/coach, I think, by the West Belconnen Leagues Club. Once he ceased to be in that position, Mr Osborne then, I think, participated in poker machine debates. For whatever reason, he regarded himself as being in a conflict of interest situation because he was actually getting money from a licensed club that did have poker machines. I don’t think Mr Osborne ever particularly moralised about poker machines one way or the other, but he did recognise a conflict of interest there.

I think the Labor Party in his town has been plagued, since the inception of the Assembly, with a conflict of interest arising from the fact that a very substantial portion of its funding does come from poker machines and from the series of licensed Labor clubs in this territory. So that obviously would cease, and I suppose that is a benefit of Mrs Cross’ particular bill.

What is another benefit? We had a debate here last month on smoking. I think that was Mrs Cross’ motion. There was a lot of argy bargy. The opposition would have liked until 2008 to phase it in, to help the businesses involved and the club industry who rely very much on poker machine revenue to provide the services they do and who were going to

be seriously affected. I think things were quoted in terms of what had happened in Victoria when it had been introduced. If any of that is actually correct—and I assume that they had good reason for saying it—and we see a down turn in trade, that means a down turn in money going to the community through the community contributions.

One benefit I suppose of Mrs Cross' bill is that there will be some extra money freed up because clubs will not be donating to political parties, primarily the Labor Party. Let's face it: Mr Quinlan is quite right. Other parties including my own, other individuals, yes, including me in the past, simply won't get that, and that will be available for other, probably more positive community sorts of activities. So I think that is a benefit.

Mr Quinlan has read out the names of some amazing groups of people who have actually given their money to political parties. I suppose, for as long as people can give money to political parties, you will have groups like that doing it. Is the Labor Party ultimately going to be badly affected? Probably not, because they actually have the unions. Unions are affiliated with the party. Union members pay dues. Unions actually give donations to the party. So at the end of the day they are probably not going to be super out of pocket.

Businesses, of course, often have a two-bob bet each way—it might be more than a two-bob bet each way. I have often seen, in these electoral returns, business A gives \$2,000 to the Labor Party, \$2,000 to the Liberals, \$500 to the Democrats or whatever. The Greens might even get some that way. Unless these laws are going to be changed to stop all donations to parties—and that might be interesting too—there are these other groups who will be actually doing that. So I don't see it as the end of the world for the ACT Labor Party, although they might tend to think so.

Of course, there are other ways that people raise money through the community; the political parties do that. Again, I think the Labor Party is crying poor a little bit too early in relation to this particular debate.

Mr Speaker, my party will be supporting Mrs Cross' legislation. I note, though, it is obviously going to go down. It seems Ms Tucker is not going to support it. Mrs Cross has brought this bill on; it has been lying on the table for a while—

Mrs Cross: Since May.

MR STEFANIAK: Since May, is it, Mrs Cross? It is something that the opposition will be supporting.

MS DUNDAS (9.42): Mr Speaker, at the core of this debate is the public perception that political parties are receiving poker machine revenues to protect the interests of poker machine operators. I think that is the central issue that we are addressing today and, so far, the government has taken no action to overturn that perception. This bill would not be necessary if the government took the bull by the horns and made a genuine attempt to regulate and restrict gambling industries in the territory.

We have recently seen the government's woefully inadequate response to the Gambling and Racing Commission's review of the Gaming Machine Act. The government ripped the guts out of the report and refused to implement those measures most likely to prevent problem gambling. It also prevented the implementation of measures that would do the

most to ensure compliance with the requirements of the act. If the government did its job then this would not be an issue.

However, the government has delayed any action, watered down recommendations by the commission and tried to fob off the evidence of problem gambling in the ACT. In fact, the Treasurer has become a gambling promoter. He stood up in his chamber and said what a wonderful and entertaining pastime gambling was. However, there are many other industries in the ACT that are regulated in similar ways, such as the sex industry, X-rated videos, smoking and fireworks. I would like to see the Treasurer stand and spruik for these industries as well. I want to know why they were not all mentioned in the economic white paper.

When coming into office, the Labor government threw out the previous recommendations of the Gambling and Racing Commission and ordered the commission to do it again. The government then sat on the commission's report for several months and released it just before Christmas. Then, after releasing the report, the government took even longer to provide a response and we are still waiting for legislative change from the government. When will it come? We have extended the gaming machine cap three times now, waiting for the government to get its act together, and we still have not had word about when we are going to see legislation. Perhaps this is something that we will have to wait for until another election.

Given the delays, the public promotion of gambling, the government's ardent protection of the club monopoly over poker machines, the proposal to lift current restrictions on political donations and the continuing government addiction to poker machine taxes, I can understand the view of many in the community that the Labor government is compromised on the issue of poker machine regulation. There is a widespread view that government revenues are so dependent on poker machines that the government will not take any action needed to curtail problem gambling. This is to the detriment of thousands of Canberrans.

I have pointed out the statistics of problem gambling numerous times in this Assembly, but I want to repeat them just one more time. The ACT has the highest number of poker machines, per capita, in Australia. The survey of the nature and extent of problem gambling in the ACT found that there were over 5,000 problem gamblers in the territory, and each of these was likely to negatively affect 10 other people. More than a third of gambling revenue is contributed by problem gamblers, equalling around \$75 million each year of problem gambling expenditure in the ACT.

I am therefore appalled that this government, or the Treasurer, would promote an industry that relies on addicts to contribute nearly 40 per cent of its income. I am quite ashamed that the government has watered down the recommendations of the Gambling and Racing Commission, which were pretty moderate to begin with. There is understandable anger that the government will not act to reduce problem gambling. The fact that hundreds of thousands of dollars are going to political parties leads people to believe that this revenue is compromising the political process.

At this point, I want to address some of the points the Treasurer made in his oration. He has seen fit to bring up payments to the federal wing of the Australian Democrats by some companies involved in the gambling industry. I am quite happy to acknowledge

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this: 10 members of the Australian Casino Association attended a leaders dinner series and paid ticket price. Similarly, representatives from TabCorp and the Australian Hotels Association have attended Democrat conferences. This is a matter of public record and it is clearly indicated on our electoral returns. In fact, that is where the Treasurer got the information.

I, as a candidate, have not received similar donations. I am not sure what the point is that the Treasurer is making with this type of comment because, if he is trying to suggest that I, with the Australian Democrats, have been bought off by gaming industries, then we are making a pretty bad job of doing what the gaming companies would therefore expect of us. Perhaps he should review all the comments I have made and see whether or not they go hand in hand with the comments of someone who has been bought off by gambling industries.

This compromises the debate that we are having today, and it does not go to the issue of problem gambling, nor why that issue has yet to be adequately addressed. I can understand why the Treasurer did it, and I have no problem with this information being made public. The Democrats have quite a strong policy on this but, if the government is trying to insinuate that we are being bought off, then I see no evidence of that whatsoever in what is going on.

I would like to put forward, for members' information, the fundraising protocol of the Australian Democrats, which is publicly available on our website. It says:

- The Australian Democrats will only accept a donation on the basis that we do so without any consideration or bias or favour to their concerns other than where their concerns accord with our own party objectives ...
- The Australian Democrats do not consider that accepting a donation carries with it any endorsement of the entity's own activities or agenda.
- The Australian Democrats will continue to speak out for its principles including criticising any organisation or entity which it believes fails to uphold the principles of social justice, environmental responsibility, human rights and economic sustainability.

This is something that, I am sure, all members have heard me do quite often. I continue:

- The Australian Democrats will not knowingly accept a donation from any company whose primary source of income is derived from woodchipping, uranium mining or tobacco.
- A donation to the Australian Democrats does not give the donor any special rights or benefits, nor does it result in any implied or express obligation by the party to the donor.

That is something the Democrats follow to the letter and of which we are quite proud. We have been working hard at a federal level to clear up what happens with political donations. As opposed to the retrograde steps that the government has proposed here in the ACT, we have been pushing for greater disclosure at a federal level.

All that being said, I will support this bill in principle. I have some reservations about supporting it as, once again, we are dealing with a piecemeal approach to the issue of gambling regulation. I have said that I believe this bill would not be necessary if the government demonstrated that it was not being influenced and was effectively regulating the ACT poker machine industry. However, at the moment, it is not.

I would also point out that putting restrictions on poker machine revenue is not new in the ACT. We already have compulsory community contributions that are strictly codified by the commission. We have an existing restriction that means political donations must be matched by additional community contributions. The fact that the Labor Party wishes to remove these restrictions is evidence to support the perception that Labor is more interested in poker machines as a revenue source than in preventing problem gambling.

While I support this bill in principle, I did circulate some amendments earlier today, as I do have some concerns with the way Mrs Cross' bill stands. The amendments would close some loopholes that I think were left in Mrs Cross' bill. The bill, as it stands, would allow donations to candidates, independents or ballot groups, but not political parties. While it prevents donations of money, it does not prevent donations in kind. My amendments move to plug those holes.

The bill also only refers to clubs with poker machine licences, not other licensees. My amendments would remove any references to clubs—to take the bill away from this anti-club idea that seems to exist—and simply refer to poker machine licensees, to bring in the hotels who have poker machine licenses and the taverns, if they ever get their class B machines.

Mr Quinlan: But not Lion Nathan or Fosters, who supply them.

Mr Corbell: Or the Australian Casino Association, the Australian Hotels Association or TabCorp.

MS DUNDAS: Finally, my amendments would make it clear that clubs are only prevented from using their net gaming revenue to make political donations.

Mr Corbell: Or Publishing and Broadcasting Ltd and Kerry Packer.

While the Treasurer and the Minister for Planning are yelling at me, I want to repeat that because I think it is very important: my amendments would make it clear that clubs are only prevented from using their net gaming revenue to make political donations. Under my amendments, if licensees donate all their gaming revenue as approved community contributions, they can use their other resources and their other revenues to donate to political parties.

My concern is the gaming revenue. Clubs should be free to use the revenue that they are making from selling their counter meals, from all their residential properties and all their other revenue as they see fit, but gaming revenue is the issue we should be looking at. What is happening with the money that is being poured into our poker machines has to be addressed.

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I am disappointed that we are not going to have a debate on those amendments and I am disappointed that we are not looking at this issue in the right frame of mind. I again call on the government to get a move on with its gaming machine review and put some legislation on the table so we can understand what it is the government wants, instead of listening to it simply shouting down everybody else's suggestions.

MR CORBELL (Minister for Health and Minister for Planning) (9.53): Mr Speaker, I rise in the debate tonight to support my colleague the Treasurer, who outlined why the premise of this bill is a false and absurd one, and why members should not support its passage this evening. The premise is false and absurd because it is that there is some conflict of interest that requires the Assembly to prohibit the donation of money that comes from poker machines to political parties.

In a democracy, Mr Speaker, this approach is unprecedented because the accepted approach to date has been that the safeguard is disclosure of the donation. That is why we have the reporting requirements in the Electoral Act and that is why we have in the ACT the additional requirement of disclosure in relation to licensed clubs through the Gambling and Racing Commission.

We might have arguments about what the thresholds are that require disclosure, but the accepted principle to date has been that the safeguard against conflict of interest, and against donations exercising undue pressure on or obtaining advantage from a particular party, is disclosure. However, what the Democrats, Mrs Cross and the Liberals are saying tonight is this: disclosure is not good enough when it comes to this type of money. When it comes to gaming machine revenue, donations from licensed clubs, it must be banned.

However, they are not consistent in their approach and that is why the proposition is absurd. If there is the capacity to unduly influence government, any government, through money that comes from gaming machines, there is equally the capacity for undue influence to be exercised as a result of any other political donation—for example, a political donation from a developer.

We know that developers make donations to both major political parties in the ACT and they are disclosed. However, if we believe that undue influence can be gained through the use of money from licensed clubs when it comes to issues of gaming, surely we would also believe that there is the capacity for developers who make donations to gain an undue influence on planning issues. We are not carrying that logic through. Mrs Cross and the Democrats are not consistent in their approach.

If donations cause undue influence, they should be banned. However, you should not take the approach that one type of money, one type of donation, causes undue influence but others do not. That is the absurd and false premise on which this legislation is based.

Mr Speaker, I want to reiterate the point that my colleague Mr Quinlan made when he said that we are all just arguing about how pregnant we are, with the notable exception of the Greens. It is worth highlighting Ms Dundas's very weak defence when it came to the money—which, embarrassingly, she has had to admit today—that her party has received from entities associated with gambling.

The majority of funding for the ACT branch of the Australian Democrats came from the Australian Democrats' national office, a total of just over \$80,000. It is interesting to note that, of the funding that went to the national office of the Australian Democrats, there was the equivalent of \$72,900 from organisations directly or indirectly associated with gambling and licensed club activity. The Australian Casino Association donated \$25,000, and Ms Dundas tried to pass this off as just 10 people attending a function. Yes, 10 people attending a function at \$2,500 a head, Mr Speaker. It must have been a good meal or there must have been wonderful company.

Mr Speaker, donors included the Federal Group, \$7,500; Fosters, \$25,000; the Australian Hotels Association, \$11,000; TabCorp, just over \$2,000; and Publishing and Broadcasting, that well-known company of social benefit run by Kerry Packer, just over \$2,000. The total of those figures comes to \$72,000, just \$8,000 short of the \$80,000 the ACT Democrats received from their national office. I raise this figure simply to reiterate the point. The point is, as Mr Quinlan said, the argument here is how pregnant are you compared to us? It is an absurd argument. It is an argument which is without foundation when it comes to arguing for the worth of this piece of proposed legislation.

Ms Dundas also made the point that, if these donors had made all these donations, then clearly it was not working, clearly they were not buying any influence, because the Democrats locally were pushing hard against poker machines and the evils of poker machines. If that is Ms Dundas's argument, you could say the same thing about this government, which is prepared to put in place and support a total ban on smoking in licensed pubs and clubs.

I went down to the local annual conference of the Licensed Clubs Association a couple of weeks ago and I had to answer a range of questions on why the government was implementing, and had supported, this ban. I had to face quite a bit of flack from licensed club operators about those measures. If Ms Dundas's argument says that the donations are all right as long as they are not buying influence, I ask her to look at the smoking decision. I ask her to look at whether she thinks licensed clubs are buying influence because the Labor Party has chosen to support a complete ban on smoking in licensed clubs and pubs. Again, Ms Dundas's argument simply does not hold any water.

It is worth noting some facts about poker machines and gambling in the ACT that have become part of the broader debate. First of all, it is worth noting that the ACT government is not reliant on gaming machine revenue. Our gambling taxes as a percentage of total taxation revenue are the second lowest in the country at 7.1 per cent. Only Western Australia's figure is lower. This is not a government or a jurisdiction hooked on gaming machine revenue and those figures, from the Productivity Commission I think, Mr Quinlan, highlight that fact.

Second, the code of practice which the ACT government worked hard with licensed clubs and pubs to introduce has been lauded by the Brotherhood of St Laurence—not a well-known pro-gambling organisation—as the best code of practice in the world when it comes to trying to control problem gambling in licensed pubs and clubs. The government has what we believe is a reasonable and balanced record when it comes to dealing with gambling issues.

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Let me return to the substance of this bill. It is about saying that political donations, when they come from licensed clubs, are so inherently evil and they will influence political parties to such a degree that they should be banned. However, that assumption is not carried across to any other form of political donation, even though you would have to say that, based on the logic of the proposer and supporters of this bill, the same logic would have to apply to every other type of political donation made to any political organisation in the ACT.

For that reason, if you were consistent and logical in developing this legislation, you would be seeking to ban all political donations because of their inherent danger to public policy making. Let's face it, this bill is nothing more and nothing less than a straight political attack, and any attempt to present it as something else is simply an absurd proposition.

The government does not support this legislation today. It is legislation which is based on a false premise: that political donations, when they come from licensed clubs, are inherently evil and influence policy making in a dangerous way. It should be incumbent on those who support this legislation to show why other political donations do not have the same effect.

I will finish by making this comment again: the safeguard of democracy when it comes to donations to political organisations is disclosure of the donation. While we may have arguments in this place about what the threshold is that would require disclosure, the reality is that in a democracy people should first of all be able to choose to support the political party they wish to support, as long as they are equally prepared to disclose the amount of financial assistance they provide to that political organisation.

We have robust and wide-ranging disclosure requirements in the ACT. The disclosure laws require not just reporting through the offices of the Electoral Commission, they require reporting through the Gambling and Racing Commission when it comes to donations made by licensed clubs to political organisations. The government thinks these are strong and reasonable protections when it comes to judging whether or not public policy making is being unduly influenced by any form of political donation. We see absolutely no reason for the application of the absurd and false premise that lies behind this bill.

MS TUCKER (10.05): The Greens will not be supporting this bill. As members would know, we have a long history of pushing for better regulation of gambling and better ways to prevent and deal with gambling-related harm. We have also been strong advocates of reducing the possibility of donations swaying political parties or MLAs' votes and policies.

However, to focus just on political donations from poker machine revenue does not deal with the issue at all. This bill, whatever Mrs Cross' intentions, would have a very disproportionate effect on the sources of funds for one particular political party, which happens in this case to be the Labor Party. It would do this without making any difference to problem gambling or the prevention of harm. The bill does not put forward the means to deal with the harm that results from poker machine gambling.

Of course, we are all waiting with bated breath for the government's legislative changes to the use of gaming machines. There should and must be serious changes. I am sure we have all got ideas to add to what will be put forward. I have suggested for years that a problem gambling fund, which takes a percentage of all gambling revenue, would be a useful means of ensuring that services are provided across the community to address the harm created by gambling. Such a fund could operate at arm's length and thereby reduce any possible promotional effects—a hospital supported by poker machines, for instance.

However, the best means of reducing harm is prevention. We have suggested making all poker machines in the ACT class B, which would substantially reduce the potential to lose large amounts of money quickly. We have also suggested banning all advertising of poker machines and gambling. These are the kinds of measures that we have been looking for.

It is also important when considering gambling revenue to look at the revenue to government through tax. The economist Julie Smith has presented carefully researched evidence of governments around the world which, through increasing gambling taxes, have become dependent on gambling revenue for many community services and essential services, such as hospitals and schools. So while clubs are community organisations, their original and ongoing purposes are related to community in some way, whether it be a particular ethnic group or sport or a political movement or group. For this reason it is preferable that they, and not businesses, be in charge of gaming.

There is an additional requirement for clubs to donate some of the revenue to community purposes—which are defined not to include political parties. But that is not the primary “community-ness” of clubs. We should also be careful not to link important community activities with grants of gambling revenue. We need to be reducing revenue by reducing problem gambling.

I think it is important to note that under the current system community contributions offer the opportunity to promote gambling venues to the community. If Mrs Cross and Ms Dundas are so concerned about the impact of inducements, advertising and promotion, then surely they can see the link between this and clubs giving money to community causes. That is why we have supported the Productivity Commission's proposal that you do not do that—you do not invest in decisions about where social need is in particular groups like clubs in the community.

The Select Committee on Gambling, which looked at the economic and social impact of poker machines, was told that at one point a community benefit fund, managed by particular groups in the community associated with the gambling industry, was set up in South Australia—it may have been Victoria. There were real problems with that because there were restrictions on how that money could be spent, particularly in view of any negative impact on the general image of gambling in the community. That state came to the conclusion that that was a problem, that there was a conflict within that fund.

Mr Corbell has just said that he thinks we are receiving quite a small amount from gambling taxation in comparison to other states and territories. That may well be the case, but the point is we are still getting about \$30 million. Mrs Cross is making a very big hoo-ha in this legislation about a few hundred thousand dollars that goes particularly

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to the Labor Party, claiming that this is the reason or could be the reason—Ms Dundas seemed to be saying this, too—that we are not seeing better regulation of harm minimisation related to gambling. But the point has to be made that if you are worried about the impact of revenue coming from gambling, you need to be a bit more worried about the \$31 million than the \$300,000. And that is a problem for not just Labor but for Liberal governments.

The other point that I have not heard Mrs Cross, Ms Dundas or the Liberals address is that there is no difference between the performance of Liberal governments and Labor governments on the question of reducing harm. So if the argument that is being put here is that in some way the Labor government is particularly compromised and therefore influenced by this few hundred thousand dollars, I should point out that the evidence does not support that that is the case.

Both major parties had to be dragged kicking and screaming—and I would say that, since we were elected in 1995, the Greens have been instrumental in this place in bringing about such a change—to set up a gambling and racing commission. It was the Greens that brought up the need for an inquiry by a select committee. It took quite a number of years to get to the point where we got a gambling and racing commission set up, and that came out of the work of the select committee that I asked for. We have not heard good arguments put by Mrs Cross or others as to why we should support this legislation.

The Labor Party and, indeed, all clubs will have to get used to declining revenue from poker machines if we become more successful in reducing problem gambling. The majority of gaming machine revenue comes from problem gamblers. We must reduce this revenue by helping people who have a problem with gambling. This will affect the Labor Party disproportionately—although, as Mr Quinlan has pointed out, it will affect most members here—but we have to reduce harm in the community.

I believe that a reduction in revenue will also have an effect on the whole community and our capacity to provide services. If we successfully reduce problem gambling, there is going to be a serious impact on tax that comes to governments, whether they be Labor or Liberal. We are going to have to address the general issue of finding alternative forms of revenue.

The potential for political corruption because of donations from particular businesses or companies is, of course, not limited to gambling. Developers and developers' companies were donors to such political organisations as the Labor Party and the 250 Club. Those donors do not show up in party returns—I will not go into that because I do not want to anticipate debate on a matter that we will soon be considering. But the effect of these corporate donations on our democracy is an important issue.

I understand some of the things that Mrs Cross has said, although I do not believe that she has really looked at the issue as comprehensively as she might have. We have had a number of conversations with her and I thought she understood our position. She is well aware that I am having a bill drafted that would ban all political donations from corporations. I understood that Mrs Cross was supportive of that.

This measure will address in a fair and even-handed way the whole question of what, in the United States, is called soft money. If you look at the impact that political donations

have had on democracy in the United States you will see that this is something we need to be very afraid of. It is becoming more of an issue in this country. Whether it is the Democrats, Labor or Liberal Party, you are getting increasing corporate donations. I think the question is: what does this do for democracy in the long run? If we are all able to accept personal donations, donations from natural persons, which is what my bill will be suggesting, then you will have a situation where we will not need this kind of debate.

The bill we are now considering deals with only one sort of donation. It does not, as I said to begin with, deal with any of the issues of gambling-related harm; it does not deal with the issue of the huge reliance that either Labor or Liberal governments have on taxation that comes from gambling. So it is not a bill that the Greens would be prepared to support.

These debates are always useful but I am very sorry that Mrs Cross has added an element and that is she has chosen to basically lie to the community by claiming that I have changed my vote or voted in a particular way because I was offered preferences. I think Mrs Cross needs to just think again about how I do politics. She may be projecting her own way of doing politics here—I am not sure—but the issue that needs to be made quite clear is that I am not—

Mrs Cross: On a point of order, Mr Speaker: that was an imputation. I ask Ms Tucker to withdraw the word “liar” and the inference that I do politics in a way that she finds unacceptable. She called me a liar in her speech, and I ask her to withdraw it.

Mr Hargreaves: On the point of order, Mr Speaker: Ms Tucker said that she believed Mrs Cross had lied to the community, not to the Assembly, not to any member here, and that—

Mrs Cross: Mr Speaker, that was an imputation. I ask Ms Tucker to withdraw it.

Mr Hargreaves: We have talked about the exactitudes of whether it is unparliamentary to suggest a member has lied to the community or to the Assembly. You have ruled in the past that it is not unparliamentary to say that a member may have lied to the community.

Mrs Cross: Mr Speaker, that is not what—

MR SPEAKER: Order! I have heard you Mrs Cross.

Mrs Dunne: On the point of order, Mr Speaker: in this place in the past you have ruled that it was permissible to say that a member may have misled the community and that one could not say that a member had misled the Assembly, but on no occasion has it been permissible to say that someone has lied to anyone.

Mrs Cross: Exactly.

MR SPEAKER: Lying is out. Withdraw that please.

MS TUCKER: I am happy to withdraw “lying” in that case and say “misled”. But I think it is not unparliamentary to say “mislead the community”.

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Mrs Cross: Mr Speaker, on a point of order: that is another imputation. I have not misled anybody. That is misleading and needs to be withdrawn.

MR SPEAKER: Order! Mrs Cross, no.

Mr Corbell: The Speaker has ruled on this.

Mrs Cross: Well, so you say. Who believes you, Simon?

MR SPEAKER: Order! It has always been customary in this place—

Mr Corbell: The Speaker has ruled on it consistently, Mrs Cross.

Mrs Cross: Who believes you?

MR SPEAKER: Order! I have always ruled out accusations that members in this place have misled the Assembly. It is another matter for accusations about misleading the community. I will allow that. It becomes a point of debate, really.

MS TUCKER: Thank you. Mrs Cross certainly misled the community because she put out a media release and spoke on radio and told the community that I had accepted an exchange of preferences for how I would vote. That is absolute nonsense. Unfortunately, Mrs Cross did not even bother to check her sources. I would like to see Mrs Cross withdraw and retract that, as I have asked her to do, but I have a feeling we are not going to see her show that grace.

Mr Corbell: Shame.

MS TUCKER: Yes, it is a shame. But, anyway, that is Mrs Cross' choice.

In conclusion, I would make one more point. I cannot see how this legislation will reduce the occurrence of problem gambling in the ACT. From what I can remember about her explanatory memorandum, I think the main point of Mrs Cross' bill is about political influence. I have addressed those issues. From memory, I think money going to the community was mentioned at the end of the explanatory memorandum. I have already addressed that issue as well, so I will conclude my speech.

MR SMYTH (Leader of the Opposition) (10.19): Mr Speaker, it certainly has been educational this evening to hear from Mr Corbell that the safeguard of democracy is disclosure. I am pleased that Mr Corbell put that on the table. Let's listen: the safeguard of democracy is disclosure.

I visited the Canberra Labor Club website to see how much it told its members—you and I will recall a visit to the Tradesmen's Club at Woden recently, Mr Speaker, for a social function, and what I did not see on any of the machines in that club—and Mr Corbell will no doubt jump to his feet and tell me they are certainly on the machines at the Labor Club—is a sign "Two cents out of every dollar you put in this machine goes to the Australian Labor Party."

Mr Corbell: It is called the Canberra Labor Club, you goose.

Mr Quinlan: It is on the front door.

MR SMYTH: Okay, it is the Canberra Labor Club. It does not matter; pick your club—the Tradesmen’s Club, the Workers Club—but your only defence is that and there is no sign on any of the machines.

There is no disclosure on the website. I went to the website thinking that it would tell me what they do. There is a history of the Canberra Labor Club but, remembering that disclosure is the safeguard of democracy, this fact is not disclosed in the section on the history of the club. I looked at the membership application, but it is not disclosed on the membership application.

I got to the gaming page of the website thinking, “This is where the safeguard of democracy will appear,” but it does not mention it. It simply says:

The Canberra Labor Club offers members and guests 225 of the latest gaming machines, including major links and jackpots. The Canberra Labor Club offers members the opportunity to participate in the DACOM reward points loyalty program.

No disclosure, Mr Speaker. Then we get to the community contribution.

Mr Corbell: Canberra Labor Club, in lights on the door, flashing lights.

Mr Quinlan: Where is the form for the 250 Club?

MR SMYTH: Yes, all right it is there. It says, “Welcome to the Canberra Labor Club. Community contribution.” There is a notable list of 3½ pages of community contributions made by the Canberra Labor Club. There it is, seven down, the ACT Labor Party. It does not say how much; there is no disclosure of how much these groups are getting. There is no disclosure, yet we had this argument from the guardian of democracy over there, Mr Corbell, that disclosure after the event is a good thing.

I think we should go back to why poker machines were put there and what the community contribution was about. If you did a survey of the members of any club, I think very few of them would think of politicians and political parties as part of the community fabric. The whole point of the community contribution was to build up the community fabric, support sporting clubs, to support women’s sport now, and things like that. There is no defence there. I do not believe anything that Mr Corbell has said would prove that disclosure is the safeguard of democracy.

The point is about the ability to choose to support. The people who put the money in the machines are not choosing to support a club. Developers might, private individuals might, industry associations might, but members of a club—the 40,000 members of the Canberra Labor Club—do not make a decision to support that. It is not listed as one of the objectives of the club that I can find.

Mr Quinlan: Going to rip down and get some signs for the casino, are you, Brendan?

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MR SMYTH: It is not listed anywhere on its website, so what we get is the complete debunking of what Mr Corbell has said about disclosure being the safeguard of democracy.

Mr Hargreaves: Or the Catholics and Friends or the Southern Cross Club?

Mrs Burke: I think you protesteth too much over there.

Mr Hargreaves: Yes, right.

MR SPEAKER: Order, members! Mr Smyth has the floor.

MR SMYTH: The interesting point in what Ms Tucker said was that it has a disproportionate effect on one party. Ms Tucker raised the issue of gambling and the money that the government gets from it. According to the latest Productivity Commission report—

MR SPEAKER: Order, members! It is getting hard to hear Mr Smyth.

MR SMYTH: I can start again, Mr Speaker. I will go back to the start. Mr Corbell said—

MR SPEAKER: No, it is okay. There is no compulsion to start again.

MR SMYTH: We then get to the issue of whether or not governments are hooked on the money that we raise from gambling. Mr Corbell says we are not hooked on it. Not yet, but we are starting to go that way because this year, this budget, this Treasurer, with the assistance of Ms Tucker and Ms Dundas, raised the percentage that is paid back to the government from 25 to 27 per cent. We are having a bit of a holier than thou night tonight and that is probably a good thing.

However, the problem is: when you look at who voted against raising the tax, it is only the Liberals who voted against raising the tax rate from 25 to 27 per cent. Ms Dundas said she has some sympathy, Ms Tucker said she has some sympathy for it but, when push came to shove, we voted against it. The Liberal Party voted against it because, over time, our opinion of this has changed. We have learnt, we have listened and we have changed our position.

It then comes down to looking at the \$31 million that is raised by the government. More will be raised this year and the longer we accept it and the higher we set the rate, the more addicted to it we will become. At this stage, against a standardised level of one, we raised about 0.68. We have been castigated by the Grants Commission. I think it is something of which we should be quite proud.

I think the next thing that we have to look at is the conflict of interest in this. Who benefits tonight if this bill does not go ahead? Who benefits the most? It is the eight members of the ALP in this place.

Members interjecting—

MR SPEAKER: Order! Matters of conflict of interest are matters for the Assembly to decide and it is not an imputation that I will allow in this place. It has not been allowed in the past. If you have a look at standing order 156, the same rule applies as applies in relation to claims about people misleading the Assembly. If you want to move a substantive motion on the issue, you go for your life, but imputations across the floor are very serious matters.

MR SMYTH: Mr Speaker, I take your ruling.

Let's look at Mr Osborne who, while he worked for—

Mr Corbell: On a point of order, Mr Speaker: Mr Smyth has not withdrawn the comment and I would ask him to do so.

MR SMYTH: Do you want me to withdraw it?

MR SPEAKER: Withdraw it.

MR SMYTH: Mr Speaker, I withdraw the comment.

Let's look at the example of Mr Osborne, who benefited directly from a club. Mr Osborne was directly employed by a club. Whenever matters of poker machines came up in this place, Mr Osborne absented himself from such votes because he felt there was a conflict—

Mr Quinlan: And it never made any difference to a vote.

MR SPEAKER: Order, Mr Quinlan!

Mr Quinlan: A very important point.

MR SPEAKER: Order, Mr Quinlan! Mr Smyth, you have the floor.

MR SMYTH: Mr Osborne saw that he had a direct conflict of interest, or he felt he had a direct conflict of interest and he said it regularly, and so he removed himself from the debate.

I think it does come down to informed consent and I have the Labor Party's list of donations and bits and pieces. Yes, there are some private individuals, there are some developers, there are some unions and there are even a couple of clubs on it. We can all read lists, make this innuendo and throw accusations at people, but the matter is about informed consent.

Individuals, members of clubs, possibly members of different organisations, make decisions about their clubs. I am not aware of any decision that has seen club members say they are happy for money to go to political parties. I think most members of clubs would not think of political parties as coming under that banner of community contributions.

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This matter is about informed consent. When developers or individuals choose to donate to a party—some donate to the Liberal Party because they think it is a good party, some donate to the Labor Party because they think it is a good party, some donate to the Democrats, but I am not sure who donates to the Greens as I have not looked at their returns—they do so on the basis of informed consent and that is how it should be. There is no informed consent when you donate through the Canberra Labor Club.

Mr Speaker, earlier there was comment that Mr Stefaniak and Mrs Dunne had received money. I am sure they will miss it in the future. If it makes it easier for Mr Quinlan to vote for this bill, I am sure that they will forgo any donation they previously received, grateful to know that they will be clearing up something that we all have an interest in.

MR SPEAKER: Order everybody! Mr Smyth has the floor. He is entitled to make debating points and, if there are any further speakers, they are entitled to debate them as well.

Members interjecting—

MR SMYTH: Mr Speaker, I think much of what I am saying is simply falling on the deaf ears of those who want to ignore it.

It is quite clear that this bill will go down this evening, but I think it is an issue that is not exhausted and that will be visited again. It comes back to what really is your definition of community. If you ask the majority of Canberrans whether they would rather see \$459,000 go to community groups that assist individuals out there or whether that money should go to a political party, I think most of them would say they would rather see it in sport, in women's groups, in carers groups or in volunteers groups. I believe that is the true sentiment of the community.

Obviously, the bill will go down and that is a shame, but I am sure it is a subject to which we will return.

MRS CROSS (10.31), in reply: Mr Speaker, tonight we have witnessed a truly magnificent event, the beatification of Saint Tucker by Lady Astor, for it is you, Mr Quinlan, who is Lady Astor and you who has a price on his head, not me. It is Mr Quinlan who is acting in self-interest and not me. I think that the lovey-dovey, warm and fuzzy, sweet and nice behaviour that Lady Astor—aka Mr Quinlan—showed to Saint Tucker was rather moving. It is going to be a while—

MR SPEAKER: Order, Mrs Cross!

MRS CROSS: Yes, Mr Speaker.

MR SPEAKER: I know that these debates are elevated to quite passionate levels but—

MRS CROSS: I am just acknowledging the beauty of this place, Mr Speaker.

MR SPEAKER: You must refer to members by their proper names.

MRS CROSS: Mr Speaker, I accept what you say. I am using the reference that the honourable Treasurer used and I figured that, if the hat fits—or the skirt or the dress or whatever—you should wear it.

Mr Speaker, the importance of this bill cannot be overestimated. The passage of this bill into law would result in great benefit to Canberrans. Simply put, this bill and its passage would result in tangible benefits for the citizens of the ACT. These benefits to the community would be large. In 2002-2003, licensed clubs donated \$371,036 to political parties and in 2001-2002 they donated \$458,455 to political parties. That is over \$825,000 that has been diverted away from the community into the coffers of political candidates.

I ask my fellow MLAs whether it is better to spend \$825,000 on the community or on political parties. Is it better to spend \$825,000 on our junior sporting teams, on our charities and on our clubs, or is it better to see \$825,000 spent on electioneering and filling the coffers of political parties?

Clearly, support for this bill is a signal that supporters care about the community first and foremost. Support for this bill shows that you want to see money going to junior sporting teams and charities and being reinvested in our clubs—

Mr Corbell interjecting—

MRS CROSS: Mr Corbell, I will get to you in a minute. The vote on this bill will make it clear which of us have the community's interests and which of us have their own interests at heart. It should also be remembered that clubs are our institutions, they are the people of Canberra's institutions. Clubs belong to the community and exist to benefit the community, not certain individuals.

This is the very reason licensed clubs have a state-protected virtual monopoly on gaming machines in the ACT. Licensed clubs, at the expense of most hotels and taverns and the Canberra Casino, have a practical monopoly on gaming machines in the ACT because they are community organisations. They have a practical monopoly on gaming machines because they are not-for-profit organisations. Subsequently, licensed clubs with gaming machines have a responsibility to donate that money to the community.

This can be done in a number of ways. Clubs can donate to charitable organisations; this is giving back to the community. Clubs can donate to welfare, safety and social services; this is giving back to the community. Clubs can provide money for sport and recreation; this is giving back to the community. Clubs can provide money for women's sports and encouraging women to take part in sport; this is giving back to the community.

Mr Corbell: When is Mrs Cross going to apologise?

MRS CROSS: Clubs can donate to and provide—

MR SPEAKER: Order!

MRS CROSS: Mr Speaker, it is very tempting. I will get to him. I cannot wait.

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Clubs can provide money for sport and recreation; this is giving back to the community. Clubs can donate to and provide community infrastructure; this is giving—

Mr Hargreaves: The glasses are fogging up here, with fear.

MRS CROSS: You are red-faced, Mr Hargreaves. Did you have a long dinner?

This is giving back to the community. Clubs can fund and financially support non-profit activities; this is giving back to the community. Clubs can also put money back into the clubs; this is giving back to the community.

The only legislative requirements on clubs regarding community contributions are that they must donate 6 per cent of net gaming machine revenue to the community in a form other than reinvestment in the club, and that all clubs are to reinvest all revenues into the community.

Clubs can also donate to political parties and candidates. Why is that? It stands to reason that licensed clubs should not be able to donate to political parties, because donations to political parties are not community contributions. The reasoning is very simple: licensed clubs have a state-protected practical monopoly on gaming machines. This monopoly has been granted because clubs in the ACT are non-profit organisations and have to put all revenues back into the community. Due to this practical monopoly, licensed clubs have a legal responsibility to put all revenues back where? Into the community.

Funding political parties is not a community contribution, hence licensed clubs should not be allowed to donate to political parties and should be forced to put the money destined for political parties where? Back into the community. It is simple, isn't it? What all members of this Assembly must consider before deciding how they will vote on this legislation is the unique situation the ACT is in when it comes to gaming machines and their distribution. In no other jurisdiction in Australia are hotels and other profitable enterprises not given gaming machines because they are just that, hotels and profitable organisations.

While I recognise that there are a number of exceptions in the ACT where hotels and taverns are in possession of 60 class B gaming machines, it is the case that clubs are provided with gaming machines because they are non-profit licensees. This is not a matter of coincidence but a matter of law and principle.

Other core reasons that this bill should be passed are accountability and transparency. Sunlight remains the world's best disinfectant and money remains the primary source of corruption. Before I go on, I would like to point out that in no way am I implying that the Gambling and Racing Commission's distribution of gaming machines has been untoward. Further, in no way am I implying that any ACT government or minister, past or present, has been in any way influenced to provide benefits to certain clubs in regard to gaming machines, on the basis of political donations.

While I believe this has not occurred, I also believe there should be a mechanism or circuit-breaker in place to ensure that this does not happen. This sends me back to an ancient quote from a Latin satirist and moraliser, Juvenal, which I believe to be extremely relevant: "But who is to guard the guards themselves?" Who will stop licensed

clubs and hotels seeking to influence their gaming machine distribution through threats of withdraw funding for political parties or promises to provide additional funding for political parties? Who will stop governments, which are in reality under the control of political parties, influencing gaming machine allocations based on funding provided to political parties?

Nobody can deny that money is a corrupter. Abraham Lincoln noted, “Moral principle is a looser bond than pecuniary interest,” while Shirley Chisholm quite correctly asserted, “When morality comes up against profit, it is seldom that profit loses.” These are sad but nevertheless real perceptions of government and the need for accountability and transparency within government. Accountability and transparency are so important that, without them, corruption flourishes, our system of government is undermined and public confidence diminishes. When public confidence in government diminishes, the foundations on which effective government is built are eroded. As legislators, it is our responsibility to ensure that the public has confidence in our government and the system of government under which we all operate.

We must make every aspect of government as accountable and transparent as possible. This is the only way to maintain public confidence. We must put the notion of maintaining public confidence above self-interest, because we are here as representatives of the public and not merely ourselves. We have to eradicate any perception that clubs can buy gaming machines by providing political parties, who may operate and control government, with donations. It is as simple as that. These are the other core reasons that I presented this bill. Accountability and transparency in government, not self-interest, should determine how members vote on this bill tonight.

I would also like to note that this is not an attempt at campaign finance reform. This is not the start of a wave of reforms aimed at eliminating political donations. It is not a bill that looks, en masse, at funding disclosure, systems of public funding and electoral rules. This is a bill that accomplishes two ends. First, it ensures that licensed clubs, which have a state-protected practical monopoly on gaming machines and are non-profit organisations, fulfil their legal obligation to put all money where? Into the community. Second, this bill seeks to ensure public confidence is maintained by eradicating any perception that gaming machine allocation is somehow influenced by the donations of licensed clubs to political parties.

Anybody who does not support this bill is voting out of self-interest rather than for the good of the community, the good of Canberra and the good of transparent and accountable government. No other explanation is possible: it is self-interest above Canberra. Those who conspire to defeat this bill are a cancer on transparent government and are poisoning the pursuit of accountability.

Those who conspire to defeat this bill will promote a government of smoke and mirrors which can operate in murky waters, unethical and unchecked. An aye for this bill is an aye for accountable and transparent government and an aye for community development and progress. A no for this bill is a yes for corruption and unethical behaviour in government, a yes for the promotion of self-interest above community interests and a yes for placing politicians above community infrastructure.

Mr Corbell: On a point of order—

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MR SPEAKER: Order, Mrs Cross! I ask you to withdraw the word “corruption”.

MRS CROSS: I withdraw the word “corruption”, Mr Speaker.

Let it be on the heads of those who vote no to this bill that they have provided for the further erosion of social infrastructure and less accountable and transparent government. It is wrong to accept donations from the profits of gambling.

While I speak, I have been made aware that some backroom deals and threats of retribution have been made in order to defeat this bill. This is the ACT in 2003, not Tammany-Hall in 1903. The behaviour of the government in its attempts to stop this bill being debated has been extraordinary. It has bullied and cajoled. It somehow convinced Ms Tucker, a member who, it would seem to me, is a natural supporter of a bill such as this, and gained her support to defeat it. I suppose we could say that Labor Inc is alive and well.

Mr Speaker, maybe we can—

Mr Corbell: When are you going to apologise?

MRS CROSS: I will get to Mr Corbell now. Mr Speaker, this has been rather an education for me: I have an electoral return here for 2001-2002 for the ACT Greens. Being new to this place, Mr Speaker, and always looking to you for guidance and wisdom, I always wish to learn new things. I was fascinated to see that the Greens received donations. Yes, the Greens do get donations. I never knew that. I thought that the only people in this place to get donations were all of us. However, no, here it is: donations for the Greens.

There is another system that I did not know about: it is called loans. There are all these little categories. It is interesting that Mr Corbell spoke tonight, Mr Speaker, as he really should have withdrawn from this debate given that a staffer from his office lent the Greens money. It is on the return. I am not going to mention the name. Isn't it interesting that the minister has a staffer in his office who lent the Greens money for the last campaign, for the last election? It says at the bottom, though, that it has been paid back. That is very interesting because there is also a donation there. The money totalled \$165,550 and the total payments were \$144,568, so the Greens were actually ahead.

I got a shock and I thought, “Lo and behold, the Greens actually get donations” and, if they are not donations, they are called loans. There is a new system that I did not know about that we could use. It is all above board. How fascinating!

I must address the money that I received. This is very interesting: I am on the public record as having invited a fellow Liberal candidate to join me in an advertisement the night before I filmed the ad, as a way of helping that candidate out. I would help any candidate who needed that help and Mrs Dunne was aware of that. However, it is interesting to see that Mr Quinlan referred to this as showing seething antipathy to the ALP. Nothing could be further from the truth.

If fact, it is interesting to hear Mr Quinlan say “seething antipathy to the ALP” before he referred to Lady Astor, whom we now know he really is. There is no antipathy to the ALP. I can assure you, this was not anti-ALP or anything. This was about making sure that the money that is supposed to go to the community goes to the community, and not to any political party or political individual. I am not surprised that Ms Tucker did not support this. (*Extension of time granted.*)

Yes, I did accept a donation in reference to that. I saw how excited Mr Quinlan got, getting up with his little list and his papers, and all his figures. I was thinking, “We all have that list.” We all have lists of figures. We have yours and you have ours. How exciting it is. At the end of the day, this is what this matter is about.

It is about this: I, as a candidate, accepted a donation from a club which happened to be supported by friends of mine. Yes, I did. In fact, I did penance for that when I realised that that money came from poker machine profits. I did 10 Hail Marys and 10 Our Fathers and I went to my Greek church twice. Both priests—Queanbeyan and Kingston—forgave me for that. I said, “Lord, our father, I will never accept another donation from a club now that I know how this money is obtained.” I thought—

Mr Quinlan: Has she been drinking? How was your dinner?

MRS CROSS: Fortunately, it never includes alcohol, Mr Quinlan, unlike the dinners of some of your people. In all seriousness, Mr Speaker—

Mr Hargreaves: Mr Speaker, on a point of order: there is an imputation there and I would like it withdrawn.

MRS CROSS: Is there?

Mr Hargreaves: Yes, there is.

MRS CROSS: There was no imputation, Mr Speaker. Can we get the breathalyser out? Mr Speaker, out of respect to you—

Mr Hargreaves: Come on, that is about the third time she has thrown it away. I just let it slip through like what’s its name through a goose.

MR SPEAKER: Order! There are many people who have alcohol with dinner and it is not really an imputation that anybody has done anything wrong.

MRS CROSS: No. Thank you, Mr Speaker.

MR SPEAKER: I think, though, Mrs Cross, it might be considered a bait by somebody and it might be better if you do not use such tactics.

MRS CROSS: What? Being honest? I understand, Mr Speaker.

I went to confession—not that I go to confession very often because I do not seem to need it—and I did lots of Hail Marys and Our Fathers. I was forgiven by the Lord and I said that I repented and would never accept another donation. That is the reason I took

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out a mortgage on my house and paid off most of my campaign, and that is on the public record.

I do not intend to take money from clubs. I have only been a member for two years and I think that what we are looking at here is reforming the rules about where the profits of gambling go. This is the bottom line. The profits of gambling should not be going to politicians, political parties or candidates: they should be going into the community which is where they are meant to be going.

I understand that there have been comments made by the former member, Mr Michael Moore. I was not around when that bill was presented. In fact, I had this bill drafted before—

Ms MacDonald: No, but he could tell you about it as he works in your office.

MRS CROSS: I can speak louder than you, so you can yell if you like.

I did not know Mr Moore, I did not know Mrs Moore and I did not know about this bill. This is something that I had in the works with Parliamentary Counsel more than a year ago. I tabled it this year. It is surprising to me that the minor parties and the crossbenches did not support it then, if there was a bill then and, if they did not like it the way it was, that they did not draft their own legislation at the time, or since, to ban donations altogether.

Isn't it funny that someone who has been here for eight years and goes about claiming to be the conscience of the community cannot think of putting a bill together to ban donations in a holistic way, whether they be political or not. I suppose you would not want to ban anything but corporate donations because, of course, you get donations from natural citizens. No, that would be a problem. Then you could not get loans from natural citizens, Ms Tucker.

It is interesting to me that you imply that I have not done my homework and that I do not understand what has gone on in this place. Well, I have done my homework. What I see here is a hypocrisy. I am very concerned that people like you, who have been in this place longer than I and should know better, have not come up with the alternative. If you do not like what I have done, you have had since May to come up with something better but you did not—

Mr Corbell: When are you going to apologise?

MRS CROSS: Oh, my god, it is the broken record again. It is the person we do not believe.

Why is it that someone who has had eight years to do the right thing by the community, did not? The community would have benefited to the tune of millions of dollars. Why didn't Ms Tucker do something about it then? Because she did not care. Oh, of course, no, that is not it—she did not want to upset the ALP. Oh my God!

This matter is not about upsetting the ALP, upsetting the Liberals or upsetting any party. It is about doing the right thing. It is wrong to accept donations from the profits of

gambling. You cannot go to business people, when they are earning an honest living, and say to them, “You cannot donate to Mr A, B or C.” Why is it that you have seized on the corporate donation issue and, if it was an issue, why didn’t you do something about it?

If we are looking at donations altogether, Ms Tucker, why don’t we look at yours and make sure that we ban loans and we ban—what do we call them now, the new term—personal citizens, private citizens or natural persons? That is right, that is the new buzz word—natural persons. If you are going to do it, you do it right so that you do not benefit from it to the tune of \$165,550. What hypocrisy!

Now to our exciting planning and health minister. This is interesting: he said that the bill was absurd and was based on a false premise. He feels that having donations is democratic and that the safeguard here is disclosure. Okay, if I commit a crime and I say that I committed the crime, does that mean I do not have to go to jail? That is the analogy that can be made.

He is basically saying that, if we say how much we get, then we do not have to pay the price, even if that money is tainted money from people who have gambling problems and irrespective of the fact that you, as a minister and a member of the executive, have a conflict of interest in accepting money from the profits of gambling—

Mr Corbell: On a point of order, Mr Speaker—

MR SPEAKER: Order! Withdraw “conflict of interest”.

MRS CROSS: Did I say that? Oh, withdrawn.

MR SPEAKER: Order! The member’s time has expired.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 7

Noes 8

Mrs Burke
Mr Cornwell
Mrs Cross
Ms Dundas

Mr Pratt
Mr Smyth
Mr Stefaniak

Mr Berry
Mr Corbell
Mr Hargreaves
Ms MacDonald

Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

Question so resolved in the negative.

Personal explanations

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming): I would like to make a personal explanation in relation to the use of the term “seething antipathy”.

MR SPEAKER: Proceed, Mr Quinlan.

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MR QUINLAN: I would like the house to understand, and Mrs Cross to understand, that I was referring to Mr Michael Moore when I used the term “seething antipathy”. To give a little background, the legislation did so remind me of Michael Moore and his approach.

MR CORBELL (Minister for Health and Minister for Planning): Mr Speaker, I wish to make a personal explanation.

MR SPEAKER: Proceed, Mr Corbell.

MR CORBELL: In the debate the Assembly has just voted on, Mrs Cross made an assertion that a member of my staff had made a loan to the ACT Greens. Having checked the record, I can confirm that a former departmental liaison officer employed in my office when I was Minister for Education, Youth and Family Services has declared a loan made to the ACT Greens. Mr Speaker, this person is a member of the ACT public service who was located in my office for the period that I was Minister for Education, Youth and Family Services as an officer of the Department of Education, Youth and Family Services. Mrs Cross’ assertion that this person was employed by me is incorrect and I think that she should apologise to the public servant involved.

Adjournment

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

That the Assembly do now adjourn.

Death of Arthur John West

MS MacDONALD (10.59): I rise tonight to pay tribute to Arthur John West, a wonderful man who passed away on Friday, 28 November. Arthur and his wife, Marjorie, are better known to me as Pop and Grandma West, my adoptive grandparents. My own grandparents have been deceased for a long time and I never really knew either of my grandfathers, one having died before my parents met and the other when I was three. Arthur and Marjorie are the grandparents of my very dear friend Jane Wannell, who is more like a sister, and they adopted me as an additional grandchild.

Pop West was born in Cooper Street, Maroubra on 13 June 1926. He attended Daceyville Primary School and then Cleveland Street High School, where he obtained his leaving certificate. Pop then moved to Panania in Sydney’s south-west, where he met Grandma West, the love of his life. He and Grandma West spent their whole life, on and off, in the Padstow area.

Pop signed up with the navy in 1942 and served on the HMAS *Swan* in the Pacific and Papua New Guinea. As he contracted malaria, he completed his service at Rushcutters Bay in Sydney. Pop married Marge—or Grandma, as I know her—in 1945 and together they raised their three daughters, Marilyn, Jill and Leslie, and their son, Arthur Junior. Tragically, Arthur died before reaching his 21st birthday.

Pop was an analytical chemist, first for a pharmaceutical company and then on the Snowy scheme. While working here, Pop decided his interests lay elsewhere and trained

to be a quantity surveyor. He was later employed as an earthworks construction manager. Pop was involved with some of Australia's icon dams and major earthworks, including the Eucumbene Dam, the power station at Yallourn in Victoria and, of course, the Snowy scheme in New South Wales.

The practical bent in his work showed through his whole life, and I will always remember Pop as being very practical with building and renovation projects. In fact, it was only at Pop's funeral last Wednesday that I became aware of the parallels between Pop's life and that of my own father. My dad was an industrial chemist and left the company he was working for to go into the air force in World War II as a radio signals man. Dad was born two years before Pop West and I remember him as always tinkering with things, similar to Pop.

To return to Pop, he would often come home to Grandma to say that he had another job in another part of the country and then he would be gone the next day. Grandma was left behind to pack up the house and children and follow. I understand that Grandma got very good at packing up houses in record time. Grandma and Pop travelled all over the country, with Pop working on subdivisions in Darwin and then later working at Uluru, where he had a great rapport with and respect for Aboriginal people and their culture. I think both Pop and Grandma enjoyed their travel experiences throughout Australia and overseas. While on their first trip to China, they adopted another granddaughter, Chris.

Pop did not retire easily, returning a few times and working till quite late in life on many projects. Ironically, one of these was Fairfield Hospital, where he spent some of his last days. I do not remember the first time I met Pop, but I do know that both he and Grandma West were and are the backbone of their family. Going through school and then teachers college with Jane, I remember Grandma and Pop as a constant in her life and then later in my own.

Pop and I both have the Labor Party as a common love. However, while we would both agree that the Australian Labor Party was the one true party, we did not hold the same line on the factions. Whilst I am a steadfast member of the right faction, as you know, Mr Speaker, Pop was aligned with the left and would often make disparaging jokes and comments to me about the right wing of the party. Of course, Grandma would always say, "Arthur, you can't say that," and Pop would get that twinkle in his eye and a mischievous smile.

But it was never said with malice and I clearly remember the time, much to my alarm, when he informed his left-wing friends that he was sure that I would join the socialist left if they would just give me a job. He was also overheard by Jane, in these last months, boasting about me to a friend from the Labor Party. It gave me great pleasure to be able to pass on to him that we had passed the industrial manslaughter legislation two weeks ago. I know that he would have been proud that we had done it.

I feel very privileged to have had Grandma and Pop attend my wedding last year, at which I am told he was under strict instructions from Grandma to behave himself during the reception. Pop came up to me and said, "Karen, you'll be happy to know that I've found a few members of the left." He then gave a cheeky chuckle and wandered off.

Fire hydrants

MR CORNWELL (11.04): Mr Speaker, I do not know whether my comments should be directed at the minister at the table, but never mind. We have had some problems lately, as you know, with house fires and call centres. I saw a letter to the editor this morning in relation to fire hydrants. It seemed to me to be a matter of some concern because this gentleman said that, having lifted the lid on a fire hydrant in a nature strip, he found a large quantity of compacted dirt before the hydrant itself was revealed.

As you are aware, Mr Speaker, these hydrants are all over town. I just do not know how many of them are not clear and how many of them have a substantial amount of compacted dirt over them, as this gentleman found. He spoke to a fire station about the problem and was told that that was not uncommon. The station also advised that dirt covering hydrants has caused delays in fighting fires. It does not come as a surprise to me that that may be the case.

As I say, I have no idea how many hydrants there may be throughout Canberra—I am sure that there would be thousands—but I would support this gentleman's comment that some form of regular inspection should be instituted—I am not suggesting every week—just to ensure that we do not face another problem of a house fire being unable to be properly addressed, at least for some little time, until the hydrant itself not only is found, but also is cleaned out before it can operate. I just leave that with the government. It might like to get back to me some time.

Youth at risk

MR PRATT (11.07): Mr Speaker, I want to talk briefly tonight about youth risk intervention and diversionary programs. I will do so by describing a couple of good activities that I have seen. I do believe that we need to ramp up diversionary programs. That is clearly government policy now. They do believe in that and we certainly do on this side of the house. But further development of those programs is extremely important.

I have talked a number of times in this place about recidivist youth offenders. From talking to police officers we know that a lot of the middle to lower level crime and vandalism is carried out by pretty much the same small part of the Canberra population, a very small minority of our youth. They are not necessarily youth at risk in terms of coming from broken families. Some of them are kids from, shall I say, well-heeled families. Nevertheless, the police and youth workers generally have a fairly good idea where these people are and they know that something needs to be done to help them out.

The police certainly do say that it is necessary to start targeting that group of the youth population in order to bring down that middle to lower level crime—certainly the property crime. There are some very good programs under way around the town. The police are saying that they would much rather see intervention and diversionary programs in place so that they do not have to keep arresting the same old kids over and over again as they go through the revolving door we keep talking about that frustrates this side of the house immensely and, no doubt, the community as well.

St Vincent de Paul runs a very good program at Tuggeranong. They say that any night from 8.00 to 10.00 pm you will see lots of kids hanging around the Tuggeranong shops

and they go and talk to these kids. They certainly track them down around the skating park, just off to one side. They say that they are mystified and baffled as to why these kids need to spend all their night hours there. I suppose that, if they could go the extra yard, they would probably find that there are some family disconnections.

We know about the government's RecLink program, which is extremely effective. I would like to talk about Project Saul, which is a very successful program being run in the Brindabellas, quite close to Wee Jasper. It is an incredible program. It consists of advanced adventure training facilities and is run by Steve Neuhaus and his family and a number of police volunteers who help out Mr and Mrs Neuhaus.

I was there recently and observed a Tuggeranong Valley school—I will not name the school—put six of its boys at risk through this program. It was very impressive to see that two teachers were also in that program with these kids and were sharing the same challenges and pain as the kids. The transformation in those boys over five days was quite incredible. The problem, of course, is that there simply is not enough money and there are not enough rehabilitation programs around to link all these things together. The danger is that a kid who graduates from such a program will go home and just fall back into the same rut. That is the challenge that we have to meet.

I would like to see more funding being focused in the future on programs such as Project Saul and the St Vincent de Paul one. I would even like to see a task force consisting of family services, education and the police organise to pull together these disparate programs so that, if we do find money in the system, perhaps it will be used to encourage these groups to take these programs that extra mile. That would also mean we would need to give magistrates the power to order kids to go into these programs, which Bill Stefaniak has talked about. I would commend the programs to the house.

MR SPEAKER: Order! The member's time has expired.

**Glenloch Interchange
Radio for the Print Handicapped
Robert and Wendy Altamore**

MRS DUNNE (11.12): I would like to raise a couple of issues in the adjournment debate. I note that yesterday the Chief Minister put out a press release extolling the completion of the William Hovell duplication, which is indeed an achievement for the electorate of Ginninderra that has been a long time coming. Over the past few months, as the place has been dug up, it has been a bit of an inconvenience. Yes, it is good to see the project completed.

I would like to put on the record that the money for it was, in fact, allocated and brought forward in the capital works program by a considerable number of years by the previous government when the current Leader of the Opposition was the Minister for Urban Services. Today, Mr Hargreaves was crowing about achievements. This achievement was, in fact, an initiative of the previous government.

I presume that Mr Stanhope made this announcement because he is a member for Ginninderra, as it is unusual for such an announcement to be made by someone who is not the Minister for Urban Services. I suppose, being Chief Minister, you get to steal

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good news stories. If you are going to steal a good news story, Mr Stanhope, I have just a word for the wise: Glenloch Interchange and Glenloch Station are not spelt with a “k”; they are spelt with an “h”. If you are going to be a good member for Ginninderra, you need to know about the historic homesteads in your electorate.

On to a happier note, Mr Speaker, last night I talked about volunteering and the contribution made to people with disabilities by services such as Sailability. Another organisation that provides fantastic service to people with disabilities is Radio for the Print Handicapped, which turns print into sound at 1125 on the AM dial. Through this service the blind, the visually impaired and others who cannot receive or access newspapers, magazines or printed material of any other sort have access to information about what is happening in their community and the wider world.

As members might know, Radio for the Print Handicapped allows me the privilege of presenting their Saturday morning paper reading service once a month. I was also fortunate enough to attend, albeit briefly, their Christmas function last Saturday night. I was there to add my expressions of gratitude to John Coleman and I would like to do so here as well. John Coleman is retiring as the manager of Radio 1RPH. He has been in a paid position, but it was theoretically part time and I suspect that the organisation got more than three times the hours out of John that he was paid for. John of the golden tonsils came seven years ago for three months to fill a gap. It is nice to know that Radio 1RPH is not losing John; he will be remaining as a volunteer.

While I am on the subject of Radio 1RPH, I want to pay tribute to the remarkable Altamores, Robert and Wendy. Robert is the current president of Radio 1RPH, but his community involvement does not end there. Everywhere you go round town you meet Robert. In the last week, I have met Robert and Wendy at the Inclusions Award, at the 1RPH dinner, and at the reception last night for Jose Ramos-Horta.

Robert and Wendy are passionately involved in services for the disabled, particularly the vision impaired. They are also passionate friends of East Timor and when they are not involved in that they are busy organising this year’s charity Christmas lunch. Last year’s was a huge success and this one will be bigger and better, I expect. Unfortunately, I will not be able to attend this year as I will be away from home on Christmas day, but I recommend the event as a means of upholding the true spirit of Christmas and I congratulate Robert and Wendy Altamore on their heroic service to the community.

Callisthenics championships

East Timor

Government services in suburban Canberra

MR STEFANIAK (11.16): I would like to commend Callisthenics ACT Inc on some excellent results. Recently, our teams participated in the national championships in Perth. The ACT was represented by teams in the junior and intermediate age divisions and achieved the best ever results with two closed division aggregate wins. The junior team achieved a fourth place in two items and the intermediate team achieved a third place in two items in the open division competition, the first time the intermediate age group has been placed in the top three in the open division. The feedback from the other states was about how well the girls from the ACT performed.

The ACT was represented by nine soloists in the callisthenics graceful solo championships. In the junior graceful section, Caitlyn Flint took equal third place in the closed division, Amy Minchin took equal third place in the closed division, Jenna Kratzel took second place in the closed division, and Caitlin Stavaruk took first place in the closed division and fifth place in the open division.

In the intermediate graceful section, Sandra Cappuccio took third place in the closed division, Stephanie Wiggins took second place in the closed division, and Emma Young-Wright took first place in the closed division and fifth place in the open division. In the senior graceful section, Rose Booth took second place in the closed division and Catherine Wyatt took third place in the closed division. Congratulations to ACT Callisthenics and to all those girls. Canberra will host the Australian national championships in July 2004 at the Canberra Theatre.

I will give a bit of praise to the government, which is perhaps a bit rare. I note that members of the opposition said, "Hear, hear!" in relation to Mr Hargreaves' Dorothy Dix to the Chief Minister about the opening of the East Timorese embassy. I think it is quite appropriate that we in the ACT have supported that and are, in fact, supporting the embassy occupying an ACT government building until such time as the East Timorese people are able to provide their own embassy.

The record of Australia in terms of committing members of the AFP, including lots of Canberra-based officers, to help in the independence vote, the grave risks they faced there and the heroism they showed were truly remarkable and we can be terribly proud of them, as we can be of the Australian Defence Force, which went in soon afterwards. Australia has made a huge effort so far in terms of assisting in the birth of a new nation and lots of Canberra people have been involved in that. I think that it is particularly pleasing to see the help given by our local community and the ACT government to East Timor.

I am glad that Mrs Dunne mentioned William Hovell Drive. It is something that I have been very keen to see extended. Today, I had the pleasure of driving along it both ways because I had to go home and get something and it was really excellent. I noticed in the paper that the project actually started in 2000 under my colleague Mr Smyth as the Minister for Urban Services.

Mr Hargreaves did seem to leave out quite a number of projects when he mentioned a number of things being done. I would point out, for example, that the Higgins shops upgrade, which is to be celebrated shortly, started under an upgrade program launched by the previous government. I was just jotting down a few points in relation to those matters when he was saying that very little had been done in the outlying areas in previous years.

To show the nonsense of that I noted, apart from the William Hovell Drive project, the Kippax upgrade and saving the Kippax library, which was going to close. A process has been started which will see us getting a new library there. I also noted that the Belconnen pool will be opening soon. Despite budgetary constraints, there will be a \$500,000 refurbishment of some arts facilities at Hawker and a theatrette at the Belconnen community centre.

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There has been the visionary upgrade, as someone called it, of the Radburn-style houses in Charnwood. I am not quite sure how much that cost, but it was a considerable amount of money and it certainly enhanced that study. We started it and, I think, finished it. I would encourage the current government to look at doing similar things there and elsewhere. We also provided a number of sporting facilities at various ovals in the suburbs and a very good boatshed at Lake Ginninderra College.

MR SPEAKER: Order! The member's time has expired.

Health promotion awards

MRS BURKE (11.21): It is quite sad that we cannot generate more interest in the adjournment debate. However, I would like to end on a very positive note by offering my congratulations to all recipients of ACT health promotion awards in 2003 at the ceremony held on Thursday, 4 December 2003 at the Bradman Pavilion. I would also like to mention the sponsors of that event, because without sponsors those things do not happen. They were ACT Health, Healthpact, CADA ACT and the Australian Health Promotion Association. Minister Corbell was there, as well as my colleagues Mr Smyth and Mr Stefaniak, and an excellent night it was indeed.

Mr Speaker, with your indulgence, I will just read out the names of a few winners. I promise that there will not be many. The award for excellence in health promotion interventions addressing the social determinants of health was won by the Gungahlin Community Network. The award for excellence in multimessage projects was won by Canberra Community Walks, National Heart Foundation of the ACT. The prize for overall excellence in the Australian Masters Games was awarded to Jocelyn Kidd, Tennis ACT and TenFit.

The vitality award for excellence in health promotion in the health sector was won by the Tuckatalk in schools project of ACT Health—Community Health. The vitality award for excellence in health promotion in the non-health sector went to Give Me Five, the Southside Community Service. The award for outstanding achievement by a health promotion student went to Bianca Sands from the University of Canberra. The award for individual contribution to health promotion in the ACT region went to Anna Perkins and the one for excellence in mental health promotion to the Messenger program, Tuggeranong Community Arts.

The whole health award went to the rainbow nutrition program and the award for success in partnership concerning alcohol and drug health promotion went to the comorbidity/dual diagnosis project of ACT Health—Community Health. The award for exemplary individual contribution to alcohol and drug health promotion went to Erin O'Connell of ACT Health—Community Health. The overall award for excellence in health promotion went to—who else?—the caring across communities program of Carers ACT.

It was an excellent night and my congratulations do go to all the sponsors and to the Bradman Pavilion for their excellent service. Huge congratulations must go to Healthpact's Kerry Arabena for the most entertaining job she did as MC. It was excellent to see so many supporters of health and fitness in our community in one place at the same time.

Health and fitness is a crucial aspect of life of all of us today and it is a fact that obesity levels are rising sharply. It is reassuring to note that the ACT does somewhat better in relation to the rest of Australia. We fare pretty well, but we can do better. It is therefore extremely important that we continue to support to the fullest events such as this one and I look forward to a bigger and better event next year.

Legislative Assembly

MR SMYTH (Leader of the Opposition) (11.24): Mr Speaker, I rise to talk about tradition and history and the way that political parties view the Assembly. I have noticed a disturbing trend in the ranks of government ministers in that as I speak their bench is empty. Mr Corbell, as the duty minister, has spent about 30 seconds in the chamber in the last half an hour. I am pleased that he has now returned to the chamber. (*Quorum formed.*)

I thank Ms Dundas for coming down to make up a quorum. The disregard and the childish behaviour of Mr Corbell have been exposed even further. If his answer to the embarrassment of not fulfilling his duty as minister to maintain at least a sole presence on the government bench is to start calling quorums, something that this place has avoided in its 13 or 14-year history, if his answer is to be childish, then he will be known by that childish nature. It is important that the government have a presence here, Mr Speaker. It is one of the forms, one of the traditions, that we have always followed. People will judge Mr Corbell by his actions in calling the quorum this evening. I wish members well. Goodnight.

Question resolved in the affirmative.

The Assembly adjourned at 11.26 pm.

Schedules of amendments

Schedule 1

Government Procurement (Principles) Guideline Amendment Bill 2003

Amendment circulated by Ms Dundas

1

Clause 4

Proposed new section 6A

Page 2, line 13—

omit proposed new section 6A, substitute

6A Principle about procurement of computer software

- (1) In the procurement of computer software, a Territory entity should, as far as practicable—
 - (a) prefer open source software; and
 - (b) avoid the procurement of—
 - (i) software that does not *comply with open standards*; and
 - (ii) software for which support or maintenance is provided only by an entity that has the right to exercise exclusive control over its sale or distribution.
- (2) This is in addition to the procurement principles to be applied under clause 6.
- (3) For section (1) (b) (i), software does not comply with open standards unless the specifications for data representations used by the software (including, for example, file formats for data storage, transmission and network protocols) are completely and accurately documented and available to the public for use, application or review without restriction.

Note An example is part of the instrument, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) In this section:

open source definition means the document of that name published by the open source initiative, as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act 2001, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

open source initiative means the non-profit incorporated organisation of that name dedicated to managing and promoting the open source definition for the good of the community.

open source software means software that is the subject of a licence that complies with the open source definition.

Schedule 2

Government Procurement (Principles) Guideline Amendment Bill 2003

Amendment circulated by Mrs Cross to Ms Dundas' Amendment

1

Amendment 1

Proposed new section 6A (1) (a)

omit

prefer

substitute

consider

2

Amendment 1

Proposed new section 6A (1) (b) (i)

after

open standards

insert

or standards recognised by the ISO

3

Amendment 1

Proposed new section 6A (4), new definition of ISO

insert

ISO means the International Organization for Standardization.

Note ISO standards are available on the internet at the web site www.standards.com.au.

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Schedule 3

Government Procurement (Principles) Guideline Amendment Bill 2003

Amendment circulated by Mr Smyth to Ms Dundas' Amendment

Amendment 1

Proposed new section 6A (5)

insert

(5) This section expires 3 years after the day it commences.