DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

WEEKLY HANSARD

25 AUGUST

2004

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Wednesday, 25 August 2004

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

First home buyers

MR HARGREAVES (10.31): I move:

> That this Assembly welcomes recent measures to assist first home buyers to enter the Canberra housing market.

Mr Speaker, ACT house prices have exploded since 1997. The allhomes property report for residential property in the ACT over the past 13 years shows that the median house price hovered around the $130,000 to $150,000 range through the mid-1990s, before starting an amazing climb to $360,000 in 2004. In the same period, the median unit price has gone from $135,000 in 1997 to $291,000 in 2004. Prior to this price explosion, the ACT had benefited from very high levels of housing affordability due to relatively high incomes, higher workforce participation rates and lower unemployment rates.

For those of us who own property or are in the process of paying a mortgage, the increase in house values is no bad thing. It means our wealth has increased, and there is plenty of evidence that the economy as a whole benefits from this increase in household wealth. However—and there are always qualifiers in matters economic—this price explosion has resulted in a generation of would-be home owners being locked out of the housing market. This is the issue that I would like to bring before the Assembly today: how we are going to avoid locking a generation out of the housing market.

As a general rule, governments should not tinker in the housing market because it involves significant costs and has the potential to impact badly on the economy. That said, we must face up to the reality that a generation of potential home buyers face significant barriers to home ownership. This group of first home buyers represented around 12 per cent of the residential housing market in the ACT in 2003-2004.

Another fact often overlooked in this debate is that the same people who are hit by the higher house prices are also hit by the rise in rents that flow from rising house prices. The challenge for a modern, responsible and progressive Labor government is to address this issue of housing stress through a variety of policy measures. This is exactly what the government's package of housing affordability measures has been designed to do. The package includes tax relief on land tax and stamp duty and establishes a program of affordable greenfield land releases each year for the next five years.

A major element of the package is the tax relief for home buyers, which includes substantial cuts in stamp duty and land tax. This tax relief is specifically designed to ease the burden for lower to middle-income earners wanting to enter the housing market. Stamp duty concessions are also available to those people who may have lost their home because of financial hardship or the break-up of a relationship or who are re-entering the housing market. It is a progressive and socially responsible tax package that Labor can be proud of.

From 1 July 2004, people purchasing a property valued at up to $273,000 will receive the full concession on their duty, or nearly $8,400. Approximately 25 per cent of current property sales in Canberra fall under this price. I will repeat that: fewer than 25 per cent of current property sales in Canberra fall under this price. This support is provided on a means-tested basis for families with a joint household income of up to $100,000. The income test will also make an additional allowance of $3,300 per child, up to a maximum household income for a family with five children of $116,500. It was estimated that there were 8,590 or 79 per cent of families renting in Canberra who were within this threshold. The sliding concession on duties will benefit first home buyers who purchase properties to an upper threshold level of $375,000, representing 65 per cent of Canberra's current property sales.

It is early in the financial year, however, and the benefits of the policy are already apparent. As of mid-August, 228 applications to the home buyer concession scheme have been received by the Revenue Office, of which 187 have been approved, 8 rejected and 33 are still being processed.

MR SPEAKER: Order, members! There are too many audible conversations.

MR HARGREAVES: By comparison, for the 2003-04 financial year, the Revenue Office received a total of 39 applications for the previous duty concession, of which 36 were eligible.

What makes this Stanhope Labor support package unique is the fact that the property value thresholds are linked to the market activity and will be adjusted every six months. Members will appreciate that prices have increased so quickly over the past few years that virtually no houses were eligible for concession under the previous scheme. Under Labor's policy, a window of market activity will always be within the thresholds applicable to stamp duty concessions.

As I mentioned earlier, it is early in the financial year, but already it is quite clear that the policy has had a significant positive effect. The proportion of first home buyers is up. The value of concessions provided to mid-August was around $1.2 million. This is a significant benefit provided to first home buyers and will make buying that first home that much easier.

I commend the government for this progressive initiative and look forward to further policy development and reform in this area in the next Assembly. The challenge of a modern, responsible and progressive Labor government has been picked up. They have delivered and we have now a government with a modern, responsible and progressive approach to life. I commend the motion to the Assembly.

MRS DUNNE (10.40): Of course, Mr Speaker, housing affordability is a very important issue and one that galvanises the attention of many people. Mr Hargreaves was right, at the outset, to point out the very important fact that housing affordability is not just a transient issue. For families who may not be able to afford to enter into the home ownership market at the moment—it may not be that they just cannot do it for a year or two—there is actually a narrow window of opportunity when people have the right set of

circumstances that may allow them to do it. If they do not avail themselves of home ownership in that narrow band of time, they may never do it.

What we face, unless we address the issue of housing affordability, is something that affects people not for one or two years but for the whole of their adult life. It will also affect, to some extent, their children, because they will grow up in a different sort of household—not a less caring or a less loving household, but one that might be, as things go on, more and more strapped.

We all know how difficult it is to get together the deposit and to struggle through those first few years of home ownership and meet the payments. But as your equity in your property increases and your income increases as you get older—as is usually the case with people—those things become less onerous and you are, as Mr Hargreaves said, building up your personal wealth, not only for your own benefit but for the benefit of your dependants.

It is interesting to see an apparent change in the attitude of the Labor Party here. We are often reminded of the famous words—some say "famous"—of one Labor member, whose name currently slips my mind, who constantly complained about the Liberal Party's approach to home ownership, saying that every time we created a new home owner we created another little capitalist. There was a time when home ownership was anathema to the Labor Party, and I am glad that that time has passed.

But I think that it is a bit rich really for Mr Hargreaves to stand here today and go through the process, in a pretty low-key way—I am glad that it is low key because, really, he should be a bit abashed about it. We are coming to the end of the electoral cycle and we have to stand up here and puff ourselves up and tell people what a good job we are doing or at least try to convince ourselves that we have done something. Let's just have a look at this government's record. When they came into government, they came in here with a great plan. The great plan was a housing affordability taskforce.

Mr Hargreaves: On a point of order, Mr Speaker: Mrs Dunne is actually pre-empting notice No 3 on the notice paper, a motion by Mr Smyth that says that this Assembly condemns the Labor government for its failure and mentions housing policy. So I think you should ask her to desist.

MR SPEAKER: There is no point of order.

Mr Hargreaves: I'll hear it later when you people dribble away. When you let your mouths off the leash, I'll hear it later.

MR SPEAKER: Order, Mr Hargreaves! Most people, save for a couple on your own side, sat silently while you were speaking.

MRS DUNNE: It was a good try, Mr Speaker, and you have to give him E for effort. But we were concerned about all aspects of housing affordability—not just the entry of first home buyers, but also all those issues that impact on housing stress. First home buyers, as Mr Hargreaves has rightly said, cannot enter the home ownership market; they are still suffering from housing stress because in a rising market they are still paying rents that are generally beyond their ability to pay.

We had this great, as I have been wont to call it, four-volume novel—but when I actually pulled it out of my shelves yesterday I realised that I had been underselling it; it is, in fact, a five-volume novel—housing affordability in the ACT, strategies for action; indicators for affordability in the ACT; housing affordability, towards an appropriate assistance strategy; land and planning mechanisms in providing affordable housing; and consulting the community on housing affordability. The five-volume novel was produced; it came out in glorious technicolour. Since then the government has done almost nothing about it; it was a waste of money, time and effort from the people who contributed so much and so much time.

Mr Wood: Why don't you attend to what happens around the place instead of talking garbage? You just spit out the garbage. Why don't you listen to what's happening outside this place?

Mr Cornwell: We certainly do.

MR SPEAKER: Order, members! Mrs Dunne has the floor. There is plenty of time for other members to speak later if they so wish.

MRS DUNNE: Obviously we touch a nerve every time we talk about the housing affordability task force, and Mr Wood should be embarrassed about the lack of action.

But what we have here is a government that has done precious little until it was dragged kicking and screaming by its mates across the border. When Treasurer Egan announced that he was going to do something about first home owners, it was really the first time that this Treasurer started to focus on the issue.

The simple reason is that in the ACT, because we are an island in the middle of New South Wales, if this government did not do anything about it, our first home owners would be going across the border to Queanbeyan to take advantage of what Treasurer Egan was doing, and that would have been a huge cost to us. So the small amount of money forgone by the ACT government in its first home ownership scheme would be well and truly much less than the large amount of money in rates and revenue and GST that would be forgone if our first home owners went across the border to Queanbeyan because the New South Wales government was being much more generous than that of the ACT. It was catch-up politics at its best.

In some ways, Mr Speaker, it is superficially a very generous scheme and, while it is very pleasing to see a big increase in the uptake, it does not really address the substantive issue. What we are doing is taking somewhere between $8,000 and $12,000 off the cost of a house. But we need to look very carefully at the drivers that are driving up the cost of housing in the ACT.

I will look at just one thing. The Land Development Agency was put together as the great way forward in the ACT for all sorts of things, but it was also to be able to keep some control on the cost of housing. That was one of the many things. When the minister was sort of coming out and saying, "This is how the Land Development Agency would work and here is the economic modelling," and members of the opposition received a briefing from the would-be land developers who were just waiting to get approval so

that they could become land developers—the economic models were very revealing—in all fairness to the minister, he said that they were conservative models; and they were.

One of the really important things that have always stuck with me about that briefing was that the model was predicated on the average block of land in the ACT selling for $83,000. I challenge anyone in this place or anyone in the ACT to go and find for themselves a block of land that has been developed since this government came to power that you could buy for $83,000. There are none. In fact, if you look at Dunlop—notionally first home buyers land, brought forward and balloted by this government—the entry price was $142,000. If you go to Wells Station, the other area that was balloted late last year by the government, the entry price was, from memory, $170,000. In the first foray of this government into balloting, the average land price was in excess of $90,000; so their model had fallen over within six months of coming into existence.

Since then we have seen radical rises in the price of land so that the land in the ACT is now roughly 100 per cent dearer than this government itself modelled. Even at the most generous end, a $12,000 exemption on stamp duty pales into insignificance when we see a 100 per cent increase in the price of land—a 100 per cent increase in the price of land that has been engineered by this government.

Mr Corbell: You always make that claim, but you can't prove it. ###

MRS DUNNE: All you have to do is look at the figures; the figures speak for themselves. Of course, the minister is always very tender on this subject but, when you look at it, the price of land for the first development of the LDA was $90,000 roughly; by December last year, it was varying from $148,000 entry level to $178,000 entry level. That is not affordable land; that is not the sort of land that the average mechanic and his wife and his two kids can afford to buy into. They cannot afford to build a house on it. If they do build a house, they are going to end up with a house which is so modest that they are actually not going to be able to experience the capital gain that other people might.

We should actually be saying that there have been a few recent measures that are band-aid measures, tinker at the edges measures, do the bare minimum measures. They do not address the fact that there is almost a generation of young people who will not be able to enter the housing market in the ACT. They and their families will suffer, not just today, not just next year, but for the rest of their lives.

MS DUNDAS (10.51): I thank Mr Hargreaves for providing members with an opportunity to discuss this very important issue of Canberra's housing market. Many people consistently raise the affordability of home purchasing as one of the most important issues that the ACT government deals with. Home ownership is an important protection against poverty in old age, and stable housing is a key factor in maintaining happiness and good health.

The 2001 census figures showed that home ownership dropped from 69 per cent in 1988 to 67 per cent in 2001, and this was mainly due to the fact that younger people could no longer afford to enter the housing market. The total wealth of people in the 25-34 age group dropped by 39 per cent between 1993 and 2002. So while home purchase costs have been soaring, so have both rents and HECS repayments, just two of the things making it extremely difficult for young people to save up for a house deposit.

Having to save an extra $7,000 or more to cover stamp duty puts home ownership out of the reach of many. Well-targeted stamp duty concessions give lower income buyers a chance to compete against cashed-up property investors. I personally know many people in the situation of trying to meet their ongoing demands of current costs of living while trying to save to buy their own house, and they are finding it very difficult.

I am even almost considering declaring a conflict of interest in relation to this motion: how do I manage the ongoing rent payments that I have to face and my ongoing HECS repayments, plus trying to save up enough money to actually be able to afford to buy something in the Canberra property market when prices have increased so much over the last few years?

Many different things can impact on housing affordability and first home buyers, but I want to focus on the stamp duty concession scheme. I begun lobbying for reform of the stamp duty concession scheme almost two years ago, because of the problems that I could see with the scheme and through the problems that many people are letting me know about. As the government has boasted today, the concession scheme has been substantially reformed. But it is still well short of perfect.

Under the current scheme, a couple with two full-time incomes could get the full stamp duty exemption on the purchase of a two-bedroom inner city apartment, while a low-income family with three kids could end up not getting any exemption on a four-bedroom house in west Belconnen. The current schemes still have problems and could even be seen as anti-family. So I will take the opportunity today to put forward my views on the elements of a better system.

By the time the Stanhope government took office, house prices had already risen so far that only a handful of people could access the stamp duty concession, and I suspect that most of them were actually buying properties at below market value. The concession scheme obviously was not achieving its aim at making home ownership affordable for people on limited incomes. The scheme was essentially flawed because the eligibility criteria did not adjust in line with house prices for income. The scheme set a fixed property value threshold while the cost of housing was spiralling upward at rates of 20 per cent or more a year. The scheme also set a fixed income limit that was too low to service an ordinary loan of 90 per cent of the value of a property.

The first response to these calls from the government was a long time coming and in the end proved to be utterly inadequate. In the year after the first revision the number of home buyers getting concessions actually fell. In 2002-03, 41 buyers received concessions but in the first six months after the scheme was revised only 14 buyers were able to get concessions. Ninety-three per cent of the properties receiving a stamp duty concession under that scheme were unit title properties and only three buyers receiving concession had children. So I continued to loudly criticise the scheme, and the government finally had a second go at reforming it.

The new scheme in operation now is one I will recognise as definitely a step forward and supports many people without children to buy a place of their own. But I think that we need to realise that families need help too. We do not know if any families are benefiting from the new scheme because, although the new income test relates specifically to the

number of dependants, the government claims that it has no idea how many home buyers who received the concession have dependants. I suspect that maybe they have stopped collecting this information because they know that it does not look as good as it should.

The current limit of $273,000 leaves families with several children unable to find an adequate property that will fit their family in it that attracts a full exemption even though they could qualify on the income test. They can access some concessions but it is families who I think most need a full exemption; so the current scheme is not as good as it could be. I know of many people faced with the decision today of whether or not they should start a family or whether or not they should buy a house because, looking at the cost over the long term, they recognise that at the moment they cannot afford to do both.

If we actually look at our concession schemes and recognise that families are having trouble entering the housing market, then maybe people might not be forced to make those life-changing decisions that are unfair to put on people who are hearing the news every day that we need to do more to help the population into the future but also to do more to help people have their own house. There is a lot that needs to be done. We need a realistic property value threshold that relates to family size, so low-income families can get a concession and a home that is big enough for them and a scheme that supports those trying to enter the housing market.

Families with two kids should be eligible for a concession on a three-bedroom house and families with three kids for a concession on a four-bedroom house, so that house size is actually taken into account and related to the size of the family and the number of dependent children. That way low-income families would be able to buy a home big enough for them.

I have written to the Treasurer in relation to this system but I have not yet received a reply. However, I hope that somewhere in the depths of the Treasury bureaucracy someone is listening and someone is thinking about how we can make a better system that gives more people a chance of realising the dream of home ownership. I recognise that the current stamp duty concession scheme is definitely better than it was but there is still work to be done.

MS TUCKER (10.58): I spoke at length about affordable housing issues in Canberra when, in the last sitting, we wrapped up the debate on my bill to ensure that there was affordable housing structured into Canberra and I have made the point many times in the Assembly that we have to be looking at affordability issues for people who do not have any chance ever of actually buying a home. But in terms of this debate today, the Greens of course welcome measures to assist first home buyers. These incentives from the budget this year include the sliding scale concession on stamp duties and the introduction of lower taxes on land rates at the lower end of the UV

By way of context—because what we do in the territory is in the context of a federal system—a study published in October 2003 by Judy Yates of the Australian Housing and Urban Research Institute showed that the federal subsidies and tax concessions for home buyers and home owners give greater benefits to people on high incomes, which arguably is a consistent threat through federal government policies, sadly. I was interested to see Mr Anderson say on television that he thought his constituents would be really happy with a two-tier health system and I was thinking basically the Liberal

federal government is happy with a two-tiered Australia; the top tier votes for them, and the rest we will not worry too much about.

On the study published by Judy Yates: it showed that, on average, outright owners received more than five times the amount of assistance provided to purchasers. On average, high-income, that is, $1,210 to $2,260 per week—in 1999 dollar terms—outright owners receive a total tax benefit of close to $9,000 per household per year. On average, home purchases in the bottom 80 per cent of the income distribution income levels at and below $1,200 per week—in 1999 dollar terms—receive a benefit of less than $500 per household per year through the tax system.

It is clear that any measures we try in the ACT have to be absolutely focused on equality, on making sure that people at the lower end of the income spectrum actually get the assistance they need to make this society more equitable. Federal policies have created a less equitable society, a two-tiered Australia, and the gap between the lowest and highest incomes has increased. So the ACT government tax concessions for first home buyers being means tested and being on the sliding scale will go somewhere to address this concern.

However, as I said, on the other scale of addressing need, narrowing the wealth and wellbeing gap, the government here I believe has to do much more. It has failed to ensure more affordable rental housing, as I said at the beginning of this speech, and, importantly, public housing for low-income households. This is the need that the government really must address as urgently as possible.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.01): I will be brief. First of all, may I thank Mr Hargreaves for a little ray of sunshine or positiveness in what otherwise promises to be a long and turgid day. The signs are already there, with Mrs Dunne sneering at the fact that we might stand up and mention something positive that the government has done and writing that off as politics at the end of the electoral cycle. What else do you think the whole program today is going to be about? But just let me respond to a couple of things.

Mrs Dunne made the assertion that we had merely followed New South Wales. Let me give you just one fact. The New South Wales mini-budget that changed their first home owners concession and land tax had a net benefit of, I think, $600 million to the Treasury, to consolidated revenue in New South Wales. We are a lot smaller. The changes that we made had a cost to net revenue of about $10 million-plus. So in fact what happened in the ACT was that we provided a package embracing the first home owners and, in relation to land tax, encouraged investment in the ACT in housing and rental property; we have made a contribution or provided concession. It is a huge difference, but do not expect that to be recognised by them on the other side.

The other point that I would make of course is that there has been wide acceptance across the community as to what this government did in relation to first home owners. And I think that is the litmus test. We are getting used to, unfortunately, the hyperbole that comes from Mrs Dunne, but the facts are that this package was widely accepted—universally accepted, I would have to say.

It includes not only assistance for first home owners but also a restructuring of land tax. It makes sure that the ACT does not impose an exit tax or a capital gains tax. It makes sure that in the ACT we do not aggregate properties for the purposes of an increasing or progressive level of taxation applied to investment properties, which makes the ACT a much more attractive proposition for people to invest in and to provide stock for the rental market.

Again, let me, as I said, thank Mr Hargreaves for this small ray of sunshine in what I see as the fairly dark landscape of our day and yours, Mr Speaker.

MR CORBELL (Minister for Health and Minister for Planning) (11.05): Mr Speaker, this is a very important motion from Mr Hargreaves, and I think all members have acknowledged that in their speeches in the chamber this morning. I think it is important to focus on some other elements of the government's strategy in relation to housing affordability that have not yet been discussed this morning, in particular in relation to our land release program.

The government of course in the last budget—and no members have mentioned this yet—announced that, for the next five years, we will be releasing 100 blocks a year for lower income earners to be able to purchase their own block of land; that is 100 blocks per year. The government will be announcing shortly the details of how that scheme will be administered, but it will essentially be by a ballot. So lower income earners who meet an income testing measure—if they meet the criteria—will be eligible to enter the ballot. If they are successful in the ballot—because obviously there will be more interest than there will be parcels of land—they will be able to purchase the land at a significantly reduced price. That is a very important measure in improving housing affordability here in the ACT and is only possible of course because of the leasehold system and because of government activity in land development.

We will be looking very closely to make sure that these blocks are not all centred in one place in a suburb but are instead scattered throughout a variety of suburbs. Obviously they will be in new developments areas—because that is where raw land is available—but it is a very important measure in improving housing affordability.

There is, of course, a range of other measures that the government is working on and I hope that my colleague Mr Wood will be in a position to outline those to the Assembly very soon. But the important thing is that the government is working very closely on improving housing affordability.

I am quite astounded—and I am sure most members are—by the reference to assertions back in the 1950s, over half a century ago, that the Labor Party was anti-home ownership. This is 2004, Mr Speaker. This is about dealing with contemporary problems, not harking back to some tired, old, Cold War ideology that some members on the other side of the chamber might want to bring up in what is essentially a contemporary and very important debate. The government's record is a strong one, as other members have outlined. The issues around stamp duty rebate are making a real difference in our community.

At the same time of course, the government's release of 100 blocks a year for the next five years will target those groups of home owners that need just that little bit of assistance to get into the housing market. Again, this has flow-on effects of course—and it needs to be acknowledged—to the level of home ownership. The number of people in their own home has a real impact also on the rental market and the access to safe and affordable accommodation for those people who do not yet have the financial capacity to invest in their own home.

I welcome the motion from Mr Hargreaves. It is an important motion and a very good opportunity not only to highlight the significance of the issue but also to emphasise the steps the government has taken to address this and which it will continue to take into the future.

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) (11.09): Mrs Dunne made some uncommonly strange remarks—an indication that she does not pay much attention to what is said around the place—arguing that there had not been much flow through from the task force on affordability. There has been a great deal of activity. Mr Corbell has just mentioned some of it. I will not go into it in full measure today because I am tabling a statement tomorrow detailing all the activity in that area, and it really is quite substantial. I think we all recognise that a safe roof over a person's head is one of the real core foundations for a secure life.

The need to attend to housing in this territory is very important indeed—in fact, as you know, I have travelled a little recently, and not just in the ACT or in Australia—but the problem of housing affordability is an issue in many parts of the world. It seems that market forces and other forces are operating in the same way in quite a number of places. But, as to the detail of what we have done: I would encourage Mrs Dunne, who is not here at the moment, to sit and listen very carefully to what I will have to say tomorrow.

MR HARGREAVES (11.10), in reply: To close the debate: I thank members for their contribution. I have got only a minor comment really. Mrs Dunne concentrated her mind on land releases; she did not address pre-loved homes or apartment opportunities in town centres for example. You have to understand, when you are talking about affordability of homes and houses, that the pattern is that people buy established homes. They do not make a capital gain on it when they buy and move into a new home. I suggest that everybody here who owns or is buying a home, do just that; very few people go out to a greenfield site and buy their very first home—very few. Mrs Dunne, therefore, perpetuates the furphy that, because the new home and land packages are beyond the first home buyer, all is lost; we are in dire straits. That is not so.

The concession scheme assists people to get into established homes and that is the start that they need, and that is where the accent ought to be. This government's policy on concessions and assistance to people to get a start in the housing market is a modern, responsible and progressive approach to this problem and sets the high-jump bar very high.

Motion agreed to.

Literacy and numeracy

MS MacDONALD (11.12): I move:

That this Assembly:

(1) notes:

(a) the achievements of ACT students in literacy and numeracy; and

(b) the significant improvement in indigenous students' writing skills;

(2) recognises the need to continue to raise awareness about the importance of all ACT students developing effective literacy and numeracy skills; and

(3) acknowledges that the ACT Government, schools, teachers, parents, families and community members have played an integral role in raising literacy and numeracy levels in the ACT.

Mr Speaker, reading, writing and numeracy skills are the basic building blocks of a successful education and are vital to students' future life opportunities. I would add that these skills are also the essential building blocks for society. These skills allow us to communicate with and understand each other, and to function effectively in our community, country and world environment. Literacy is the ability to read, write, speak and listen to language in a way that allows us to communicate with others and make sense of the world.

Numeracy helps us use mathematics effectively to meet the demands of day-to-day life at home, at work and in society. These skills are critical in our society, so it is imperative that our youth are educated about the importance of developing sound literacy and numeracy skills and are taught these essential skills.

Testing student skills is an important way of monitoring student performance in these vital areas. The ACT assessment program, or ACTAP, is an effective way to collect and share crucial information about literacy and numeracy skills. The assessment program provides the government with an overview of student performance and is an important piece of information for parents and carers. The program also provides a map of students' progress over the years and identifies areas where improvements can be achieved.

Students in years 3, 5, 7 and 9 in all ACT government, Catholic and some independent schools take part in the test. The data collected is used to measure the performance of ACT students against the national benchmarks. The benchmarks describe the minimum levels of achievement a student needs to successfully progress at school. They serve as important indicators of strength and weaknesses, and if students are not achieving at or above the benchmark level in any area, they are likely to find it difficult to progress.

The results from the 2003 ACTAP identified that ACT students continue to demonstrate very high levels of literacy and numeracy, well above the national benchmarks. In 2003, year 3 students maintained a consistently high standard, with more than two-thirds of

students in the top two profile levels for all testing strands. Ninety-six per cent of all year 3 students performed above the national reading benchmarks and 94 per cent performed above the national numeracy benchmarks. Ninety-four per cent of all year 3 students also performed above the national writing benchmarks.

Year 5 students followed this trend and achieved high standards in all testing strands. Ninety-seven per cent of all year 5 students performed above the national reading benchmarks and 90 per cent above the national numeracy benchmarks. Encouragingly, 93 per cent of all students performed above the national writing benchmarks, a significant increase from 2002 at 86 per cent.

In 2003, year 7 students maintained a high level of achievement in reading and numeracy, with a consistently high proportion of students in the top three profile levels. The results for writing also show that the percentage of students in the top three profile levels has steadily increased.

Year 9 results for 2003 again showed that student levels were steadily increasing, with a noticeable decrease in the proportion of students in the bottom profile level in reading and writing. These results highlight the achievement of our students and reflect positively on our schools, teachers, parents, carers and community members. Pleasing trends were the closing of the gap between the results of boys and girls and the significant improvement in the reading and writing results of indigenous students.

The outcomes of the 2003 ACTAP show an encouraging improvement in the overall literacy results of indigenous students. While these results need to be treated with some caution because of the small number of indigenous students in each year level, they are pleasing. The national benchmark results for indigenous students in ACT government schools show a marked improvement in all literacy strands for years 3 and 5 and numeracy for year 3.

While the year 5 numeracy results were not as good as previous years, the results for year 5 writing showed a large improvement. Year 7 indigenous students' results show that writing has been consistent over the past three years and, although the reading and numeracy results in 2003 were lower than in 2002, the difference is not statistically significant. However, the comparison of ACT data with data from the ABS *National Aboriginal and Torres Strait Islander Social Survey 2002* shows the ACT is above the national average in all aspects of education attainment. These steadily increasing results are encouraging and reflect positively on the government's focus on indigenous education.

In 2002, the *Within Reach of Us All, Services to Indigenous People Action Plan 2002-2004* was released and it addressed commitments such as overcoming racism and valuing diversity through the equity and diversity plan 2003-05; forming genuine and ongoing partnerships with indigenous communities through enhanced support to the Indigenous Education Consultative Body; the involvement of the indigenous community in the redevelopment of the Birrigai educational facility; and funding to the Billabong Aboriginal Corporation's Jumby Mulla program.

It also included creating safe, supportive, welcoming and culturally inclusive educational and service environments through the dare to leap program; the ACT NAIDOC student

of the year awards and support for transition into different phases of schooling; and indigenous children and young people achieving outcomes equitable to the total population.

In the 2004-05 budget, our most recent budget, $3.3 million over four years was allocated to further support indigenous children and families in the ACT. More than $1.6 million over four years was committed to support learning and retention for indigenous students in government schools, with particular focus on improving literacy and numeracy.

Improvements in literacy and numeracy will also be addressed through $868,000 over four years for indigenous early childhood support. This initiative will support indigenous children from birth to six years of age, through increased opportunities for participation in early childhood education at Koori preschools. This will enhance the social, emotional, literacy and numeracy development of indigenous children.

As previously stated, literary and numeracy skills form the crucial building blocks in our children's lives. All students deserve the support required to develop and refine these critically important skills. That is why events likes National Literacy and Numeracy Week as well as Book Week are so important in raising awareness about the significance of developing sound literacy and numeracy skills in our community.

This year, National Literacy and Numeracy Week will run from 30 August to 5 September and will celebrate and acknowledge the progress Australia's schools, teachers, parents, families and community members have made towards raising the literacy and numeracy levels of all Australians. Now in its sixth year, National Literacy and Numeracy Week showcases the hard work school communities are undertaking to improve literacy and numeracy skills and recognises the outstanding results that have been achieved.

In fact, tonight, five awards for outstanding contributions to improving literacy and/or numeracy will be presented to individuals in the wider community who have made a significant contribution to improving literacy and numerous skills; and, on Friday night, 14 schools across the country will be recognised for the significant improvement of their students' literacy and numeracy skills. The week helps raise community awareness about the importance of all Australian students developing effective literacy and numeracy skills and builds on ACT and national initiatives to improve literacy and numeracy standards among young people.

At 11 am on 3 September, students from across Australia will take part in a national simultaneous story time with the reading of the children's book *The Muddled up Farm*, written by Mike Dumbleton and illustrated by Jobi Murphy. An initiative of the Australian Library and Information Association, the event will emphasis the importance of young children aged three to eight learning to read and enjoy the experience.

Schools will also have the opportunity to participate in the fun and educational program "Reach for the stars". "Reach for the stars" is a free numeracy-oriented mass involvement activity for schools. Following on from its success in primary schools in 2003, the activity has been expanded this year to include junior secondary students and will involve learning in core areas, including measurement, representing and analysing

data and working mathematically. Optional activities will also suggest cross-curricular extensions into areas such as financial literacy and studies of society and environment. This activity was a highlight for many last year and one that many schools in the ACT are looking forward to.

This year marks the introduction of a new addition to the National Literacy and Numeracy Week activities—the Dorothea Mackellar Poetry Awards. This national poetry competition for school students, conducted from Gunnedah in north-west New South Wales, was initiated in honour of Dorothea Mackellar and her famous poem, *My Country*. The Dorothea Mackellar awards will be announced during National Literacy and Numeracy Week and presented at an award ceremony on 10 September.

I would also add that, as I alluded to before, this week will also coincide with Book Week, and I am sure that that is more than just a coincidence. These fun and exciting activities help get our youth excited about literacy and numeracy, raising awareness about the importance of developing strong literacy and numerous skills. Providing funding for innovative initiatives such as those previously highlighted further strengthens these skills in our community. These vital skills will pave the way to successful futures for Canberra's children.

Mr Speaker, I commend the motion to the Assembly.

MR PRATT (11.24): Mr Speaker, I support Ms MacDonald's motion. Firstly, I would like to commend Ms MacDonald for finding a subject for a motion that is meaningful to the Canberra community and that goes to the core of good governance, or at least the question of good governance.

Let me also congratulate Canberra students and teachers on the results of the 2003 ACT assessment program, which reports on student performances in years 3, 5, 7 and 9 against national benchmarks in literacy and numeracy. Let me congratulate families, too, who under the pressures of modernity have to encourage their children at home to further develop and retain those skills. However, while years 3 and 5 students performed considerable well in reading, results in numeracy were down on 2002. The results for years 7 and 9 were mixed, indicating that there is always room for improvement across all school grades. Governments of all persuasions should always be aiming to improve results in the core areas of reading, writing and numeracy.

Many new and innovative teaching practices are being developed on a daily basis, and I hear about them from teachers when I am out talking to residents in my electorate. I was very impressed a couple of weeks ago to see the teaching styles at Hawker Primary School. I was also impressed with the imaginative teaching and student mentoring approaches that I observed on a recent visit to Erindale College and the imaginative team teaching concept practised at Saints Peter and Paul Primary School at Garran.

These are just three examples of what is being done at three schools that I have been fortunate enough to observe up close. It is very clear that the students at these schools are quietly attentive and I understand that the results are good. You can feel the calm and attentive learning environments and the teachers look to be professional and dedicated. If only the department could pick up the lessons to be learnt from schools like these and apply the standards that have been achieved right across the schooling spectrum. Literacy

and numeracy are the basic skills our children need to progress in life. Their future is often determined by the skills that they have in these two areas.

We are all concerned about indigenous student truancy and retention rates in schools and work on these areas needs greater attention. It is pleasing to note as well the improvements we are seeing in indigenous student writing skills. That is a measure of improvement; it is an important performance measure. But in order to push this improvement further, we need to strengthen our intervention program to keep our indigenous students in schools. The government needs to try harder in this area. It needs to strive harder to ensure that the compact with the indigenous families program—an initiative for which I commend the government—is improved upon. Clearly, if that program is further developed, if it is value added, then one imagines that indigenous writing skills and numeracy skills will continue to develop.

The former Liberal government allocated funds in 2001-02 to reduce class sizes from kindergarten to year 2. This program was introduced in an effort to improve results in the earlier learning years. The Liberal opposition also recently announced that, if elected to government in October, it would allow schools to implement single-sex classes in an effort to further improve the literacy and numeracy results of both boys and girls.

Large problems in learning are related to behavioural issues in the classroom, and I alluded to this just a short while ago. Let us get those learning environments improved. In Western Australia, school behavioural problems were cut by 60 per cent with the introduction in some schools of single-sex classes. If we can get similar results in the ACT by implementing such programs here, the literacy and numeracy skills of students must improve. This would not apply to all schools but it could apply to some. If the principals and school boards of those schools determined that they would like to introduce those types of programs then you can bet London to a brick that their literacy and numeracy skills would be improved.

While I would like to congratulate all students and teachers for the good results of recent assessment programs, we can always do better when it comes to literacy and numeracy by working together with students, teachers, parents and the community. We have one of the best education systems in Australia but, like all the others, the ACT system too is under pressure and some standards are deteriorating. That is simply a result of the nationwide pressures that all schools and all schooling systems are facing.

To ensure that we maintain the pleasing improvements that we are seeing in academic standards, as listed by Ms MacDonald, we need to see our education system further develop the pastoral care, character development and value side of education. If this were done, our children, imbued with stronger values and consequently developing a stronger sense of personal discipline, would be educated in a more attentive and well behaved learning environment. As a result, they would achieve even higher academic standards as well as develop into better citizens. This should be our aim. It should be the aim of government, the department and the community—all of us. All of us should be aiming to achieve a good balance between academic and personal development. The dividend from upgrading the personal development of our students is that they will also improve their academic standards.

We should always be looking at new and innovative programs to keep students motivated and interested. I commend Ms MacDonald for bringing these improving standards to the attention of this place. I think our schools need to be commended for these improvements. Let us move forward and make even more improvements.

MS DUNDAS (11.31): Since the introduction of national benchmarks in literacy and numeracy, ACT students have done exceptionally well. In 2001, the ACT had the equal highest number of year 3 students and the highest number of year 5 students to achieve the national learning benchmark. In numeracy, ACT students also ranked highest in year 3 and second highest in year 5. The assessment methods for writing have since changed but most recently 94 per cent of year 3 students and 93 per cent of year 5 students achieved the national writing benchmarks.

Achievements for indigenous students in the last three years have dramatically improved and this is something the government should be congratulated for, although there is still work to be done in relation to numeracy outcomes for year 5 indigenous students. I acknowledge, as the minister usually points out, that there are a relatively small number of indigenous students in our system, and so the results are susceptible to variability based on the outcomes of a handful of students.

Although I will be supporting this motion, I do not simply want to congratulate the government for a job well done because I think still more work needs to be done to support those students who are falling below the benchmark. We must continue to make sure that every student meets their full potential. If a child does not have a serious disability that prevents them from meeting the benchmark, then we have to put in the effort and support them until they reach the benchmark.

Smaller class sizes must have increased the likelihood of teachers picking up on children who are being left behind but we must complement and support classroom teaching with one-on-one support. It is only through one-on-one support that the problems holding kids back can be identified and thoroughly addressed. It is remarkable how often you can come across a child in year 5 who appears to be completely competent in multiplying and dividing when presented a maths problem in figures but who is completely lost when that problem with presented to them in words—when “multiply” is spelt out as opposed to just having a little x symbol, or when the numbers are spelt out instead being represented numerically. They are not able to transfer the skills they have. Having rote-learnt the process, they do not necessarily understand how multiplication works.

Literacy is another area where rote learning can carry a child successfully through primary school, but this learning approach then breaks down in high school when students are asked to apply more sophisticated analytical skills in relation to what it is they are reading and taking on. If these kinds of fundamental gaps in learning are not addressed, a child can fall further and further behind as they progress through school. We often see results at high school level falling below primary school results and I think one-on-one support can help address that problem.

We also need to look at how we are supporting the literacy and numeracy competencies of students with ongoing disabilities. We already offer some levels of support to students with identified disabilities but, again, I think more work needs to be done in this area. It

is my understanding that students with ongoing disabilities are not ranked according to the same numeracy and literacy benchmarks as other students. I think work has to be done to support bringing those students more into the education system and to make sure that they progress a lot better than is happening at the moment.

A society should not be judged by how well the best in the community are doing but by how well the most disadvantaged are doing. When we look at those who are failing to meet the benchmarks and the reasons for that, we can see that there is more work to be done.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.35): The ACT community can be rightly proud of the achievements of our students, a large percentage of whom perform very well against national benchmarks in literacy, numeracy and writing.

Other members have spoken of the excellent results reported in the 2003 ACT assessment program, known as ACTAP. The ACT consistently ranks amongst the highest performing states and territories against the national benchmarks in literacy and numeracy. Since 2001 we have seen a steady increase in the number of students achieving above the benchmark. Year 3 reading shows that 96 per cent of students reached the benchmark in 2003, an increase from 95 per cent in 2001. The results for year 5 reading show a 3 per cent improvement from 2001, with 97 per cent of students at or above benchmark in 2003.

There has been improvement also in writing results, with 94 per cent of year 3 students and 93 per cent of year 5 students achieving the writing benchmark. A pleasing trend in 2003 was the closing of the gap between the results of boys and girls.

The improvement in results for indigenous students has been particularly significant, especially in year 5 writing. The percentage of indigenous students reaching the year 5 benchmark in 2003 was 85 per cent, a big improvement over the 2001 figures of 67 per cent. Whilst those figures are fantastic, the testing—and Ms Dundas alluded to this—relies on a small population of students and we could see those figures moving around in the next year's testing, although we will be doing everything we can to improve on the 85 per cent result this year.

A number of important initiatives have supported these improvements in literacy, numeracy and writing achievements. The government has committed $747,000 in funding over the next four years for the indigenous education support program, which commenced in January 2003. A teachers of indigenous students network has been established to provide teachers with professional learning opportunities through the sharing of best practice.

The indigenous mentor pilot project was implemented over two terms in 2003 and has been successful in improving the engagement of indigenous students in learning. This program has also had a significant impact in addressing some attitude and behavioural issues.

Of relevance to indigenous students is the extension of Koori preschooling. Research shows that the results of indigenous children who have attended preschool are a lot better on entry to kindergarten than those of children who have not attended preschool or other children's services. We are hoping that extending the number of sessions per week in Koori preschools over five locations will support indigenous preschool-aged children as they move into kindergarten.

Notwithstanding the excellent literacy and numeracy results achieved by a majority of ACT students, the government acknowledges the continuing need to improve literacy and numeracy outcomes for all students, particularly those most at risk. The development of literacy and numeracy skills is vital to the future of individuals and the community as a whole, and the government is committed to ensuring that all students have the opportunities and support to achieve their best.

ACT schools participate in a number of research projects, such as supportive practices to enhance literacy learning, known as SPELL, and the middle years numeracy research project. Our teachers are involved in professional development that enables them to cater for a diverse range of learners.

Teachers are supported in developing their classroom practices through the various arms of the high school development project, the first steps literacy program and the "Count me in too" numeracy initiative. Some students in years 1, 2 and 3 may be performing at three years above their school age and some may be performing at three years below. It is a real credit to teachers that they target these children. They understand there is an enormous difference in the range of skills, particularly in primary school, and they are able to cater for the range of needs.

The professional learning fund and teacher fellowships also support our teachers in developing programs that are up-to-date with current research. Providing better outcomes for our students requires government, schools, teachers, families and the community to work together. Our partnership with teacher training institutions, parents, professional associations and the wider community contributes to the success of the ACT education system.

Next week I will have the pleasure of attending the 21st birthday celebrations of the parents as tutors program. This program represents a unique partnership between the Department of Education and Training and the University of Canberra. By combining the grounded classroom experience of teachers with the university's academic expertise, the parents as tutors program provides students with literacy support that is both practical and intellectually rigorous. The practical value of the program is demonstrated by the excellent results that children achieve. The program also provides practical strategies for parents and teachers to support the development of children's literacy skills.

The teaching approach developed through the parents as tutors program represents years of hard work and research and development by the Schools and Community Centre. Currently, "Scaffolding Literacy", the program developed through the Schools and Community Centre and its parents as tutors program, is being used in a range of new situations and locations as diverse as Northern Territory public schools, in remote

indigenous schools in Western Australia, and in several regional centres in New South Wales.

Examples of the outstanding literacy and numeracy programs implemented in the ACT can be experienced next week through the many celebrations that schools are holding as part of National Literacy and Numeracy Week. A number of schools will be showcasing their programs at the Canberra Centre next Friday, 3 September, and at the literacy and numeracy conference at the University of Canberra on Saturday and Sunday, 4 and 5 September. I would encourage members to visit the National Literacy and Numeracy Week highlights expo and experience first-hand the wonderful learning environment created every day in ACT schools.

I would also like to congratulate all the students who took part in the national benchmarking. The results are a reflection of their hard work and dedication. I also record my thanks to ACT teachers, who again are providing the necessary skills to students to achieve the benchmark and, if they are not achieving, to help them to achieve next time.

I would also like to put on the record my appreciation that Mr Pratt just made one of his few public statements of support for public education in the ACT.

MS TUCKER (11.42): The Greens are happy to participate in this debate about literacy and numeracy. It is good to see that the government is monitoring and reporting on student performance in literacy and numeracy, and using the results of this reporting to adjust services to both indigenous and non-indigenous students in the ACT.

It is also good to see that the government's 2003 ACT assessment program shows an improvement in the overall literacy results of indigenous students. Indigenous kids' literacy levels, especially indigenous boys' literacy levels, are significantly below non-indigenous literacy levels right across Australia. It is important to note, however, that as the indigenous student population in the ACT is relatively small, the statistics should be considered in this light.

In looking behind the statistics in the government's report and, in exploring whether the improvements in indigenous literacy outcomes are system-wide or focused on particular schools, communities, teachers, or assistance, I would be interested to know whether there are, for example, methods, processes or learning environments that have achieved particular successes, which could improve outcomes in other areas of the ACT education system.

However, in exploring and recognising these individual differences and successes, it is important that we do not slide towards the league table style reporting currently being pushed by the federal government. Such "league table" style reporting in the UK has led to a hardening of the line between poor schools and rich schools, between middle class and working class, and across race divides. In the end, more resources have ended up going to kids who in fact need fewer resources and the kids who need extra assistance have been missing out altogether.

Christopher Bantick, an education commentator, tells us that in the UK 150 schools have closed and the national curriculum has atrophied while centring on increasingly

unattainable literacy and numeracy targets. He also tells us that in America, under the George Bush-inspired No Child Left Behind Act, schools that have not been seen to deliver on national curricula expectations have been closed and school heads removed.

We do not want to see a situation in the ACT where we have the success or otherwise of schools determined solely by the dehumanising results of literacy and numeracy league tables. For indigenous kids in particular, but for other territory kids as well, it is important that we do not move towards a system that emphasises a standard type of education delivery. We should be emphasising in the ACT a more inclusive type of schooling that facilitates collaboration between schools and the local communities they serve.

There are real advantages in permitting individual responses to kids and their communities. What we do not want to see is a standardised system that locks up resources in standardised schools, leaving no room for the individual approaches and innovations that benefit kids.

I am not arguing that reporting on literacy and numeracy is not important to young people's outcomes, but a focus on testing and reporting of quantitative measures alone can work against kids acquiring and enjoying confidence in developing other equally important life skills. It can also narrow the focus of school experience when, more than ever, it needs to be a broad one that encourages autonomous learning.

That is why the national testing regime is potentially a useful tool but it should be just one of several analytical tools. Tools for analysing kids' performance should be based on both qualitative and quantitative measures—measures that assess kids' academic "performance" as well as their satisfaction and that of their families and guardians with their development into self-assured and valued individuals.

MS MacDONALD (11.46), in reply: At the outset I would like to thank all members who have participated in the discussion, and I especially thank them for their support of this motion.

I will start with Mr Pratt. Like the minister, I appreciate that Mr Pratt is supporting this motion. He made the point that the results for numeracy were down and that we could always do more. That point was made in various ways in all the speeches that we have heard today. I could not agree more with the point that we can always do more. We always have to strive to keep our levels up. It is vital that we keep the building blocks to ensure that students coming out of primary schools, high schools and colleges are able not just to read and write but also to build on those skills. As I said, those building blocks are the basis for building our society.

I will pick up on one point that Mr Pratt made—and he has said this before. He said at the end of his speech that it is important that we address the value side of education. He talked about mentoring. I would just caution Mr Pratt that he needs to keep in mind that all schools have values, that all teachers put out values, and that we already have values in education. They may be different from the values that he espouses, but the values are already there.

Ms Dundas made the comment that she did not want to congratulate the government because there is still more to be done and that each child should be able to achieve their potential. As I have already said, I agree with these statements. Each child should be able to achieve their total potential.

While this motion congratulates what we are doing and what is already happening, it is about more than just that. We need to recognise that our students are doing well and that we do do well in schools. Of course, we can always do more. However, we do have some very good students who participate and get involved, and were doing very well on those fronts.

I thought Ms Gallagher made a very good point about the variance in levels that teachers have to deal with. I certainly have memories of prac teaching. My second prac teaching session was incredibly interesting. I was able to experience the way in which an amazing teacher dealt with kids in year 4 at a primary school in Sydney. In that class he had incredibly bright students who were looking to apply for entry to Woollahra academic school, which was at that time one of the most prestigious year 5 and 6 schools in Sydney. Some of those kids were so far ahead of the rest of the students in the class that they almost had the ability to go on and become rocket scientists.

He also had students who were performing at the normal level. He had an ESL kid and a child who was classified as IM on the then intellectual disability rating. I think that rating has been changed so I cannot tell you what the assessment would be now. But certainly that student needed additional support because of her intellectual disability. I have to say that this teacher was amazing in the way he handled all those levels of kids.

There was not a day that I was in that classroom when he did not deal with things sensitively. He managed to keep all of the students in the classroom occupied. They did their maths and they did their English. They also did music and art on a regular basis and they worked with computers. They still had time to work on their extra projects and achieve what they could within their spelling levels. It was quite amazing to watch that teacher at work. I have to say that I have always had a great deal of admiration for that teacher and if I had continued on in teaching, that is what I would have aspired to be like.

Ms Tucker also made a couple of points that I would like to raise. She said that it is important that we do not slide towards league tables. I could not agree with that more—it is important that this does not happen. I also agree that success in schools is about more than just the results in schools. It is always about much more than that but we do need to know where our students are achieving so that we can make sure that we put additional funds into where they are needed. But league tables, of course, are not the way to deal with this matter.

Mr Speaker, as I have said, the issue of literacy and numeracy is an important one in our society. I appreciate the support of the Assembly today and I commend the motion to members.

Motion agreed to.

Orders of the day—postponement

Ordered that Notices Nos 3, 4 and 5, private members' business, be postponed until a later hour.

Drugs of Dependence (Cannabis for Medical Conditions) Amendment Bill 2004

Debate resumed from 30 June 2004, on motion by **Ms Tucker**:

> That this bill be agreed to in principle.

MR CORBELL (Minister for Health and Minister for Planning) (11.53): Mr Speaker, the Drugs of Dependence (Cannabis for Medical Conditions) Amendment Bill 2004 recommends that the Drugs of Dependence Act 1989 be amended to allow for individuals with certain medical conditions to access cannabis for medicinal use. Under this amendment, the person may apply in writing to the Chief Health Officer for approval to use and/or cultivate, possess and supply cannabis.

The person may apply under three categories, depending on the medical condition. Medical conditions included under categories 1 and 2 include a person with a terminal illness, nausea associated with cancer, cachexia (wasting) associated with AIDS, anorexia, weight loss and severe pain associated with HIV infection, muscle spasms in multiple sclerosis, pain associated with spinal cord injury and epileptic seizures. Category 3 is for the relief of symptoms of any other medical condition or its treatment. The person applying must state that a doctor has explained the risks to them and that they consent to the doctor's recommended cannabis treatment.

The application must include a medical declaration about the medical condition and the symptom or symptoms that may be relieved, the recommended daily dosage of cannabis, duration of use (no longer than one year) and form of cannabis. It must state that for this particular person the benefits of using cannabis would outweigh any risks. The medical declaration must be made by one doctor for category one or two, or one or two medical specialists for categories two and three and contain the doctor or doctors' contact details. For applications under categories two and three, all conventional treatments must have been tried or considered and found not suitable or effective.

Cannabis is of course a prohibited drug and the use, possession and cultivation of cannabis are offences in the ACT. There are two levels of offences, the less serious of which is a simple cannabis offence. Changes to the Drugs of Dependence Act 1989 in late June have changed a simple cannabis offence to two plants cultivated naturally; previously it was five plants, with any growing method allowed. The bill allows an exemption for persons with a licence to grow cannabis for medical use.

If the bill were passed in its present form, inspections of private premises would be necessary. This would apply to persons with approvals to possess and use cannabis and those with a licence to cultivate cannabis for medical conditions. There is no provision for inspection of private premises under the Drugs of Dependence Act 1989. The act would need to be amended to include this.

In its present form the bill does not comply with the international treaties to which Australia is a signatory. Australia is a signatory to international treaties such as the United Nations Single Convention on Narcotic Drugs 1961, as amended by the 1972 protocol which states that cannabis must be grown with the same control as the opium poppy. Cannabis must only be grown and used for scientific and medical purposes. Article 23 of the treaty requires the government to establish an agency to regulate cannabis production, issue licenses for cultivation and buy the entire cannabis crop within four months of harvest. The places in which cultivation and trade or distribution occur must be licensed, and misuse and illicit traffic of cannabis must be prevented.

If this bill were passed in its current form, significant government agency resources would be required to issue licences to allow possession, cultivation, supply and administration of cannabis for medical use. Increased policing resources would also be required to control the premises where cultivation and distribution take place, to comply with the relevant international treaties.

Cannabis is not currently approved by Therapeutic Goods Australia for use in Australia. The Australian community has an expectation that all therapeutic goods are safe and of a high quality, to a standard equal to that of comparable countries. The Therapeutic Goods Act 1989 provides a national framework for the regulation of therapeutic goods to ensure their quality, safety, efficacy and timely availability.

Production of a standard product from home cultivation is not possible. The home-grown cannabis that this bill is recommending is a crude plant of questionable pharmaceutical quality because the amount and range of active ingredients are extremely variable. According to the World Health Organisation, a typical cannabis cigarette or joint contains between 7.5 and 225 milligrams of tetrahydrocannabinol, of which 20 to 70 per cent is delivered in smoke. Medical practitioners will be asked to recommend this product and stipulate the daily dose required. This information would clearly be meaningless, as would any accurate assessment as to whether the benefits outweigh the risks.

The bill has not been developed in accordance with evidence-based medical and/or treatment guidelines and ignores Australia's framework for the regulation of therapeutic goods.

The federal government has control over the importation of cannabis products. Federal legislation such as the Customs Act 1901, the Narcotic Drugs Act 1967 and the Crimes (Traffic in Narcotic Drugs and Psychoactive Substances) Act 1990 would need to be considered, depending on the cannabis products for supply.

The health risks of cannabis use also need to be considered. Cannabis is known to have adverse effects, including short-term impairment of memory, coordination and attention. There is recent evidence that regular cannabis use may increase the risk of psychosis and depression. These factors need to be considered, along with any therapeutic use that may be achieved, particularly if cannabis is used to treat a chronic medical condition. Cannabis may also suppress the immune system; so its use in the treatment of HIV/aids is of some concern.

Several models of medicinal cannabis use exist overseas. The Netherlands has recently made cannabis available on prescription. Canada has extensive legislation regulating medicinal cannabis use, and clinical trials of a nasal spray are under way in the United Kingdom. In Australia, a synthetic derivative of cannabis, nabilone, is available under the special access scheme if prescribed by a doctor and authorised by the secretary of the Australian Department of Health and Ageing. People with chronic, debilitating medical conditions may be eligible to use this. In the ACT, a prescriber also requires approval from the Chief Health Officer.

The bill covers licensing for possession and cultivation of cannabis but the supply and purchase of seedlings or seeds would remain illegal. Regulation of cultivation—for example, indoor versus outdoor growing—and the growing cycle are also not covered in the bill. The bill does not outline processes involved in checking compliance with licence conditions. There are no safeguards for the storage and handling of cannabis plants and materials.

Normally there is a requirement for drugs of dependence to be kept securely. There are no provisions for the disposal of cannabis after a person is deceased or no longer wishes to use cannabis. Other drugs of dependence are returned to pharmacies. However, a pharmacist would not be authorised to be in possession under this legislation.

One section of the bill allows a person assisting the holder of an approval to possess and administer cannabis to the holder of the approval. There is no requirement for the assistant to be named or to provide details as part of the approval process.

If the bill is passed, there would be significant financial and legal resources involved in the regulation of cannabis in accordance with international treaties and federal legislation. If cannabis cultivation were permitted, it appears there would need to be a government agency established to designate the area to be cultivated. Licensed cultivators can purchase and take physical possession of the total crop within four months of the harvest. There are significant policing implications, as I have outlined already.

The government went to the last election indicating that the provision of cannabis for medicinal purposes should be further investigated, and that remains our view. Given the range of issues I have outlined in the debate today, the government does not believe it is appropriate to support the passage of this legislation at this time. There are simply too many unanswered questions that need further investigation.

For that reason, I am pleased to indicate to members that, if the government is returned at the October election, it would be prepared to provide a detailed report to the new Assembly within six months of the Assembly sitting which would examine in detail the threshold issues which I have outlined today. However, at this stage the government cannot support the legislation.

Ms Tucker has also provided further amendments to this bill. These changes to the bill now state that the act does not commence on the day after its notification but would commence on a date fixed by the minister in writing. The changes remove references to

medical practitioners recommending cannabis use or the requirement for them to recommend doses.

Regardless of those amendments, as I have indicated previously, the government has a number of significant concerns with this bill. They are views shared by the medical community in the ACT. Whilst that is not always, in my view, a compelling argument, I believe that the merits of the argument on this occasion do warrant more serious consideration by this Assembly and that we should not take the threshold step of passing this legislation today.

MR SMYTH (Leader of the Opposition) (12.04): Mr Speaker, the opposition will also not be supporting the bill, for many of the reasons that the minister has outlined. The bill seeks to allow the use of cannabis for medical treatment. In doing so, it makes possession legal if it is to be used under medical supervision. It also, to get around the supply issue, makes it legal to grow cannabis.

The bill sets out three categories of patients for treatment. Category one is those with a terminal illness. Category two is those with serious chronic illnesses such as multiple sclerosis. Category three is for the mitigation of symptoms under any medical condition or its treatment. Under the bill, a person may be granted a licence to cultivate cannabis, with the restriction that they cannot grow a trafficable amount. In the case of both treatment and cultivation, the Chief Health Officer is the decision-maker.

The main concern that we have—and there is some work that suggests that, for people suffering terminal or chronic illness, it is possible to obtain relief through the therapeutic use of cannabis—is that the bill itself is structurally unsound. The nature of the three categories, we believe, could simply lead to doctor shopping and I certainly believe that the cultivation aspects of the bill are simply unworkable.

I think all members have received correspondence from the AMA, which is especially critical of the bill in its current form as it will expose doctors and make them potentially liable for prescribing a medication that cannot be accurately dosed. I think the minister gave the range of 7½ up to 220 units of TCH. To have something that varies 30 times makes it extremely dangerous, we believe, to therefore give doctors the right to prescribe something that they actually cannot control the strength and use of.

We also note that nabilone, a synthetic cannaboid, is now being trialled, certainly in the UK. I was led to believe that it may be being used at the hospice as part of a trial here, but I am not aware or have not been able to confirm whether that is so. Certainly, advice from the AMA is that it would rather wait for it, that is nabilone and other similar drugs, to come onto the market so that you can actually have a recommended dose or prescribe a dose that can be accurately measured.

For these reasons, we believe that the bill should not go ahead at this time. Ms Tucker has certainly indicated she would move some amendments. We do not believe that they make up for the flaws at the heart of the bill. With that in mind, the opposition will not be supporting this bill.

MS DUNDAS (12.07): Mr Speaker, I understand that Ms Tucker has been working on amendments to this bill and I think that they address a number of the concerns that have

been put forward today by the government and the opposition. So in principle the Democrats are happy to support this proposal from Ms Tucker, but we recognise that the amendments are needed to make this bill more workable.

We have seen overseas trials of medicinal cannabis work and it is appropriate that we have a trial here in the territory. The ACT Democrats have a long health policy on treating drug use as a health matter not a criminal matter, and a trial like the medical use of cannabis is logical and gives us a chance to collect data to test the effectiveness of such a proposal.

For sufferers of painful diseases—cancer, arthritis and terminal illnesses—any steps we can take to reduce the pain they suffer should of course be investigated. There is research that too much use of cannabis can have detrimental effects such as schizophrenia and can lead to mental illnesses but so can the overuse of almost any substance, be that legal or illegal.

Once upon a time doctors were happy to prescribe heroin to relieve pain and the reasons to prohibit heroin were not made on any medical reasons but political ones. In fact, Professor Desmond Manderson, in a speech organised by the Friends and Family of Drug Law Reform, said that the first drug laws arose out of specific fear—fears based on a misguided response to social change—and the prohibition of drugs was not intended to eliminate those fears but to justify them.

I now think, 84 years later, that it is appropriate to look at why cannabis was put on the prohibited substance list and revisit those debates that were had then. Maybe it is time that we recognise that decisions made in the past were perhaps short sighted, did not have the intended effects and that we need to rethink them.

There is overwhelming research on the benefits of the medicinal use of cannabis and we need to take this opportunity to give people in our community who are in pain the opportunity of some relief. A trial for three years, with a review after two, is what is being proposed today. If it does not work, then we have lost nothing. Even the federal health minister recognises the merit of medical use of cannabis. But if it does work then we have gained a lot, especially for those people who are in an amazing amount of pain and who are looking for some relief.

So this is not a bill that allows the legalisation of cannabis; it will not bring society down around us; and it is not going to see the streets of Canberra awash with drugs. It is a bill about helping those in pain, those who are suffering and those who are suffering where the normal medical processes have failed them. I am happy to support this bill, as I believe there is merit in looking at ways in which we can assist to relieve the suffering of sick and dying people in our community.

MS TUCKER (12.10), in reply: I need to state again, in conclusion, that this is a compassionate response to the reality for people who are sick in our community. I hear the arguments from Mr Corbell about conventions on narcotics and so on, but I note that the minister was prepared to be quite courageous in supporting a supervised injecting place which, arguably, could be accused of having the same ambiguities in it. I think it is really disappointing that we have not seen a more positive response to this today,

although I am glad to hear Mr Corbell say that he is prepared to look at it after the next election, if returned.

I recently read a book subtitled *Arthur's story*—I recommend it to people in this place—written by Pauline Reilly, who is a well-known children's writer. She found herself in the situation at the age of, I think it was, 84, where her husband, Arthur, had prostate cancer. She was caring for him and watching him fade away before her eyes. She describes this in the book in a very clear way and puts, right through the book, all the factual and documented evidence about cannabis and the medicinal use of it over the years—over a couple of centuries at least—and the history of the demonising of it as a medicinal drug.

It is interesting that the war on drugs actually came from Nixon in his election campaign and it made me reflect on the war on drugs, the war on terror, coming out of Mr Bush's desperate attempt to deal with a crisis. A war on something always seems to work for certain politicians because it is a good phrase to hype up the community generally.

Just bearing that in mind, the war on drugs has absolutely failed, and the evidence shows that in terms of actually reducing harm associated with illicit drugs. As Ms Dundas said, that whole business of Nixon and his war on drugs was about being cross with what he saw as the alternative people in America who challenged the Vietnam War and so on. The history is really interesting.

I do recommend *Arthur's story* as a book to read if you are interested in seeing a really clear history of the politics of drugs and the factual evidence and reports that support its medicinal use. It is also a human story about an octogenarian in our community who has nightmares at night about preparing the cookies, because the police might come and raid her, but who is absolutely determined to do that because she saw her husband start to eat as a result of eating a cookie with cannabis in it. She tells her story so clearly of the absolute joy when, after he had had a couple of these cookies, he actually called from his bedroom, "Could I have a cheese sandwich?" and how that was so incredibly important for the passage of his illness, because he actually started to eat.

Sure, he died finally, but the book gives the story—it's not a thick book; I seriously recommend everyone here read it—and you understand the human story behind this. I know in theory we all understand that people are suffering, but read this book and get a real, first-hand experience of it from this 84-year-old woman, who is now a campaigner for the medical use of cannabis to be made available. People like her, who are struggling with the loss of their ailing partner, also have to deal with nightmares about police coming in and raiding them. That's what this bill is about.

Of course, with recent changes to the ACT Criminal Code, we now see that the SCON system can only apply where the offender has two or fewer plants and cannot apply where those plants are grown hydroponically. Prior to this amendment, it was argued that the risk of criminalising self-medicating cannabis consumers was fairly low in the ACT, and the need for a compassionate scheme that would legalise that use was needed less. The argument was that New South Wales is not as enlightened as we are in the ACT and the stigma of criminal charges is much more of a threat there. But of course, with the amendments passed here last week, that claim cannot be made as easily.

Other key issues that have been raised with us include the dangers of smoking, and Mr Corbell mentioned that. But there are of course other ways of using the cannabis. It is sometimes preferably smoked because it is hard to know the potency of the drug and it is easier to control through smoking. There is also now the potential for inhaling in a vaporised inhaler. I understand there is one actually available in Canberra, the Vapir, which precisely determines the correct temperature for vaporising the THC and could deliver only the active ingredients. There is that capacity.

But I do find it very ironic that we have people saying, "We don't know what the side effects are exactly and it might be a trigger for mental illness," which it might be. It has been identified as a potential stressor, among many others, for people predisposed to mental illness. Marijuana or other drugs can be one of the stressors in this way. But, for heaven's sake, the reason that people are using cannabis is to deal with the side effects from the other drugs that they are legally using. For heaven's sake, this is about understanding that this particular herb assists in certain illnesses. There is no dispute that that is a fact.

People have mentioned a synthetic being available. It is extremely expensive if you do want it and because, it is not covered by the PBS, you have to get a special prescription and pay a lot of money for it. There are concerns about it because it is harder to know what the effect will be on people. There have been concerns about how effective it is.

Mr Smyth raises concerns about the AMA but maybe he has not looked at the amendments. We have dealt in the amendments with not asking a doctor to prescribe a dose, for the reasons that he explained.

The provision of seeds is an issue Mr Corbell raised. Of course that could have been dealt with in amendments but we did not pursue amendments because it became obvious that we were not going to get support for this today. That could have been dealt with as well. He also said the bill does not outline methods for monitoring compliance; that equally could have been worked out if there had been the will to do so. Not outlining how to dispose of it if a person dies also could obviously have been dealt with if there had been the will to work with those issues.

I have stressed—and members are well aware—that I have had this on the table for a while. I have been open to any conversation about how we could amend it to deal with concerns that people have, but that will obviously was not there.

In conclusion, I just want to say again that we have not seen New South Wales do anything over the past couple of years even though, as occurs so often, you can have an inquiry or a review, you can get the evidence and you can get the conclusions and recommendations. But basically there is a fear, a lack of political will or courage to do this because in some way it may be seen to offend the notions of prohibition, zero tolerance, war on drugs, the thin edge of wedge, et cetera.

I understand that it requires courage and leadership to support this but, as I said before, this is a compassionate response to the reality of people who are suffering in our community and are using cannabis. It is not as if it is not happening. It is incredibly easy to get. It is not as if we are achieving anything by not supporting this or not amending

this to suit people with the concerns that I raised. People are using it. The only thing you are achieving today by not supporting this is keeping people who are using it and struggling with illness afraid. That is what we have achieved.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 2	Noes 15	
Ms Dundas	Mr Berry	Ms MacDonald
Ms Tucker	Mrs Burke	Mr Pratt
	Mr Corbell	Mr Quinlan
	Mr Cornwell	Mr Smyth
	Mrs Cross	Mr Stanhope
	Mrs Dunne	Mr Stefaniak
	Ms Gallagher	Mr Wood
	Mr Hargreaves	

Question so resolved in the negative.

Sitting suspended from 12.22 to 2.30 pm.

Questions without notice

Aged persons residential development—Belconnen golf course

MR SMYTH: My question is directed to the Minister for Planning. It relates to the proposal for an aged care facility on the Belconnen golf course. On 2 March this year, in answer to a question from Mrs Cross on the proposal, you stated:

> The government at that time, and I as the responsible minister, indicated to Mr O'Keefe very directly, and in a quite immediate way, that the government did not support the proposal, for the reasons that I outlined in the letter. I made reference to the commitment that you, Mr Speaker, gave, on behalf of the Labor Party at that time prior to the election, that we would not support development on that site.

Minister, do you stand by this answer of 2 March 2004—that you made reference, in your letter to Mr O'Keefe, to the commitment of Mr Berry?

MR CORBELL: I would have to check the detail of that letter. It is some time since I wrote to Mr O'Keefe. I will take the question on notice.

MR SMYTH: Mr Speaker, I have a supplementary question. The minister might also check *Hansard* as to what he said at that time. Minister, why is it then that your letter makes no mention of this commitment and that those who attended the meeting with you to discuss the proposal say that it was not mentioned in that meeting either?

MR CORBELL: I ask Mr Smyth to clarify the question. What was not mentioned?

MR SMYTH: That the Labor Party had given a commitment prior to the election.

MR CORBELL: Again, I would have to check the notes of my meeting with Mr O'Keefe. I will take the question on notice and provide an answer to the member.

Department of Education and Training

MRS BURKE: My question is to the Minister for Education and Training, Ms Gallagher. Minister, yesterday you said in the chamber that your office had received a fax from the CPSU on 19 July 2004 that was a copy of a public interest disclosure articulating concerns with corruption and maladministration within your department. That was after you had clearly said in the chamber on 4 August 2004 that your office had received no such correspondence.

Receipt by your office of two pages of the PID would mean that the cover page to the fax would highlight that a further 19 pages would follow. Were you aware that your senior adviser requested the fax? Did you approve this request? Is this request not in breach of the PID Act? Did your senior adviser request that the whole 20-page PID document be faxed again or were you hiding again behind the "don't know, wasn't briefed, no-one told me" defence?

MS GALLAGHER: In my answers to questions in question time on the 3rd and 4th, I was answering those questions honestly, directly and in response to the way in which they were framed, which was whether I had received a copy of the public interest disclosure. I have not. I have never. I have certainly not received it from the person who has brought the public interest disclosure. As I said yesterday, there was a conversation between a CPSU organiser and an adviser. From my discussion yesterday with my adviser, it is not clear whether the CPSU organiser understood that it was a public interest disclosure. I have not had a conversation with that organiser.

Twelve pages of the fax arrived and it was indicated that it was a 43-page fax; so I do not know where you are getting your 19 pages or whatever. I have not viewed the fax. My adviser, I understand, did not ask for the fax to be sent. When it was clear to him from advice from the department that it could have been a public interest disclosure matter, he did not seek any more involvement in that matter, which was entirely appropriate in the interests of public interest disclosure.

The department briefed me. They said that a public interest disclosure matter had been sent to them. I do not know whether the public interest disclosure that Mrs Burke and the opposition have been reading from for the last two weeks has anything to do with the fax that came to my office. That shows how much I do not know about this matter and how much I should not know. It could be an entirely different matter. For all I know—

Mr Cornwell: No, it is not all that you don't know, is it?

Mr Smyth: The Sergeant Schultz defence.

MR SPEAKER: Order, members! The minister has the floor.

MS GALLAGHER: The opposition is saying that I am hiding behind the public interest disclosure excuse. The fact is that there is a Public Interest Disclosure Act and it is very clear about how these matters are to be handled. I have not received the public interest disclosure. My office has not received the public interest disclosure. It received 12 pages of a supposedly 43-page fax, which may be the same as the document that you have been reading from, Mrs Burke; I do not know.

Advice came back from the department very swiftly. It was saying, "There is no role for the minister in public interest disclosures. There is a public interest disclosure. We cannot brief you on it. We are taking legal advice." That was the end of the involvement. I never saw the fax. I do not whether it is about the thing that is being investigated. Who knows? I have not seen the document that you have, Mrs Burke. I think that it would be in everyone's best interests, including those of the complainant and possibly other people who may or may not be named in that public interest disclosure, to allow for the investigation to go ahead.

Even if I had received the public interest disclosure, as I said yesterday, I could not have done anything with it anyway because of the way that public interest disclosures are handled. If you are trying to trip me up on whether I received it and whether I have misled the Assembly, you can keep trying, but the fact is that I have not. I will say it again: my office has not received the public interest disclosure, I have not received it and I am not involving myself in any way with it.

I would really urge that this matter be put aside to allow for the investigation and natural justice to occur for all of those involved in this matter, because there is a law in place that allows for it to be handled. It is actually about protection for all the people involved and what we are not doing here is protecting anybody.

MRS BURKE: I have a supplementary question. Minister, given that this is not about the detail per se, why did your senior adviser request the PID if you did not want to know the contents?

MS GALLAGHER: As I said, my understanding of the conversation that occurred between the CPSU organiser and my adviser was that there was a whole range of allegations being made—a whole range, nothing specific—to do with the Department of Education and Training and, as with people ringing anyone's office to make allegations, you would usually say, "Is there anything you have got to support them?" I would have to check with my adviser about whether he specifically asked for a fax to be sent.

Mr Smyth: You haven't asked?

MS GALLAGHER: I have not actually asked that question. I understand that a fax was sent. I do not know who instigated the fax, but I doubt very much that the CPSU organiser knew what she was dealing with. That is my understanding. I do not think that she knew it was a public interest disclosure, but that may not be the case. I will check with my adviser about who asked for the fax to be sent, but my adviser has acted absolutely appropriately and above board all the way with this matter.

As soon as it was clear that it was a public interest disclosure matter, on advice given to us by the department, not on the information given by the fax because the fax was incomplete, no further contact was made with anybody. There was no commitment to ring the complainant. There has been no contact from my office. We have acted in accordance with advice given to us by the department of education and the Government Solicitor's Office about the appropriate role for a minister and, basically, the appropriate role is not to have one.

Department of Education and Training

MR STEFANIAK: Mr Speaker, my question is also to the Minister for Education and Training. Minister, yesterday in response to a question without notice from me regarding allegations of corruption and maladministration in your department, and the subsequent lodgment of a public interest disclosure document, you said:

> The advice came back that the matter was subject to top confidentiality provisions of the Public Interest Disclosure Act. A brief confirming this advice was provided to me by the chief executive of the Department of Education and Training at a briefing on 26 July 2004.

Minister, on 4 August in question time, Mrs Burke asked you whether you were aware that a PID had been lodged and your response was:

> This is the first I have heard of that incident, Mrs Burke. In relation to the public interest disclosure: I am not aware of one.

Minister, why did you not disclose to the Assembly on 4 August, when asked, that you had a briefing on 26 July in regard to the lodgment of a PID?

MS GALLAGHER: I think Mr Stefaniak selectively shortened Mrs Burke's question because, from memory, Mrs Burke asked about a quite specific allegation. The question, as I remember it, was not, "Are you aware of a public interest disclosure in your department?" It was, "There are these allegations that have been made." From memory, it could have been Gowrie school. I will have to review *Hansard* but there was certainly a specific allegation made.

Because I do not know what is in the public interest disclosure, my answer was correct. The question was—

Mr Smyth: Like you said, you are not aware of one, yet you were briefed.

Mrs Burke: You either did or you didn't.

MS GALLAGHER: No. The question was—

MR SPEAKER: Order, members! The minister has the floor.

MS GALLAGHER: The question from Mrs Burke had a specific scenario in it, and that was followed up by a specific scenario from Mr Cornwell and then a specific question from Mrs Dunne on that day. I remember it. Mr Cornwell asked about four canteens.

I think Mrs Burke could have asked about Gowrie, or it could have been another matter, and asked was I aware of this. And I was not aware of it because I am not aware of the content of the public interest disclosure.

So my answers have been entirely correct. I am not aware of what is in the public interest disclosure. I will review *Hansard* but I have answered questions as they have been put to me; I have answered every question as it has been put to me.

MR STEFANIAK: Mr Speaker, I ask a supplementary question. Minister, why do you continue to change your story and have you not given the Assembly false information? Will you set the record straight?

Mr Hargreaves: On a point of order, Mr Speaker: Mr Stefaniak has just suggested that this minister gives the Assembly false information. I would ask him to withdraw that.

MR STEFANIAK: I said: have you not—

MR SPEAKER: I think you said why do you continue to change your story, or words to that effect. That is an imputation, Mr Stefaniak, and you cannot do that.

MR STEFANIAK: I will rephrase it. Minister—

MR SPEAKER: You will rephrase it if I permit you to. Go ahead.

MR STEFANIAK: Thank you, Mr Speaker.

MR SPEAKER: Withdraw the imputation first of all.

MR STEFANIAK: I withdraw any imputation, Mr Speaker. Minister, we have heard a number of different responses to these questions over the last couple of weeks. When will you set the record straight?

Mr Wood: Oh, get out! That is no better.

Ms MacDonald: That is still an imputation.

Mr Hargreaves: You can't set their crooked record straight.

MR SPEAKER: Order! The minister has the call.

MS GALLAGHER: Thank you, Mr Speaker. As I just said in conclusion to the question, I have answered all the questions as they have been put to me. It has been coming out in dribs and drabs: a question about a canteen that I have taken on notice and I will come back with that; a question about Procurement Solutions and their memorandums of understanding with the department of education—I have come back and given that advice; on Gowrie—there has been further explanation of that. But every answer I have given is correct.

When Mrs Burke asked me had my office received a phone call from the CPSU, I answered that correctly. When Mr Stefaniak asked yesterday whether my office had

seen a fax, I answered that correctly. The story has been evolving because it has been dribbled out by the opposition bit by bit over the last two weeks and I have answered every question honestly and truthfully. I certainly take my responsibilities to tell the truth and not mislead the Assembly very seriously.

Bushfires—emergency medals

MR HARGREAVES: My question is to the Chief Minister. I note that yesterday the Chief Minister presided at a ceremony at which the first ACT emergency medals were awarded. Can the Chief Minister tell the Assembly what the awards were for and who received them?

MR STANHOPE: Thank you, Mr Hargreaves. Yesterday I was very pleased and proud to preside at a ceremony to award the first emergency service medals and the first lapel pins to those Canberrans who were very much part of the fantastic response by this community to the devastating fires of January 2003.

It has often been suggested—and of course it is true—that January 18 can quite rightly be regarded as perhaps the worst day that the ACT and the people of the ACT have experienced. There is no doubt that we would all agree that it was one of the worst days in the history of the territory. Of course, as we have often reflected and appropriately reflected, it was also a day that brought out the best in Canberra, the best in our community and the best in many individuals.

The bushfire was very tragic; it caused the death of four of our citizens. We know that it destroyed in the order of 500 homes, injured significant numbers of Canberrans and caused enormous other damage to our infrastructure and to our environment. But the response was fantastic. The way in which, particularly, our uniformed services, our volunteers and members of the ACT public service and community-based organisations responded at the time of the fire—on January 18 and its aftermath—was simply inspirational, and is something from which we can still take inspiration and from which we continue to grasp strength.

As a response and as a continuation of the government's determination to ensure that we recover to the extent that we can—in some respects, some individuals, of course, will strive with a range of issues that impact on them personally; the community will bear scars for years to come, as will the environment and, indeed, the territory—the government has responded well to that. I have spoken at length about the efforts the ACT government has made to ensure that we do, to the extent that we can, grow, prosper and develop a living and continuing legacy in our recovery from the fire. A significant part of that was the ceremony and the awarding of medals, the acknowledgement of individual effort on the day: the selfless, the brave and the courageous efforts of so many Canberrans.

It was the consequence of the desire of my government, on behalf of the Assembly and on behalf of the Canberra community, to acknowledge that courage, to express our gratitude, that we issued over 2½ thousand medals and a significant number of lapel pins to ensure that each of those members of our uniformed organisations—the fire brigade, the ambulance service, the SES, ACT Policing and the ACT Rural Fire Service—are appropriately and individually recognised and acknowledged. The medals and the lapel

pins are very much a tangible symbol of the appreciation of the government and the community of those who take those risks on our behalf every day.

The medal—there are 2,700 of them, reflecting the size of those uniformed services and of course the number of friends from interstate who assisted us on the day and who will also be recognised—was designed and developed by the Royal Australian Mint. It depicts the Canberra royal bluebell surrounded by and surviving the tempests of wind and flame. It is an appropriate medal, struck for the occasion; it has been very well received by all those services that I have indicated and all those who have, to this stage, received it. It was, I guess, something of a pity that we did not have the opportunity, having regard to the numbers of members of the community to be awarded the medal, to award them in single ceremonies, but it really was statistically impossible.

Yesterday was the first of a series of presentation ceremonies that will now be conducted to ensure that all of those members of those services receive their medal or their lapel pin. In the context of the recognition of the significant efforts of so many, we need to remember those legions of ACT public servants and non-uniformed Canberrans, ordinary citizens, who also worked hard at this selfless and, I think, inspirational response by this community.

Convention centre

MRS DUNNE: Mr Speaker, my question is to the minister for business and tourism. Minister, on 8 April 2004 you announced that you would be negotiating directly with the lessees of the convention centre to upgrade it. This followed the failure of an expression of interest process that attracted only two, apparently unsuitable, expressions of interest. At the time, back in April, when you started negotiations with the convention centre you said that you would "take every step to ensure the project moves along promptly". It is four months later and nothing seems to have happened.

The business community is becoming increasingly frustrated with your lack of progress on this vital project and has called for you to get on with it. In turn you have called for the business community to basically stump up the cash and make a contribution to the cost—to try and deflect attention from your inaction. But John Teres, of the Meetings Industry Association, has stated, "The government should do their bit before they expect private enterprise to put their hands in their pocket." Why don't you show leadership on this project, rather than attempting to blame the private sector for your failure to act?

MR QUINLAN: As fate would have it, I met with the Canberra Business Council at lunchtime today, and to them I outlined the scenario. That included the CEO of the convention bureau. I think they are coming to understand exactly the position we find ourselves in. Let me articulate it. It is not the fault of this government and it is not the fault of previous ACT governments—there were events before that.

The convention centre was leased to a hotel chain. I think it has changed hands twice since that time. An adjacent block was sold and became a food hall. That has since been on-sold and is now an unsightly car park. The leaseholder of the convention centre is a hotel group. The land next to it is owned by a couple of developers. There is a strip of land immediately outside the convention centre that belongs to the casino—because the casino, for legal purposes, needed to have street frontage—and then there is the hotel. So

there are a number of parties involved in this. There is the hotel group that holds the lease; there is the government, of course; there are the developers; and there is the casino.

We have had some meetings. I have even been to Singapore to meet with the hotel group in the hope of making a presentation about the prospects of a decent precinct there, if we can get the whole deal going. We are, of course, getting a fair amount of pressure. It has become some sort of cause celebre—it is a must have; and it must happen tomorrow.

Let me tell you the latest. We are having negotiations, but the latest offer for participation in the redevelopment from the hotel is—remember we have to give them the money to do it; it is their leasehold, "Give us more than $40 million." I do not know whether I am at liberty to disclose the sum but it is more than $40 million. "We will close it down for 70 weeks and it will all be all right after that." We thought—and so did the people at the business council today, "That's not a good deal. So maybe, Mr Quinlan, we appreciate that you do need to continue to deal."

The answer to the favourite question, "When will you get it done?" is the same question as, "How long is a piece of string?" I can do it tomorrow. I can walk out and give our $40 million to the IHG and say, "There you go; knock yourselves out." Would you like that? It would be very irresponsible, but I would say, "Oh look, I'm doing something." What we need to do is get a decent result for the taxpayer of the ACT.

Of course, last week I said to the industry, "Why don't you stump up?" We got a number of directly interested parties who would be immediate beneficiaries who are prepared, as far as I can measure, to contribute zero but would certainly like to reap the benefits. We have heard some numbers. Mr Smyth put out a press release that spoke of a $1.7 billion loss. Do the sums, Mr Smyth. You will find that that is something like $4 million every week—52 weeks of the year, 12 months of the year, for 10 years.

Mr Smyth: Haven't you read the report?

MR QUINLAN: That report is nonsense.

Mr Smyth: Oh, the report is nonsense!

MR QUINLAN: Do you believe that this community is going to reap $4 million every week for 10 years? You are with the pixies!

Mr Smyth: Why not? If you had an interest in it, you could do it.

MR QUINLAN: We have had ACIL Tasman measure that and work out the various scenarios of a net present value. The net present value calculations—I seek an extension, if that is possible.

MR SPEAKER: No. The member's time has expired.

MRS DUNNE: Mr Speaker, I have a supplementary question. Would the minister like to elaborate on why he is leaving the convention industry to wither on the vine?

MR QUINLAN: This government engaged ACIL Tasman and said, “We want an objective assessment of what the convention industry is worth to the community—not what it is worth to the owner of some restaurant or to the owner of a hotel, but what it is worth in multiplied benefits to the community.” It is a bit less than $40 million.

A week or so ago I had an approach from an interested stakeholder on, let me say, a convivial evening, who said, “No, no; you’re in strife, Quinlan. We’re after you. $40 million isn’t enough—at least $100 million.” Ladies and gentlemen, $100 million is about $1,000 per ACT household—it is a grand each. I am not sure I could justify that to the people of the ACT. I reckon I can justify $40 million, because I have an independent assessment—not the rose-coloured job, not the idiotic figures that you, Mr Smyth, are prepared to just regurgitate without even thinking, “I wonder how much that works out to per week?” No. That’s it—a $1.7 billion loss! What nonsense!

Some members of the community are prepared to sling those figures around but, let me tell you, they do not stand up. They do not stand up to intuitive reasoning, if you know what that is. What we are trying to do is strike a deal. We would like the hotel—at least give them the chance—to make some contribution towards a facility from which they may draw benefit. They have a lease on it. I do not own it; without their cooperation I cannot open a tin of paint in the place. We have to work with them. Now, of course, they are going to play hardball, as are the owners of adjacent properties—if we want to use those—as will the casino. The casino wants poker machines—surprise, surprise! So everybody is wheeling and dealing. As I said, sooner or later we may get through this imbroglio.

Mr Smyth: Oh, soon!

MR QUINLAN: We would not get through it if we had you lot, because you would say, “Oh, here’s the $40 million. Take me, take me!” It is simply not good enough.

Mrs Burke: It has taken you three years to get this far!

Mrs Dunne: You have been sitting on your hands for three years!

MR QUINLAN: Go back and look at your business history. We might talk about that later. We are not going down the same path as you lot. We are not going down the way of groups such as impulse, CanDeliver or the Williamsdale quarry—the total litany of disasters that you blokes brought on this territory.

Mr Pratt: After we cleaned up the mess of your $344 million debt!

MR QUINLAN: Good on you, Mr Pratt, for bringing that in!

Mr Pratt: I knew you would love that, Ted!

MR SPEAKER: Interjections are highly disorderly; direct your comments through the chair. Mr Pratt: quiet, please.

MR QUINLAN: I am sorry, Mr Speaker. Despite the cheap shots you can get in the media out of this lot—because it looks so easy from the outside—I intend to get value for the ACT taxpayer. That is a concept, I know, that you blokes find very hard to get your heads around—one that you never had your heads around in seven years of government—but I intend to do the right thing, in the long term, by the ACT taxpayer. Thank you for the question.

ACTION bus service—drivers

MR CORNWELL: My question is directed to the minister responsible for transport. In response to question on notice No 1752—I am sure your colleague the Treasurer will be delighted in that number—which you answered yesterday, you advised that ACTION bus drivers had been caught running red lights on several occasions over the past three years. As you would appreciate, thousands of Canberrans, including school children, travel by bus every day. It is inappropriate for drivers to jeopardise the safety of children and their passengers in this way. What action is taken against bus drivers who repeatedly run red lights? Does this include suspension from duty or even dismissal?

MR CORBELL: ACTION bus drivers have run red lights. In those cases, they have been appropriately counselled and, if necessary, disciplinary action has been taken against them. The scope of disciplinary action available to ACTION is the same as that available under the Public Sector Management Act.

MR CORNWELL: Mr Speaker, I have a supplementary question. Could the minister provide me with some facts and figures on what action has been taken over the last three years? I do not expect it now; he might like to take it on notice.

MR CORBELL: I do not tend to keep that information on me. I am happy to provide that information. I will elaborate: a range of approaches is adopted in these issues. It depends on the circumstances of each case. It ranges from counselling right up to the more formal disciplinary procedures under the Public Sector Management Act. I undertake to get that information to Mr Cornwell as soon as possible. I place on the record that in no way does the government or ACTION management condone that sort of behaviour. It is entirely inappropriate. Appropriate action is taken. I stress that it is in the extreme minority of cases.

Canberra Hospital—neurosurgery

MR PRATT: My question without notice is to the Minister for Health. Minister, the Canberra Hospital is the tertiary hospital for the ACT and the south-east region of New South Wales. As at the end of June 2004 there were 157 people on the waiting list for neurosurgery in the ACT, and over half of these people were overdue. People requiring non-urgent neurosurgery are waiting for over a year on average.

I understand that your department has sent a letter to people from New South Wales on the neurosurgery waiting list suggesting that they look elsewhere because they would have to wait so long to receive surgery in the ACT. Peter Hughes of the VMO association said on WIN news: "For the government to be talking about not accepting patients from New South Wales shows gross inefficiency."

Colin Andrews, a well respected local neurosurgeon said on the ABC news: “What they’re trying to do is reduce the volume of neurosurgery to be done at the Canberra Hospital to make the waiting list figures look better.” He suggests that this will reduce the attractiveness of Canberra as a location for specialist doctors to work in.

Minister, why are you writing to people on the neurosurgery waiting list living in New South Wales suggesting that they look elsewhere to make the waiting list look better and mask your gross inefficiency?

MR CORBELL: I thank Mr Pratt for the question. It is incorrect to claim that the government is trying to make the waiting list look better. At no stage is the government saying, “You cannot have your surgery undertaken at the Canberra Hospital. What the government is saying is that there is a waiting list for neurosurgery at the Canberra Hospital.

The reason for that is that there is an extremely limited number of neurosurgeons, and most of the work done by neurosurgeons is emergency cases. That is where the bulk of their work is occurring—because of the limited number of surgeons. Therefore, elective surgery takes a lower priority for those surgeons because of the demand for emergency surgery.

This is not about trying to fix the lists; it is about saying to people, “There are other hospitals where you can get your neurosurgery done more quickly, and you might like to consider that.” We want to see people get their surgery done as quickly as possible—that is the objective. So people have been written to and advised of the lengthy waiting periods for elective procedures in neurosurgery, and they have been advised that in some cases in New South Wales there are hospitals that can undertake the surgery within three months, instead of the six, nine or 12 months that we have here and that, if they want to pursue that option, ACT Health can assist them get those arrangements in place.

That is what we have done. It is as simple as that. We have a very limited number of neurosurgeons, and the bulk of their work occurs in emergency procedures. That means that elective procedures are waiting a significant period to be carried out.

MR PRATT: Mr Speaker, I have a supplementary question. Minister, are you writing to other patients living in New South Wales of other specialties of medicine suggesting that they look elsewhere and, if so, which waiting lists are you targeting?

MR CORBELL: Mr Speaker, I am not writing to anyone.

Aged persons accommodation

MRS CROSS: My question is to the Minister for Planning, Mr Corbell. This follows a question and your response yesterday regarding the role of the Australian Valuation Office in determining land valuations for aged care and supportive housing. In your response yesterday you stated that the amount of change of use charge is “a matter for ACTPLA and the government”.

Can the minister explain why development applications for aged care and supportive housing have been referred to the Australian Valuation Office prior to approval, causing delays and excessive valuations?

MR CORBELL: I think Mrs Cross has quoted my answer a little bit out of context. I think what I said yesterday—and I will check *Hansard*—was that the rate of change of use charge is calculated by ACTPLA based on the formulas determined by this place. The land act determines the rate of change of use charge applicable.

It is normal practice to indicate to a potential purchaser of land, to a potential developer, that they seek advice from their own valuer on the value of land and, therefore, the change of use charge they may have to pay up front. This is designed actually to save the proponent time, because they are able to know up front whether or not they can afford the cost before they proceed down the track to a more detailed examination of the planning and design issues that they would subsequently have to undertake.

MRS CROSS: Minister, will you ensure that the Australian Valuation Office is made aware of the Chief Minister's announcements regarding aged care facilities?

MR CORBELL: I am unclear as to what Mrs Cross is referring to.

Mrs Cross: It is related to the question I asked you yesterday, and it is a follow-on from that, Simon.

MR CORBELL: I am sorry, Mrs Cross, I am trying to answer your question. I am just saying that I am a little unclear as to which aspects of the Chief Minister's statement you want me to refer to, but I can assure members, including Mrs Cross, that the Australian Valuation Office's role is to independently evaluate the increase in value as a result of additional development rights in regard to any development, including an aged care development. They do that in a time frame that they are able to do it within. They virtually make that time frame as soon as possible, but the Australian Valuation Office is not an entity that the government has control over.

Mental health

MS TUCKER: My question is directed to the Minister for Health. It is drawn from the Mental Health ACT June report on its response to the Patterson inquiry into the risk of harm for clients of this service. Recommendation 40, which is being reported on by Mental Health ACT, reads as follows:

> 40. that all clients of Mental Health ACT have regular medical examinations and arrangements are made to ensure that GP services are available when needed; this may require contracting for the services of a general practitioner.

Under the progress to June 2004 report, the service advises that:

> Consumers … have regular medical examinations and arrangements are made to promote GP services when needed. Minimum annual medical reviews are coordinated if necessary by clinical managers.

Can the minister advise the Assembly how often an audit is carried out to ensure that all clients of Mental Health ACT are having regular medical examinations? What can you tell the Assembly that supports this claim in the progress report?

MR CORBELL: I will take the question on notice and provide an answer as soon as I can.

MS TUCKER: Mr Speaker, I have a supplementary question. I appreciate that. Can the minister also tell the Assembly how he has promoted GP services and whether contracting for the services has been required, as was suggested in recommendation 40.

MR CORBELL: Again, I will take that question on notice.

Aged persons accommodation

MS MacDONALD: My question is to the Chief Minister. Mr Stanhope, there has been a great deal of recent criticism of the government over the aged persons accommodation, particularly in regard to nursing home type accommodation. Chief Minister, can you inform the Assembly whether this criticism is misplaced? What is the government's record of achievement in aged persons accommodation?

MR STANHOPE: Thank you, Ms MacDonald. It is a very important question. Indeed, an awful lot of misinformation has been peddled recently in relation to the provision of aged persons accommodation, particularly since we came to government three years ago. We have reviewed quite closely our record of achievement in this area, and we have compared it, as one would, against the record of achievement of the Liberal government in the three years and 10 months of its last term. The comparison is extremely interesting. We will go into that a bit more a little later today.

In the last three years we have achieved much in relation to aged care accommodation and the provision of land, facilities and support for aged care beds. I refer initially to the land bank for aged care facilities that has been established since we released our strategy 'Building for our ageing community' a year or so ago. In relation to the land bank and the forward strategic work we are doing for the provision of land for aged care facilities, the first stage of the sale process for the sites at section 87 at Belconnen has been advertised.

Three other sites, located at Gordon, Nicholls and Greenway, have been identified by the government in its forward land release strategy. They will be successively released over 2005 and 2006. Those four sites—at Belconnen, Gordon, Nicholls and Greenway—will accommodate about 400 aged care beds and 600 independent living areas. In addition to that, we have approved the direct sale of blocks in Garran, Bruce, Monash, Weston and Hughes, which, when complete, are planned to house 356 aged care beds and 244 independent living units. Some of those beds have not yet received Commonwealth funding.

Mr Cornwell: When did you do all this?

MR STANHOPE: Just wait. We are going to have a little conversation later, which I am going to enjoy, Mr Cornwell, in relation to your last four years in government.

In total, these developments could provide over 750 high and low care beds and 820 independent living units. The figures do not include the plans by service providers to increase the number of beds or independent living units on their own land—a completely different category of possible expansion of aged care beds provision. The Land Development Agency is presently in discussion with aged care providers for further direct sales.

The land available through the land bank and direct sales and already occupied by service providers will be able to house far more beds than will be made available by funding from the Commonwealth. The Commonwealth has announced that it intends to provide funding for only 370 allocations over the next three years. Simple arithmetic will tell all of you that we have land far in excess of the announced Commonwealth bed allocations. That is why we will continue to work with the Commonwealth to increase the number of bed allocations to allow every person in Canberra who needs aged care to access it.

In addition to just the facilitation of land and the availability of development ready land, the financial assistance to service providers from this government over the last three years has been substantial. Direct concessions to the providers of aged care facilities at the Weston, Bruce and Garran sites to date total $3.7 million. That does not include the value of the land we have announced we will grant at Monash and Hughes. So the $3.7 million is perhaps even only half of the value of concessions that we have provided.

Mr Smyth: Will grant?

MR STANHOPE: Well, it has been agreed. There is a planning process—you know that. At the request of service providers and community groups, sites in addition to those, in Kaleen, Lyneham, Chapman and Weston, are currently being assessed for suitability for aged persons accommodation. It is understood that they will be used for supportive accommodation or assisted living.

Draft territory plan variation 229 includes a requirement that 10 per cent of all multiunit housing developments of 10 or more dwellings be built to the standards and guidelines adopted for adaptable housing. Other reforms are currently being planned to deliver a streamlined land grant and planning approval process.

The Commonwealth, as a result of significant negotiations with this government, has allocated 100 beds for the site at section 87, Belconnen. I think it is a most significant innovation and one that has been led by the Land Development Agency. It is a credit to them that they have been this insightful and that they have thought laterally and been prepared to be strategic in relation to the nature of the relationship between the territory and the Commonwealth in regard to beds.

The model, developed essentially at the behest of and driven by the Land Development Agency in relation to section 87, Belconnen, will become a standard Australian model

for the future. It is a real credit to this government, and in particular the Land Development Agency, that we have received this result with section 87, Belconnen.

Housing ACT also provides considerable assistance to older Canberrans who require affordable housing, with over 10 per cent of properties designated to older persons. That takes into account that, despite the fact that the Liberals when in government sold 700 houses from the public housing stock, we still maintained 10 per cent for older persons. They sold 700 houses and did not maintain any of the others.

MR SPEAKER: Order! The minister's time has expired.

Cycle lanes

MS DUNDAS: My question is to the Minister for Urban Services and minister for emergency services, Mr Wood. Is the minister aware of concerns that, since the addition of cycle lanes and the subsequent narrowing of car lanes along Canberra's roads, including Northbourne Avenue, some emergency vehicles cannot travel safely along these roads at the speeds that they need to when responding to emergencies?

MR WOOD: As minister for emergency services, I have had nothing pointed out to me from those officers about potential difficulties in relation to those cycle lanes. I have had no comment from urban services on that issue. If there are concerns, I will certainly attend to them.

MS DUNDAS: Minister, what work was done in the planning stages in relation to these cycle lanes to ensure that our roads could be safely used by cyclists, cars, emergency vehicles and other vehicles at the same time, as I have heard a number of reports that emergency vehicles are having a lot of problems negotiating those roads and are actually endangering the other people using those roads?

MR WOOD: I am not sure that there is much education really needed to manage cycle lanes, whether you are a cyclist or a motorist as you cross them. The lanes are fairly clearly marked; it is pretty obvious who belongs where. It is clear that motorists and emergency vehicles frequently need to cross a cycle lane in order to move to another street. I am not aware of any incidents or accidents in the last year since the first significant ones were done on Northbourne Avenue or out across Commonwealth Avenue Bridge and the like to Woden. There is a message for your average motorist, which is a good one at any time: just take your time; go along and be a careful driver. That is a good message all the time.

I have not heard of any issue with regard to emergency vehicles. As I say, I would attend to it if it were to be drawn to my attention.

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

Supplementary answers to questions without notice

Department of Education and Training.

MS GALLAGHER: Further to a question that Mrs Burke asked me in question time: I am advised that a CPSU organiser rang my adviser and told him that a DET employee

had gone to see Mrs Burke and she was going to "blow the lid on it". The CPSU organiser said she would send the adviser some details by fax and mentioned that she was having problems with her fax. The adviser did not know it was a public interest disclosure until the fax arrived and the adviser did not ask for the fax to be sent.

Schools—bullying

MS GALLAGHER: Last week in question time Mrs Dunne asked me a question about a teacher at Campbell High School. There have been discussions with Mrs Dunne outside the chamber but I can inform the Assembly that I have been provided with advice on the matter.

An independent investigator was appointed to conduct an investigation into the claims of bullying and harassment by an executive teacher. The matter is a complex one and involves interpersonal issues between a number of staff members. These issues arise from time to time in many workplaces. Counselling opportunities have been provided to each staff member involved through the Department of Education and Training's employee assistance program providers, Davidson Trahaire.

Two of the complainants are on graduated return to work programs, for reasons not related to these allegations. From what I have seen and the advice I have been given, I am satisfied that due process has been followed. But in the interests of natural justice for all parties concerned, I do not believe that it is appropriate for matters of this kind to be raised in the Assembly. I am more than happy to assist members if they come to my office.

Territory plan—variation No 241
Papers and statement

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

> Land (Planning And Environment) Act—Approval of Variation No 241 to the Territory Plan—Aged care facility, additional urban open space and expansion of Gossan Hill Nature Park, South Bruce, dated 24 August 2004, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

MR CORBELL: Mr Speaker, draft variation No 241 changes the territory plan map to respond to the relocation of Jaeger Circuit by replacing the urban open space and residential land use policies on a small part of blocks 1, 2 and 3, section 21 Bruce with the community facility land use policy. It expands the Gossan Hill Nature Reserve by replacing the community facility land use policy covering the northern part of block 4, section 4 Bruce with the hills, ridges and buffer areas land use policy, and replaces the residential land use policy over the remainder of blocks 1 and 3, section 21 Bruce with the urban open space land use policy.

The changes relating to the realignment of Jaeger Circuit are minor and will facilitate the development of an aged care facility on the land, the majority of which is already subject to the community facility policy. The other changes expand the amount of land available for conservation and recreation purposes.

The variation was released for public comment on 20 May this year, with comments closing on 5 July this year. A total of five written submissions were received during that period. No changes were made to the variation as a result of the consultation process.

In its report No 35 of 24 August 2004, the Standing Committee on Planning and Environment made three recommendations in relation to the draft variation. The committee's first recommendation was that variation 241, aged care facility, additional urban open space and expansion of Gossan Hill Nature Park, South Bruce should proceed.

The committee's second recommendation was that the government ensure that there is adequate access for maintenance, fire mitigation and emergency ingress and egress to the existing Haydon Drive access stub and Gossan Hill, as appropriate. Provision has been made for an emergency vehicle secondary access through the aged care development, linking the internal access road to Haydon Drive. A condition will be included in the lease for the site and the lessee will be responsible for providing and maintaining access for emergency vehicles into and through the block from Haydon Drive to Gossan Hill. The lease and development conditions for the site require that the development application be accompanied by a comprehensive fire management plan that describes the manner and frequency of the range of measures to mitigate bushfire and other risks on the site.

The committee's third recommendation was that the government ensure that future developments follow the more desirable process of dealing with the detailed land use issues at an early stage in the development of a proposal. The government notes this recommendation and agrees that this is a desirable practice. However, this territory plan variation arose at the end of the planning process. Planning studies for the site had to be undertaken to determine the ultimate land form before it was agreed a variation was necessary. I commend the variation to the Assembly.

Labor government

MR SMYTH (Leader of the Opposition) (3.27): I move:

> That this Assembly condemns the Labor government for its failures in health, education, business, tourism, community safety, aged care, housing, family services, sport and recreation and water management.

Mr Speaker, this government came to office promising much. But what they did not promise the people of Canberra is how they would do it. And what they promised was to consult and develop plans. I can remember an article in the *Canberra Times* that quoted the Chief Minister saying, "There'll be no two to three-month delays before we swing into action; we're ready to do the job." The Chief Minister was absolutely right; there were no two to three-month delays.

What we have had to date is a 34-month malaise from a government that does not know how to deliver and does not have the ideas to deliver. Because of that, we have a number of plans, reports, inquiries and boards to cover up for their lack of activity—and it is a mound yea high, Mr Speaker. I would have brought them all down and thrown them on the table, but I am sure you would have accused me of using props, which of course would be inappropriate.

The problem is that, for all the work that this government has done and the millions of dollars that they have spent on plans and consultancies, the majority of the plans deliver nothing. For all the extra money that this government has spent on services for the people of the ACT, what we have done is spent more and got less. You only have to look at the health portfolio, where the budget increased from $501 million in 2002-03, which included community care, to $628 million, not including community care, in the 2004-05 budget. So what we have is a mammoth increase—more than $100 million—in the health budget. And what have we got? Less service, longer waiting lists and a system in crisis.

When we left office after the election in 2001, the September 2001 waiting list numbers showed 3,488. In August this year, just last week, the government released the July 2004 figures, and those numbers have gone to 4,698. In fact, they now surpass the figures that were left by the Follett government in 1995—numbers you would be closely aware of. What we have seen is a 35 per cent increase in the waiting list.

The claim is: we have got more throughput. But if you average the figures since they have been kept, you will find that for the times the Liberal Party was in office the average throughput was about 710 patients a month. The average throughput for this government, for its term of office, is about 660. Yes, throughput has changed; it has gone down. With that, waiting times have gone up. Nearly half of elective surgery clients are now overdue for their surgery. Half of the people waiting for surgery do not get seen on time.

Add to that an emergency department in crisis. I think it was Chris Uhlmann on the 2CN program the other day who said that, in all the time that he had been reporting on the Assembly since the Assembly was set up, he had never seen a document where 13 senior clinicians had felt that they must write not just to the government but to the opposition and others to say that they could not guarantee the safety of patients in their care because of the pressure that the hospital is under.

We know that because the government has admitted to at least 37 bypasses in a seven-month period. Perhaps the minister, when he stands up to defend his record, would tell us how many bypasses have occurred in the full time of this government. We find that we are using ambulances as wards. Ambulances should be responding to emergencies, not left stacked up in the forecourt of the hospital as mobile hospital wards.

We saw protracted delays in negotiating the VMOs; we had protracted delays in dealing with medical indemnity; and we saw the heavy-handed tactics of the minister in dealing with the nurses dispute.

Then we get to the crisis in mental health, where we still do not have a time-out facility, where we seem to still have a suicide a month of those in the care of ACT Mental Health and where we still have no answers from the minister on how he is going to solve this problem, except to say, "We're spending more than you." It would appear that we were spending more effectively because we were achieving more with that money. That is the whole thing with this government. Their only claim is they spend more.

Then we saw the attempts to close RILU, which has been described as the jewel in the rehabilitation crown, the rehabilitation independent living unit at the hospital. And why did we want to close RILU? Because we had not done anything about bed lock in the hospital and about taking nursing home-type patients out of the acute care setting and putting them where they should be, in a nursing home bed or returning them to home. I have heard a story that there is one patient who has been in the Canberra Hospital for almost three years because that patient cannot get a nursing home bed. So what we are doing is spending money inappropriately, giving care inappropriately, overburdening a system, and the entire community pays a dreadful dividend.

Then we had the decline in the drug and alcohol services and the courage of the whistleblowers who came forward and laid the blame here firmly at the door of the government for failing to provide any sort of leadership in drug and alcohol reform. We have the report tabled by the minister yesterday—and we need to wait for the second and third reports to get the full picture—but clearly, from the first report, not enough has been done and it would appear that the whistleblowers have been vindicated.

That brief overview of health alone indicates that this government should be condemned for its failure in health. Let's talk about what the government promised. Mr Stanhope said in the lead-up to the last election that he was going to fix it by simply putting $6 million into the hospital; he was going to provide more nurses and extra surgeries. The $6 million went into the hospital, but the nurses did not appear and the surgeries were not done. Why? Because he does not know how to fix it. Instead of doing the job and carrying on with it, he deftly flick-passed it to Mr Corbell and said, "Here, your turn, buddy; you try to fix it because I can't."

What we have is the failure of two health ministers–the first, the Chief Minister; the second, Mr Corbell—neither of whom has been able to fix the health system, neither of whom has an answer now. The announcements earlier this week about the health service and how they were going to fix it are interesting. Suddenly, it was urgent; suddenly, somebody woke up to the fact that the election must be looming and that health was appearing as an issue, because everybody is talking about health and everybody has a horror story about the hospital.

This is not an attack on the staff. The staff—the doctors, the allied health professionals, the wardsmen, the caterers and the cleaners—all do the best job they can in the circumstances. They are all frustrated by the inability to do their job. A representative of the nurses union was on the radio this morning saying, "You go into nursing because you care for people and you want the opportunity to provide the best care you can, and people are leaving because they are being denied that opportunity." That is the dilemma; that is the problem.

What we get is an answer from the minister and, even on the best estimates of the experts, it will take six months to see any effect and will probably deliver, at worst, five beds and, at best, 10 beds. Let's face it, you are talking about an extra five beds. Those five extra beds will simply cover the population growth probably in the next six months and the next year. So there is no gain, long term, for the suffering public of Canberra who want to know that their hospital system is there to look after them and is capable of looking after them when they arrive.

Let's move to business and tourism. Business confidence is down over the last two quarters. Oddly enough, or perhaps it is because of it, it is the two quarters since Mr Quinlan launched his much-vaunted economic white paper. We understand that there are a number of drafts of the white paper, the first of which was apparently good. Apparently the first was a corker. But Mr Quinlan could not get it through cabinet, and the departmental official resigned and went to Victoria instead.

We see businesses closing. We have got the ABS stats. Mr Quinlan had some fun with the ABS stats, saying, "Look, they've been discontinued and much of it is qualified." Yes, much of it is qualified. But I never quoted from the qualified lines in the survey, Mr Speaker. The final line, unqualified, shows that in June 2001 there were 18,500 businesses in the ACT; in June 2003, it is down to 16,100—2,400 businesses, unqualified, have gone missing under the care of the Treasurer.

We then see almost $1million wasted on the economic white paper. Why? Because the Treasurer himself said, "It's a statement of the bleeding obvious." And he is right. These are things that people know. We hear the Treasurer say, "I'm the first one to put down a strategic plan." He should refer back to the 1996 strategic plan for the ACT, which had targets and timetables and was put together quite quickly upon the first Carnell government coming to office.

Then, of course, we have the Convention Centre debacle. Three years after coming to office, nothing has happened. I am told the Treasurer has gone to Singapore to talk to officials. I am told that the officials actually came here on a number of occasions and could not get in to see the Treasurer. Here we are spending taxpayers' money on sending the Treasurer to Singapore to talk to the owners of the hotel and, when the owners of the hotel came to Canberra, he was too busy to see them.

Also in regard to business: we then have the things that are really getting up the nose of business. The first is the right of unions to enter, brought in because the unions wanted it. No case was made; there are no figures to indicate that it will work and no plan inside WorkCover to increase their resources to cope with the supposed extra work that is going to appear. We have the industrial manslaughter legislation, an attack on business. We have the principle of portability of long-service leave and sick leave. Apparently they will now be done after the election, if the government is successful, because they are too afraid to bring them on now.

Of course, we have the failure to raise the payroll tax threshold from a Chief Minister and his government who, when in opposition, said they wanted to be a low-taxing regime. That is a joke as well, because, if we go to the taxes that this government tried to put in, we find the ill-fated bushfire tax—that proposal was defeated by the Assembly;

we have the stillborn parking tax, which is still lurking there. I refer members to page 96 of budget paper No 3 that says quite clearly that the government will make up any shortfall in funding through extra fees, taxes and charges. We have the attempt at a new rating policy—that collapsed; and of course we have the proposed loan security duty that has gone by the way, as it should. These are all the failings of a government that does not know what it is doing and how it should deliver.

Let's look at corrections. There was no funding for corrections health in 2002-03; they had to come back and put that in. After we have built the temporary remand centre, we are still sending remandees interstate. So why did we build a white elephant that, if you look at the figures, has not been used properly and why do we still pay New South Wales to look after our remandees?

There has been no tangible corrections reform. The promise in the Labor Party policy in the lead-up to the last election was, first of all: "We'll come up with the programs, because they are important; then we'll design the prison to match the program; then we'll pick a site." Of course, that all went out the window in a flurry of activity when the Chief Minister was caught not having done anything for corrections. To prove he was better than the opposition, when we put our corrections policy on the table, he announced a prison that had not been through cabinet, where the sites had not been picked and where no decision had really been made. It is this knee-jerk reaction of the Chief Minister: "Don't you dare say I haven't done anything; I'm the Chief Minister, don't you know."

I am reminded that we have got the McConachie prison coming. McConachie was a reformer. Well done; I think it is a good name for the prison; I think it sets a tone. But it reminds me of the Beatles song. *Drive my car*. Mr Speaker, I am sure you would remember it. One line is: "I've got a driver and that's a start." The Chief Minister has got a name for a prison, and that is a start. It is this constant illusion that we are doing something when in reality we are not.

If we look through the Treasury portfolio, I guess the real thing that comes to mind would be the use of the Treasurer's Advance to provide $10 million for urgently needed fire safety projects in public housing complexes. Guess how much of that $10 million has been spent two years later? About half. So there is your definition of urgent: two years, spend half. So yet again the incompetence really does beg that we condemn this government for their failures.

The governance, I think, is something that we really need to look at; it is this intolerance of criticism. It amazes me that the Chief Minister in particular, the doyen of human rights, is so opposed to anybody's rights to dissent from him. I think on this side we have lost count of those who have drawn the Chief Minister's abuse for daring to criticise the government. The solid case, the clear one, is Phil Cheney, the renowned expert, the man who knows all about bushfires. But if Phil Cheney criticises the Chief Minister, then who the hell is Phil Cheney; and off goes the Chief Minister.

I am sure other members will talk about, particularly in the field of the environment, the Chief Minister not being able to take the pressure. There is a habit of tabling huge bills that are reliant on regulations, without tabling the regs. "Trust us; we're the government." There is the habit of not reading reports. "Don't blame me, I didn't read

the report. I didn't know. How can I comment on this?"—whether they be annual reports, committee reports or what. There is the forgetfulness—$13 million at least that they will not tell us about on consultancies.

MR SPEAKER: The member's time has expired.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (3.42): I agree with a little snide remark Mrs Dunne made earlier on the first motion for the day. Yes, we are heading towards the end of the election cycle. We have got to put on the show, I guess; so let's join in the game. I would like to talk about the context in which this government came into power, what we faced and what we fixed in terms of achievement. I will list a few of the great achievements of the previous government and I will go back as far as the first thing I had to fix, which was CanDeliver. This was going to sort out and help local business. That cost us millions. That was just millions gone.

There was talk of a prison. Was there any funding? No. I was corrections minister for a while. We had a remand centre that was overcrowded. Was there any funding for that? No. There was talk of a medical school. Was there any funding for that? No. We had on our hands a nurses dispute. Unresolved. Any funding for that? No. The budget they had put together for the last year was a fraud. We had the Gallop report on our hands to show how well they could take care of disability services. We had this issue of child protection about which they knew absolutely nothing. It is now being fixed by this government.

Tourism spent all its money on a single event about which Mr Smyth has from time to time said, "Oh, we had to let it go because you don't make money in the first year." It was making less and less money over its life, Mr Smyth; it was going down the gurgler. The novelty value had worn off and it was not working. We spent a lot of money; we virtually spent the whole tourism budget on it. I do not know how much else was spent in kind by various other agencies to prop the thing up. But it was hopeless. We had the Totalcare quarry, Mr Speaker, about which you know something. That was another fiasco.

There may be one project I can think of, and that is a few million dollars spent at Manuka oval, which was the afterthought, because Bruce Stadium had been alienated for a code of football. I have a conspiracy theory about that, but I have not got time for it today. The now Canberra Stadium was redeveloped so that it was virtually a pitch and not an oval anymore. I think that Manuka money might not have been a stuff-up.

I cannot think of anything else, in at least the 3½ years that I was here watching it from that side, that did not go bloody south. There were the deals that they did—the Fujitsu deal, the FAI deal, the Impulse deal. Mr Speaker, they were hopeless. They had a bit of flash at the top. They lost that. They had a pretty articulate advocate in Gary Humphries, and he has moved on. But that was it. They had a bit of flash in Chief Minister Carnell, and they had a very good rationaliser and a guy that could actually—what would you say?—misinform with style. But that was it. They were hopeless.

I am not a great fan of Crispin Hull, let me say. But let me quote from Saturday, 6 December 2003, eight months ago—two years in opposition:

> The opposition has been spineless, inept, lazy and dumb.

It is just a quote—that was eight months ago: “spineless, inept, lazy and dumb”. How far have they come in eight months? There has been some change, and the change that I observe is that they have developed this great capacity, by virtue of repeating something over and over again, to convince themselves of propositions that have no basis in truth. If you keep saying it often enough you will convince yourself it is true. In some cases—and we have seen it in this place—we have seen some members in total denial of the facts.

I believe that some of the stuff that has been said in this place could only be said by people who are in fact delusional. They claim that the territory is going well because of all the groundwork they did. Just name the groundwork that this mob did. They keep popping up. But the series of fiascos—they were the hallmark; that was your style; that was you—was appalling.

I have been armed with pages and pages of our achievements, business achievements, the things that we have done to promote business. We are reaping the results. We have an economic white paper, and we put our plans for the ACT economy out there for the public. It is so typical of the inept opposition that we have—

Mr Wood: You’re kind to them.

MR QUINLAN: I am not allowed to use the words I am thinking of—that Mr Smyth would stand in this place and say there was an economic white paper that I could not get through cabinet. Untrue. He said that the author of the original draft, by inference in what he said, in high dudgeon up and left and went to Melbourne. Untrue, Mr Smyth. That does not stop you. As I said earlier, you are delusional; you are prepared, by repetition, to convince yourself of material that simply is not true. And 98 per cent of what Mr Smyth stood in this place and said a few minutes ago was of that variety.

I will tell you this much; I will give you a concession. I have said before that I was not very happy for a period of time in terms of lack of progress on a convention centre. Let me say that there were changes within the administration. Again, the comment we had earlier today about the Convention Centre is so typical: “They should be able to fix it; we don’t want to know; don’t tell us the complicated detail of it.” I have explained the complicated detail of it in this place today. Tomorrow, or a day after that, the same simple proposition will be put forward by Mr Smyth. “You can fix it; you’ve taken too long; it’s easy; I’d fix it tomorrow.” We know what your record is. As I said, what little you had up front in government has gone.

Mr Smyth occasionally uses the phrase “a Smyth Liberal government”. It does not work for me, Brendan. I said it does not work; it just dot, dot, dot does not work, I have got to say. I could in fact list a whole raft of achievements in business, but no.

Mr Pratt: But you can’t remember?

MR QUINLAN: No, I have got them all here, mate. I do not have time to list them all. I have listed them previously. I will refer particularly to tourism. When I became

responsible for that particular portfolio, I found the tourism industry in—what would you say?—disarray. In more than any other area that I have assumed responsibility for, people came to me and said, "You've got to fix this; you've got to fix that; you've got to fix something else," because there had been no strategic approach whatsoever. There never was in anything you did, and that is why most of it fell over. Even if the plan was any good, you never did anything; you just allowed it to float along.

We now have Australian Capital Tourism, chaired by Derek Bolker. It does work; it is a strong board; it is getting results; the results are in the numbers; it is working strategically; it is focusing on the things that it ought to focus on; and it is working. That, is success, not failure.

In the business sector, we have, as you well know, invested a considerable amount of resources in development; but, again, it has been sensible, strategic; it helps small business; it provides programs, mentoring for small business; it provides start-ups and start-up support for local firms; it works within the sensible structure of the economic white paper. For the first time, we have a structure.

Mrs Burke: You've got it going for you, Ted.

MR QUINLAN: No. I will take the interjection and respond. I am sorry; I apologise to you, Mr Speaker, for doing so, but I repeat: absolutely no strategic thinking in the previous Liberal government, absolutely none. The Canberra taxpayer paid millions for your disasters. And, Mr Smyth, I daresay they would again.

Mr Pratt: Be critical if you have to, but don't exaggerate.

MR QUINLAN: I will repeat them, old son. Do you want to know? CanDeliver was $2 million or $3 million—millions and millions of taxpayers' dollars wasted.

In sport and recreation—there will be a tirade about that—we have actually got out there and done something. We have got an actively ageing program. It is working; it is growing. We have launched a program, good sports territory; people have embraced it; 33 of the local sporting bodies have signed on to it and are working with us on good sportsmanship. We have put in place incentives to assist women's sport. We in fact elevated our best sporting team, our best national side, the Capitals, a women's team, to the same level of support as the previous government was giving male sides. You discriminated against women in your funding of sport. And the list goes on.

I will close as I started. We have entered the end game of this Assembly; there will be the—what would we say?—animated debate that will take place. But I have got to say that that mob over there are very flexible.

MR SPEAKER: The member's time has expired.

MR PRATT (3.58): Mr Speaker, I rise to condemn the Stanhope Labor government for its failure to add value to our education system; indeed, for presiding over the deterioration of one of the country's best education systems. I condemn the government for its failure to support our very professional police force and, therefore, to properly protect the ACT community. I condemn the government for its failure to properly protect

the ACT community in January 2003 when the ACT burned. Further, I condemn the government for eroding business confidence through divisive IR policy and I generally condemn the government for failing to properly manage the very sensitive multicultural portfolio, an issue on which I condemn the minister, Mr Stanhope, personally.

Let us look at education first. One of the community's most important functions is the education, nurturing and raising of our youth. Surely, that is just about the most important function for which a government, along with families, has a responsibility. Today, I had the opportunity to support warmly Ms MacDonald's motion commending our schools for pleasing results concerning literacy and numeracy skills. I have often referred to the dedication of our schools, teachers and school boards, both government and non-government, and I have often stated that we have one of the best education systems in the country. The record will show that.

I am quite proud of our schools and I lament the fact that this government has failed to take advantage of the many opportunities it has had over the past three years to add value to our school system and stop the deterioration of some of the standards in our education system, the sort of challenge facing all jurisdictions across the country.

Whilst I will celebrate many achievements and many practices I see in our schools in both the government and the non-government sectors, I will continue to be very critical of this government for not taking advantage of the many opportunities available to help our schools to develop further. I condemn the government for its failure to take our education system to the next plane. Additional funding has been provided, but there has been a failure to closely target that funding and a failure to direct the department to deliver greater productivity for the money spent.

Let me point out now the more specific failures of this government in education. The government has failed to support indigenous students in our education system by developing further some good initiatives that the government had taken. Of the 855 indigenous students enrolled in ACT government schools, 12.7 per cent were suspended in 2003. We need to do a lot more to keep those kids at school and keep them engaged.

The government has failed to promote the government school system in the ACT to boost enrolments, with figures from the government revealing a projected enrolment drop of 5.9 per cent over the next five years. The government has failed to get in there and deal with the weaknesses perceived by our families, particularly in the early high school years, that are causing the drift in the early high school years from the government sector to the non-government sector.

There has been a failure by this government to identify that values education is a major priority for parents, despite national research. For example, I cite the *Sydney Morning Herald* survey of some 2½ weeks ago that indicated that discipline and values are more important than academic excellence for parents when it comes to choosing schools for their children. That trend has been determined across the country and it applies here as well as in all jurisdictions.

The best primary and second schools in the government sector and the non-government sector have implemented values-based education, but what is put in place and whether it

is properly followed through is dependent on the actions of principals and individual teachers. The government has failed to learn the lessons of the best schools in the government sector and apply values-based education and the lessons learned from those schools across the government and non-government schooling sector. There is no departmental benchmark.

Teachers will say that they teach values, and many do. Many principals make sure that they have values-based education. But there is no ACT standard. There is no departmental directive to ensure that all schools are supported and guided by government to ensure that those values are in place. There is no leadership. There is a failure in that regard and it is a failure of the government.

Let's look at policing. We have one of the best police forces in Australia. We have one of the most sophisticated police forces in the Western world. The members of it are renowned for their skills and their sense of international as well as domestic law when serving in tough places overseas. We have excellent policemen and women, but they are overstretched. They are not supported by this government.

There has been a failure by this government to deliver on its election promise of 2001 of raising the average number of police in the ACT per head of population to at least the national average. If the government had done that, it would have built some more depth into our police force and would have removed a burden from the shoulders of so many of our police who are overstretched.

There has been a failure to ensure the retention of our experienced police. There has been a failure to do something about overtime. Tired police will not take on overtime because they are simply overstretched. It would seem that the ACT police force depends on overtime to plug some of the gaps. That is not good enough. It is a failure of governance.

How about the failure to keep the Belconnen police station open to serve and protect the north Canberra community for the three hours it was closed on Wednesday, 21 July 2004? How about the undermanning of police stations and police station teams? That is a failure of good governance. How about the failure to serve and protect the residents of Gungahlin 24 hours a day, seven days a week? The Gungahlin police station closes now at 10.00 pm each night, a decision taken some time ago because of gaps in police strength. How about the failure to be transparent with the public about police numbers, sworn and unsworn police officers, and the levels of experienced police?

Let's look at business. It is absolutely clear-cut that this government has failed to support Canberra business through its policies. One has only to look at the introduction of draconian industrial manslaughter legislation. I commend the government for upgrading OH&S and putting in place outstanding mechanisms that were required in OH&S, but there was no need to go the extra metre and introduce industrial manslaughter legislation. The government could have been much more imaginative and a lot fairer in the application of those laws.

Was the introduction of the right of entry of a union to a workplace necessary? No, it was not. The provision of more substantial support and assets to WorkCover to provide safety education would have plugged the gap and there would have been no need even to talk about the right of entry of a union to a workplace. What does it do to the morale and

confidence of business to have a government that has in place these sorts of draconian laws?

I turn to the bushfires. It is the duty of the government and its head, the Chief Minister, to do the best they possibly can to protect the ACT community. There has been information, anecdotal and otherwise, and evidence building since 19 January 2003 that this Chief Minister ineptly and incompetently led his government through 2002 and then through the bushfire emergency of January 2003. The government failed to accept responsibility and take action and has been misleading the community on the facts as to what happened.

The failure of the government, which goes to the heart of both good governance and the government's duty of care to the community and its emergency personnel, was covered up by arrogant obfuscation which led ultimately to misleading the Assembly and the community about what did happen. Therefore, we have lost 18 months or more of learning concerning the lessons that should have been provided to this community out of the January 2003 disaster.

Eighteen months have been lost because of the failure of this government to come clean with the community and to make sure that all the lessons that should have been learned were learned and then applied quickly. Yes, this year we are seeing strides being taken with the Emergency Services Authority, and I commend the government for doing so, but why has it taken so long? There are still major questions about communications, there are still major questions about whether we have enough community fire units, and there are still major questions about warning systems and ensuring that vulnerable suburbs are well informed. This government has been responsible for a litany of failures with major functions and it should be condemned for that.

MRS BURKE (4.08): Mr Speaker, the motion that has been placed on the notice paper for debate today is a serious motion in that it reflects what the Canberra community has not enjoyed over the term of this government and it is important to place on the public record a number of points. I acknowledge that money has been injected into various areas, and I will talk about that a little later, but the injection of money does not always solve a problem. Whilst it helps and goes a long way towards doing so, if the injection of money is without direction or leadership it does not end up doing really much at all at the end of the day.

Firstly, I want to touch on housing. The many people who call my office—people who own their own homes and people who are public housing tenants—all have one common thing to say, that is, that this government has failed the Canberra community in regard to its promise and commitment on public housing. The government may well say that it has pumped $X million into housing, but what do we have to show for it? I am not the only one asking that. It is being said by people in the broader community that the government is spending more and getting less.

Mr Wood: You make things up.

MRS BURKE: Mr Wood interjects that I make things up. Is Mr Wood saying that tenants ring my office and tell me a pack of lies? He must be, which is a bit of shame. I did not think that Mr Wood would be saying or intimating things like that.

I will present some facts. Maintenance costs have blown out. I know that this is something on which Mr Wood does agree. Under this government, there has been a blow-out in maintenance costs. Housing ACT's maintenance budget is now costing in excess of $40 million a year, probably much more than that. That is something Mr Wood and I have talked about and I know that it is something that Mr Wood is concerned about.

It is my firm belief that the government has not achieved what it set out to achieve in promises it made when it went to a process whereby there would be two companies operating across Canberra. Mr Wood agrees that that is being looked at and I am pleased to hear that he is reviewing that situation. I have raised concerns on that and I hope that they have been taken on board, and those of the tenants, and that they will be heeded.

Let's look at antisocial behaviour. It was interesting for me to read the policy of the South Australian branch of the Labor Party on the situation in South Australia. Maybe the ACT government will take a leaf out of its book. Under this government in the ACT, antisocial behaviour in public housing has escalated to the point where families across Canberra have been drafting petitions for the Legislative Assembly in the hope that this government will do something.

In some instances, families are being forced out of their homes and people in private dwellings are being forced to sell. I think that the government has obfuscated on this issue. It has been just passing the buck or saying that it cannot do anything and that it is about security of tenure. I appreciate that, but why should the majority of people be suffering at the hands of the minority? I think that it is because the housing minister is being a bit lazy. Mr Wood is taking the easy option of the do nothing approach. I am sure that if the problem were to arise next door to Mr Wood, Mr Stanhope or any other member of the government we would see a different outcome.

This government preaches human rights, but does nothing to protect the rights of the majority of people. In the last year one person was evicted for antisocial behaviour. Meantime, people in our community are suffering, both private residents and public housing residents. For some reason, the government simply refuses to stand up for the majority of people in Canberra. What is the problem? Only this morning I was contacted again by an 81-year-old lady who is being terrorised in her own home. The minister's office is aware of this matter. Fortunately for her, she is of an age where she is not going to be intimidated by such behaviour. However, it is still not acceptable that the answer to this problem seems to be to suggest to the lady that she move. What absolute nonsense!

An alarming problem that the minister really needs to come to grips with is the churning over and exodus of housing managers. Of course housing managers are churned over and moved around because the job is stressful, but what we have seen here under this government is, at best, a continual and irregular churning over of housing managers and, at worse, an exodus of housing managers due the low morale in Housing ACT.

I know that that is true because I speak to the housing managers. If anyone opposite wants to call me a liar again, they can do so, but they would also be calling the people who tell me about the problems liars. If all of you want to do that, go ahead as I can stand it. I know people inside Housing ACT who are crying out for change because they

are not being listened to. All these people have had enough. They are saying that something has to change. There are serious issues that I know the minister is aware of, yet he seems to be unable or unwilling to do something about them. He may be in denial over it, but the culture at the upper to middle management level needs to be urgently addressed by this minister. The minister, Mr Wood, is retiring, and I do wish him well, but that is no excuse for dropping the bundle on people who are relying on his leadership.

The tendering process for some of the public housing complexes is nothing short of disastrous. Two and half years on we are still waiting on a good outcome for tenants at Fraser Court. With 40 per cent occupancy, there are massive problems there. We are still no further forward with that. I am most concerned about the future of that complex. I will leave that point there. I think Mr Wood knows what I am talking about.

Mr Wood: You were going to knock it down.

MRS BURKE: No, we were not, Mr Wood. You are not coming clean about the future of Fraser Court. I will leave that one for another day. We have had the same process with the refurbishment of Northbourne Flats, which, I would argue, has been even worse than the situation with Fraser Court. With both projects, tenants who have been moved out to other housing properties are feeling guilty because they are taking up two properties instead of one.

The former Burnie Court site has been lying idle for how long? I congratulate the minister and the government on finally bringing about a very speedy development of aged persons' units. I acknowledge that. Mr Cornwell probably will talk about the situation concerning housing the elderly. There are 131 people waiting for older persons' accommodation and the average waiting time is 830 days; that is, elderly people have been waiting over two years to be housed in appropriate accommodation. That is totally unacceptable.

The housing debt has now escalated to $2 million. These people are our most vulnerable citizens. Mr Wood does a lot of talking about the establishment of the debt review committee, which is great. We have had lots of talk at the monthly meetings, but we have seen little action. I know that this sector is getting agitated and wants something to be done to address the escalating debt within ACT Housing. I think that the government's debt policy is a failure, with figures showing a 17.38 per cent increase in the last year alone. I think that the minister, yet again, has failed the community.

There are many other things that I could talk about. Let's look at the housing waiting list. It was said in this place this afternoon that the former Liberal government axed 700 houses from the housing stock. I have never once denied that. I have never once said anything about this government and housing stock being removed, per se. In fact, my colleagues and I supported what happened with Currong apartments; it was not practical to do otherwise. I am not happy about the fact that there are 3,745 applications from 7,822 people on the housing waiting list.

The reason for that—I was not told this by some liar; I was told it by a person within ACT Housing who is so concerned because this person and others are under so much pressure—is that there are so many properties lying empty for one reason or another, that

there are just too many places that are not being fixed up in a timely manner. It is not about the properties there; that is not the point. It is about poor management of the properties.

Turning to family services, most know about the chronology of events there. We are all aware of the things that have happened there. Three ministers have been involved, but the first two of them have not stood in this place to support the current minister, which is a shame. Mr Corbell and Mr Stanhope need to support Ms Gallagher—Mr Corbell, in particular, because he was the only minister to be briefed in late 2002. Why did the bells not ring for others when he was notified? I note that the Vardon report says that he did do something about it. Why did the bells not ring? There are many other things about that which I will not go into now, but we all know that the government knew about the matter and did nothing for too long.

Ms Gallagher: You're a liar.

MRS BURKE: Mr Speaker, I would ask Ms Gallagher to withdraw that remark.

Ms Gallagher: I withdraw it, Mr Speaker.

MR SPEAKER: Thank you, Ms Gallagher.

MRS BURKE: There are many things that I could go on with, Mr Speaker, but I will not stray onto the substantive aspects. It is all about leadership.

MR SPEAKER: Order! The member's time has expired.

MR CORNWELL (4.18): Adolf Hitler said that the great mass of the people will more easily fall victims to a big lie than to a small one. Far be it from me to suggest that this government would be following that line, but I am very concerned that the people of the ACT may get the wrong impression about the government's approach to aged care facilities and the provision of such facilities in the ACT.

Yesterday, as we know, a committee of this Assembly brought down a report on aged care and made nine very sensible recommendations. Among them were recommendations that the government fast-track the planning process for all sites currently under consideration for aged care places, immediately and substantially increase land allocations for residential aged care developments, streamline its planning processes—goodness me, that is a revolutionary thought!—and increase allocations for self-care or retirement villages.

It was reported in the *Canberra Times* of this morning that 500 people are on the aged care waiting list. As I said, I am very concerned that the people of the ACT may get the wrong impression about what this government has done to address aged care in the three years that it has been in government. Perhaps I should debate the way that it has increased the aged care crisis in the last three years, rather than attempting to explain what the government has not done. If I were to explain what the government has done, I would be making a very short speech here this afternoon.

The fact is that nothing was done until about a month ago. In fact, more than 200 beds already given by the Commonwealth over the last three years still have not been taken up. For those who may doubt the words of a Liberal such as I, let me quote Jim Purcell, the executive director of the Council on the Ageing. He said of yesterday's report that it highlighted community concern about delays and that currently there were more than 200 approved beds not yet operational. Mr Purcell went on to say:

> We don't believe the majority of these beds will be operational for another two or three years.

I happen to agree with Mr Purcell: I do not believe that they will be operational for another two or three years.

It came as a surprise to me that we had the Chief Minister standing up in this place only an hour ago, possibly a little more, to talk about the wonderful things that this government has done in the provision of aged care. I noticed, however, that what he was saying fell into the category of something that we have become used to in the last three years, that is, simply promises: "We are going to provide this and we are going to provide that. Land will be made available here. We have given this amount of money to some other organisation." We have yet to see bricks and mortar.

In a desperate attempt to defend his government's inaction on aged care, the Chief Minister came out and said that the availability of land for aged care was greater than the provision of beds made by the Commonwealth. It was a remarkable statement: we have acres and acres—do we still call them acres these days or hectares?—of land available in the territory and all of it could be made available for aged care. The simple fact is that beds are not allocated on the basis of the availability of land. Something a little more definite than that is needed and this government has not provided it.

Over 200 beds have been approved but are not yet operational. A Commonwealth government in its right mind—even a Latham government, I would suggest, and I am being a bit extreme here—would be reluctant to hand over other beds if ones that exist at the moment and are available for ACT use have not yet been taken up. I have made the comment before that these beds are not in containers stacked on a dock somewhere in Sydney waiting to be shipped. The Chief Minister, however, continues to give ACT residents, the community, the wrong impression.

For example, on 27 July 2004, the Chief Minister began his "From the Chief's Desk" column in the City *Chronicle*, in an article headed "Aged care beds a priority in the ACT", with this amazing statement:

> My government is acting quickly to respond to the allocation of aged care funding by the Commonwealth Government.

Acting quickly! It was 2½ years before any planning had got off the ground and he has had the temerity, the barefaced unmitigated gall, to claim that his government is acting quickly to respond to the allocation of aged care funding by the Commonwealth government. I did respond to that, and I thank the *Chronicle* for publishing my letter. I will not go into the detail, except to say that I pointed out that I believed that the Chief Minister had introduced a degree of exaggeration in what he said on the provision

of aged care beds that would have done Baron Munchausen proud. The fact is that 2½ years elapsed before anything happened with the provision of these beds.

The Chief Minister went on in the same article, I might add, to tell us how 20 new aged care beds had been allocated to Goodwin Village in Monash and announced that approval of the sale of land to St Andrews Village in Hughes—it had only waited three years for it—to enable it to expand and create a new 74-bed facility. He went on to speak of other beds. The fact is that, if you add them up, you will find that only 94 of them were listed, only 94 out of over 200.

The Chief Minister perpetuated the same statement in this morning's report in the *Canberra Times* about the aged care waiting list, saying:

> The Government had also developed a land-release program for aged-care accommodation, established a land bank of pre-planning sites, and pioneered an approach with the Commonwealth to permit the direct allocation of beds to a site, thereby cutting months off the waiting process.

Don't hold your breath, please, Mrs Dunne! A spokesman for the government said:

> Criticism of the government … is an attempt to deflect attention from the real problem—that the Commonwealth has not allocated sufficient funded beds.

That is simply wrong. It is totally, completely wrong. The Commonwealth has allocated beds that have never been taken up by this tardy government. Why, I repeat, should the Commonwealth allocate any more beds if they are simply going to sit around on somebody's books as phantom beds that can be used by this government to justify that apparently it is doing something?

This government has done nothing for three years to assist the aged in this territory. This government has substantially contributed to the crisis in aged care that exists here today and will continue to grow for the next 18 months to two years because, as Mr Purcell said, even the beds that are here now will take another two to three years to come on line.

MR SPEAKER: Order! The member's time has expired.

MRS DUNNE (4.28): Mr Speaker, we are here today to discuss the failings of the Labor government. What we have as we come to the end of this electoral cycle is a Labor government that is completely and utterly do nothing, that does nothing except talk about itself. As Mrs Burke is wont to say, self-praise is no praise at all. What we have is the failure of a government to do anything to address issues in environment, planning, transport and, most importantly, water security.

The only person who has had the courage to stand up here so far and defend the indefensible Labor government has been Mr Quinlan. His disjointed attack boiled down to, "You made mistakes, too, and we can't believe 98 per cent of what you say." That was the sum total of what he had to say. However, during question time, he did make the point that he thinks that we would not know financial management if we met it. But the thing is that this government always talks about its financial management and talks about its achievements in simple terms: it talks about them in terms of how much money it has

thrown at the problem. Every time it says, "You cannot criticise us for this because we have spent bucket loads of money on it."

It is appalling to have Mr Quinlan, an economic rationalist from the right wing of the Labor Party, saying that the solution to everything is to measure how much money is spent on it. When we are talking about financial management, which apparently we would not know if we fell over it, we do not talk about inputs: we talk about outcomes. Let's talk about some of the outcomes here. Let's touch lightly on the environment and the fantastic contribution made by the former environment minister, Mr Wood, and his principal efforts as environment minister.

The first was to introduce middle class welfare in terms of a solar hot water rebate scheme, which has been a fundamental failure. The government cannot get the required take-up rate and it cannot spend the money. The government keeps upping the rebate and it still cannot get people to take it up. Also, the government is inordinately slow to pay the money to people who do apply for the rebate. I can attest to that.

The second was to oppose an inquiry into renewable energy. The government constantly says that the greenhouse targets are pie in the sky stuff and we have to come up with more rational greenhouse targets. The government will not even try to meet the greenhouse targets.

The best one, of course, was to abolish the environment advisory committee and come up with a whole lot of little, scattered environment committees. We had a rural environment committee, a natural resources environment committee, and an Uncle Tom Cobleigh and all environment committee, instead of having an overarching environment committee from which you might actually get some outcomes and you might actually get some input. Oh, no, we could not have that because somebody might say something inconvenient.

I think the largest single failure of Mr Wood in anything to do with the environment was his complete failure with the no waste by 2010 strategy. Of course, he came out today with the next steps for achieving the strategy and I thought, "Oh, at last he's going to do something about putrescible waste." But no, we are going to have a government leadership scheme and a business no waste challenge. I think that is a rebadging of the ecobusiness program.

We are also going to do something about a construction waste program. That is really important. The most important thing that this government could do about construction waste recycling would be to do something to ensure that concrete recyclers actually get a decent lease, rather than having a three-month by three-month lease. The government could go to the Commonwealth and say, "Give them a 20-year lease so that they can make the investment that is necessary so that we can further the recycling of building materials on site there."

As well, we are going to have community engagement. Of course we have to have community engagement, because this government consults people to death. But we do not have any outcomes listed and there is still no progress on putrescible waste. We still have no progress on plastic bags because the current environment minister is wedded to the national convention and we cannot possibly do away with the national convention.

Everyone else wants to do something about plastic bags. The federal opposition's environment spokesman wants to have a plastic bag ban, but Jon Stanhope is tied to the national convention because he really does not want to have an individual thought of his own.

Yesterday, I touched at length on planning, but I will lightly move over it today. I think that it is important to draw out and make the point that everything that is being done in relation to planning in the ACT is premised on a faulty assumption. We had, as was said yesterday, the spatial plan, which was a foray into six or seven volumes of things whereby people were consulted to death. You have to ask yourself what has happened to the spatial plan because at the same time, as I said yesterday, we have Griffith and Narrabundah residents up in arms over their neighbourhood planning consultation.

When you look at what the government has done, you will find that it has actually created a whole new genetically engineered concept. Core areas have been taken out of the middle of places and are now being carefully wrapped around the edges instead. It is very interesting to see all the time, effort and money that have gone into reshaping core areas in Griffith and Narrabundah without any reference to what might happen in west Fyshwick.

One of the principal initiatives of this government as a result of its spatial plan is to develop west Fyshwick, an area which will have, by anyone's estimation, 2,000 to 3,000 medium-density residences, along with commercial and industrial development and keeping the Fyshwick markets there—all of those things—but the government wants basically to cause an embuggerance for every person who lives in Narrabundah and Griffith by messing up an already messed up system and creating medium-density housing in places where it would be totally and utterly inappropriate and without reference to what is happening on the other side of Canberra Avenue because the government cannot get its act together.

The government has a planning minister who keeps talking about transport reform and putting planning and transport together. A consultant came here from Brisbane to do work for the ACT and went back to Brisbane because nothing happened. We have had studies. We have had the demand elasticity study, the transport feasibility study and the draft and final of the transport strategic plan and we have the most pathetic set of targets you have ever seen in your life that will never achieve anything. Even when the KBR transport feasibility study pointed towards making a decision about light rail, this government could not do it. I do not know why. Perhaps it was because it is in the pay of the TWU and does not want to have trams when you can have good old reliable buses instead.

I come to the most important policy issue in the ACT on which this government has shown absolute and complete failure. Not content with allowing the catchment of the ACT to be burnt out in 2003, we now have a government that is completely and utterly paralysed when it comes to dealing with issues of water security. The issues have been documented at length. By the government's own admission, we need to build a dam by 2017. The opposition disagrees. We think that we have to do it sooner. But, as things stand, to plan, build and fill a dam will take 10 years and this government will do nothing about it. It will make no commitments because it is too afraid to make a commitment. It is a big issue.

Mr Pratt: They haven't got the bottle.

MRS DUNNE: It is something that requires a bit of bottle. It requires a bit of mettle. But what we have here is a weak-kneed Minister for Environment who is terrified of proposing that we build a new dam for fear he might alienate a few Greens. It is quite obvious that the government is trying to put that issue out beyond the election because it is so indecisive and does not want to make an enemy of anyone. In doing so, it is creating great discontent in the community. The community knows that building a dam will not solve our current water crisis, but the community also knows that it never wants to revisit a water crisis like the one that we have.

We have to look at the issues and see whether there is anything else that could be done. There was some joking before about whether it is the responsibility of the government that there has been no rain. Quite frankly, it may be. It could well be, because I know that there are scientists who have put to the government that it should be investigating cloud seeding to ameliorate the present problem, but the government will not do so. It will not even return the calls of the experts.

MR DEPUTY SPEAKER: Order! The member's time has expired.

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) (4.38): Let me add a hefty dose of reality to this rather surreal debate. I have been listening to debates here for 15 years and I have never in all that time heard such fanciful hyperbole. It is imaginative beyond belief—it really is. The speakers opposite do a disservice to this chamber by engaging in such nonsense. Mrs Dunne makes outrageous claims and says what she thinks others have done. It is totally unrealistic.

Let me stick to the facts. Government housing has been mentioned. I am surprised that the opposition continues to do this. When they ran housing it was a disgraceful period of administration. As we well know, their clear policy was to sell, sell, sell—reduce the level of housing stock. That program was well underway when we came to government and I stopped it.

We came in with the intention of holding onto the public housing stock that we had. We have done that. We have maintained the level of stock. It has not been an easy task. We have done that by commitment and hard work.

We have returned—Mrs Burke did not seem to like it in another reference—security of tenure to tenants. That is important. There are a couple of ifs and buts to that: we do require that they pay their rent and maintain their property—but they have security of tenure.

We invested unprecedented levels in our stock. I wish it were more. In the seven years before we came to power things just stumbled along. The amount of new money that we have put in is indeed very considerable. It is a change from what the lot opposite did, which was put in no more than was required—the modest amount required, the miserly amount required—under the Commonwealth-State Territory Housing Agreement. That is

all they would do—what was required to get Commonwealth funding—no more than that.

We put additional money—again I say “additional money”; new money—into the system: money that does not come in routinely. That is something that—

Mr Smyth: You haven’t spent it. Fire safety money. Half of it’s not been spent.

MR WOOD: Get out of it. I will tell you what has been happening if you just hold on a minute.

Mr Smyth: It’s not been spent. What’s going to happen in a few years?

MR DEPUTY SPEAKER: Order!

MR WOOD: We have done something that has been lacking for a long time: we have established a strategic approach to ensuring our system is managed. Every time a property has been inspected during the last year, it has been carefully noted and recorded. The needs of that property are now based on a data system. We have an understanding of what each property needs. It will make life much more efficient and effective.

Let me tell you what we have done in terms of spending. In just one year we spent $86 million on acquisitions and improvements—a record level since self-government. That is a 44 per cent increase on the previous year. The money we have been putting into the system is showing. In 2003-04, 264 units were acquired, resulting in an overall increase of stockholding of 127 properties. Bear this in mind: over a period of three years, you knocked off about 700 properties. That was a reduction—that was a planned programmed reduction of the former government.

Mr Smyth: What was the usage rate? What was the usage rate? We used more. Yours are idle and empty.

MR WOOD: You do not think that was very good?

Mr Smyth: You ought to be ashamed of yourself.

MR WOOD: You should be ashamed of yourself, Mr Smyth. Total public housing stock, as of today, is 11,500. That is in stark contrast to your system of selling off. The only way to handle the issue—and there are issues around housing and maintenance—was to cannibalise it: sell it off. That is not what we are doing. There are significant issues around housing in the ACT—as there are in Australia—but we are committed to it.

Mrs Burke does not like my talking about that $33 million. There is a lot of other money—we have been putting extra money into community housing, Aboriginal housing—money that never appeared from that side of the house.

We have done other things in terms of practical administration. We have reduced rental payments for tenants who go into a rehabilitation program. They do not have to pay two

lots of rent, as it were. We have assisted victims of domestic violence to ensure that people in these circumstances are no longer excluded from accessing public housing because there may be a debt from the previous tenancy.

We have ended the requirement—how is this for a significant measure; something you would not do—for two weeks in advance. It has gone. It has been part of the system for I suppose 80 years. It is quite a heavy impost on people at the time of moving into a property. We said, "No; you don't have to pay in advance." That is a significant move.

People made some remarks about affordable housing. We have taken considerable steps in that regard. As I said yesterday, tomorrow there will be a ministerial statement on that. We provided $13.4 million for homelessness. You just ignored the problem; you did not want to know. You never put an additional cent into it, over and above what you had to do to match Commonwealth. You never put an additional cent in. You ignored the problem. You pretended there was not a problem. We had to do extra work to catch up because of this enormous backlog.

We provided $6 million for community housing. Mr Quinlan has spoken about the other matters. We reintroduced—you knocked it off—the rental bonds scheme. You did not think that was important; the community did. You can be asked to pay $600, $700 or $800 just for key money. You knocked off any assistance in that regard. We have reintroduced it to help people. We have done so much in that area as well.

There are other matters I want to talk about. There is just so much I should say about ACT housing—there are massive pages of stuff—but I want to get onto community safety as well as other things. The lowest number of police we had in the ACT was at the time of the East Timor intervention by the Commonwealth. AFP personnel went to East Timor. The numbers of police in the ACT shrank alarmingly at that time. They did not have a minister who negotiated with the AFP and the Commonwealth to look after the ACT. When police went to Bougainville, we were not impacted. But when they went to East Timor, our numbers—I forget who the minister was at the time; he probably did not even know about it; he probably did not pay it any attention—shrank alarmingly.

We have kept to our election commitment. Yes, there was an aim to look at national figures. But the election commitment—what we promised at the time of the election—was an extra 20 police over a period. And we have done that. We have more than done that. On top of that we added 10 police and there will be another 10 police next year. Dare I say to you—you will not want to hear it—that, in your time, you did not add anything anywhere. You just floated along, let it go, and at a certain time let the numbers run down.

Mrs Dunne: So which 98 per cent isn't true?

MR WOOD: You come back with the figures. You put no extra money into the system at all. Let us look at trends in crime. Crime figures go up and down over a period. Let me tell you about the current trend. It has been a fairly persistent trend during the time that we have been in government. In 2003, compared to other years, we did extremely well.

The trend in robbery over a period reflects a significance decrease of 26 per cent. *(Extension of time granted.)* From time to time you get a spike in various aspects of crime. There has been a general decrease of 26 per cent. The trend in burglary reflects a decrease of 16 per cent in burglary rates.

There has been a decrease in motor vehicle thefts—we used to be the motor vehicle theft capital; these figures are still too high but they are much better than they were—of 11½ per cent. These numbers continue to go well. One of the reasons is that—as Mr Pratt said—we have a good police force. But there are more of them. We have added to those numbers. We have to the finances.

Mrs Dunne: Why can't people see them if there are more? Why can't they see them.

MR WOOD: Let me go further. Someone over there was talking nonsense about community safety.

Mrs Dunne: Demonstrate. Put the figures on the table and show us.

Mr Corbell: Mr Deputy Speaker, I rise on a point of order. There has been a constant barrage of interjections from the opposition side of the chamber when a government member has risen in this debate. I ask you to call those benches to order.

MR DEPUTY SPEAKER: I know; I have been aware of that. I uphold the point of order.

MR WOOD: They try to disrupt what they do not like. Let us look at the Emergency Services Bureau. That has seen the greatest increase ever in resources—substantial increases in resources. With that increase in resources—that is, money increase—there has been a substantial improvement in capacity to manage events. The CADS system—if you do not have an invitation you will get one shortly; I hope you go out and see it—is an initiative flowing entirely from the time of this government. The radio network is moving forward.

Mrs Dunne: That's not true.

Mr Pratt: No. The concept evaluation was before your time.

MR WOOD: There are extra personnel right across the area. I am sorry; I did not pick up what was said.

MR DEPUTY SPEAKER: You do not pick it up anyway—interjections are out of order.

MR WOOD: I like to respond but I do not always hear what is being said. The Emergency Services Bureau has expanded considerably. It has a much greater capacity to respond. I do not recall the lot over the road doing anything about emergency services. They set it up in the form that it was. They then recommended that it be changed. It has been changed of course. But it now has significant resources: fire fighting resources, ambulance resources—

Mrs Dunne: The same amount that was there when we were there—ambulance resources—exactly the same.

MR WOOD: Wait on. The resources are there. The capacity to respond is much increased. I do not think any other area in government can claim to have had such a substantial increase as the Emergency Services Authority. It is 25 per cent—very significant.

There is $1.5 million to increase capability to respond to chemical, biological and hazardous chemical incidents. There is $3 million in increased base funding to provide additional resources to maintain service staffing across the three levels—including ambulance, Mrs Dunne—at optimal levels and to fund associated costs. There is $885,000 to increase capability through funding for equipment maintenance, training and OH&S standards. There is $3.686 million to fund additional activities and establish the structure, including the training academy.

There is $130,000 for management of community fire units. There is then an additional $420 million for capital as well. We provided $2.77 million to Emergency Services directly related to bushfires in response to the McLeod recommendations. I mentioned CADS. The trunk radio network compatible with New South Wales will be introduced over the next few months.

The authority has undertaken a feasibility study on the building of a new headquarters facility to replace the inadequate Curtin facility. We will shortly be considering the recommendation of the study prior to commencing work on the design and construction.

Talking about construction—after you people did not seem to do very much—the turning of the sod for the new Woden Police Station is not far away. That money was provided through this government. Long on the discussion—

Mr Smyth: Three years. Three years. Long on the discussion? The plans were there

MR WOOD: Long on your discussion—but we have done the work. A great deal has happened. We are participating nationally in a whole range of areas. I will not go through every one of them. Recruitment is now underway for 36 additional fire fighters, 19 ambulance staff—I say that again: 19 new ambulance staff—150 volunteer SES members and 200 members of the rural fire service.

They have been funded. We are working through those. That is a very significant increase in power to fight all sorts of emergencies. We have significantly increased the mapping capability of the authority. We have purchased four new urban four-wheel drive bushfire fighting tankers and five additional SES command units.

There have been community education programs. A vast amount of stuff has been happening in that area. We get pathetic little claims across the way that we are not doing anything very much. Whether it is police, ambulance, fire fighting, rural fire fighting or emergency services, this government has been acting very strongly. In my period as minister, I have seen an enormous amount of new resources come in—new energy, new drive—to put us in a very strong position to attend events that might occur.

MR CORBELL (Minister for Health and Minister for Planning) (4.55): It is a good opportunity to rebut the quite paltry and glib assertions made by those members opposite on this motion today. The reality is that this government has been delivering significantly in a broad range of areas that affect the Canberra community.

As my colleague, Mr Wood, has already indicated, there have been very significant reforms in emergency services and in housing. Indeed, it is not the shameful record of those opposite that removed 700 dwellings from the ACT housing list.

This government has a strong record. I will address the key issues under my portfolio responsibility. I start with the health system. Let me provide some figures to the Assembly to refute the arguments of those opposite. In 2003-4 under Labor, our hospital system provided more than 70,000 inpatient episodes—that is the highest number on record. It managed an 11 per cent increase in the number of outpatient occasions of service—again, the highest number on record. It provided almost 1,000 more elective surgery operations—an increase of 13 per cent on the previous year, and yet again the highest number of elective surgery operations in a year on record. It oversaw an increase of 22 per cent in the most serious types of emergency department presentations.

The government recognises that major issues face our health system. The significant increase and demand for services has placed additional pressure on services and there is significant competition within Australia and around the world for qualified health professionals in a number of areas. The huge increase in demand for services has added significant pressure to the system. Despite all of this, the health system has managed an overall increase of 8 per cent in activity.

We have a strong track record ensuring that no-one in need of an urgent elective surgery is made to wait too long. No-one is turned away from our emergency departments. Elective surgery initiatives announced over the last two ACT Labor budgets will provide almost $20 million in additional elective procedures over the next four years. That represents 4,000 more operations than would have been available with the projected health budget of the previous government—4,000 more operations.

Mr Smyth: What about cross-weighted separations. Go to the standard measure.

MR CORBELL: Mr Smyth has had his turn in this debate. He has an obligation to do me the courtesy of hearing the rebuttal to his crass and false accusations in this place.

The government, in consultation with our hospital clinicians, is initiating a range of short and longer term initiatives to relieve the situation in the ward, in the emergency department and in the operating theatre, and in terms of community perspectives.

The chief ward based initiative will be the reintroduction of a discharge lounge. People who are about to be discharged and are waiting for their final consultation or final prescription can be moved out of a bed to a discharge lounge, freeing up a bed sooner for another patient.

Management changes would also see specialist doctors' rounds conducted before 10 am. This can also free up beds sooner. Nurse practitioners, recently legislated for in the ACT by this government—

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: Nurse practitioners, for whom we recently legislated in the ACT, will help relieve pressure on doctors by taking over some of the roles currently performed by them.

In the longer term we continue to implement a range of initiatives. There has been the establishment of observation units at the Canberra Hospital and Calvary Public Hospital to provide 17 beds for longer term care for people who need more than ED care but may not need admission to an inpatient ward. They are up and operating. There are four more inpatient medical beds to be provided at the Calvary Public Hospital to cater for the considerable increase in demand for medical services experienced during the last financial year.

There is the establishment of a transitional care service in collaboration with the Commonwealth to provide a more appropriate environment for people currently in our hospitals waiting for residential care services. Of course, up to 50 beds are available through our initiative.

There is the establishment of a sub-acute facility to free up about 60 inpatient beds by providing a more appropriate environment for rehabilitation than an acute care service can provide. The money is there; the site has been identified; planning is underway to commence construction.

Working in collaboration with the Greater Southern Area Health Service in developing services within the region, such as the redevelopment of the Queanbeyan Hospital, we will provide a further 30 beds. This will be added to the capacity of the region's hospitals.

It is worth highlighting that this government is the first since self-government to have resolved a VMO pay negotiation without disruption in our public hospitals.

In addition, we have also achieved pay negotiations with the Australian Nursing Federation and public sector nursing staff—again, without disruption in our public hospitals. This is a significant record of achievement—one that the community expects, but regrettably one on which the previous government was unable to deliver.

The government has initiated a broader range of measures across the health system. Of course, we have paid $3 million to expand the Emergency Department at Calvary Hospital. We have spent over a million dollars on new cancer equipment at the Canberra Hospital. We have expanded and revitalised the clinical decisions unit at the Calvary Hospital, expanding the capacity of the Emergency Department there.

We have invested money in new paediatric facilities at the Canberra Hospital. We have put in place additional resources for public health services. For example, our public dental waiting lists are now some of the lowest in the country, following the abysmal decision by the Federal government under John Howard to remove funding for public dental services, thus leading to waiting lists of more than 36 months. Thirty-six months for restorative dental treatment! This government has kicked the can and we now have those waiting lists in our public dental services considerably reduced to an extent not previously achieved in the territory.

Of course, we continue to focus on issues around reform in the health system as well. Not only have we abolished the needless and ideologically driven purchaser provider model, but also we have established a clear and unified structure for our health department—greater accountability, greater lines of communication and the ability to ensure that Canberrans are getting the health services that they deserve.

We have established a wide range of initiatives in the area of preventative health. For example, the territory, with the support of this Assembly, will be the first territory or state in Australia to go completely smoke free in enclosed places. We have put in place additional funding for smoking prevention and Quit Smoking services. We are proposing legislation to catch those retailers that sell tobacco to minors through minor enforcement activities. We have established significant measures to improve the obesity and lifestyle issues affecting our young people, with programs in both the health and education portfolio areas to deliver better outcomes for Canberra's young people.

Any assertion that this government is not delivering is simply a blind claim made by an opposition that is desperate to get some traction on the issues. The reality is that, after three years, all we have from the Liberal opposition and the Leader of the Opposition is a three-year whinge. But when it comes to the big issues such as health, planning and public transport, they have nothing—absolutely nothing—to present to the Canberra community.

This government has a strong record. We stand by it. We will be campaigning on it and building on it in the coming election.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment, and Minister for Community Affairs) (5.05): Mr Corbell has summarised extremely well the motivation for this motion and the desperation that it indicates in an opposition that has been seriously floundering and found to be seriously wanting in its stewardship of that particular bench. This really is the most inept opposition ever. Motions of this order—that simply say the government has failed in everything; it is an absolute—

Mr Pratt: Look at the litany of your failure, Chief Minister.

MR STANHOPE: Just look at the motion, which reads:

> This Assembly condemns the Labor Government for its failures in health, education, business, tourism, community safety, aged care, housing, family services, sport and recreation and water management.

The motion reflects the extent to which this is an absolute nonsense. What sort of a nonsense motion is that? In caucus this morning we joked about it—"and, of course, this government is to blame for the fact that it hasn't rained; this government is to blame for the drought". And, lo and behold, Mrs Dunne stands up and says with a straight face, "They're to be blamed." It is now our fault that it has not rained! It sums up the nonsense of the motion. It descended to the farce of one of the members of the Liberal Party coming down here and saying, "Yes, and they could have done more to make it rain."

It is a nonsense. It indicates the absolute desperation of the Leader of the Opposition and his colleagues—as Mr Corbell said—to gain some traction, some credibility. The difficulty they have is the strength of not just the ACT economy but also of the ACT and our community, and the facts around all the indicators that we use in relation to how we measure how our community is performing.

Look at the facts. The economy is very strong—it is in very good shape—and all the major indicators show continued strong growth. Look at gross state product—some of the vital indicators of how well this community and this economy are performing. Gross state product, which is the measure of the value added by the economic production in state and territories, grew by 2.9 per cent in the ACT in 2002-03—higher than the national average. State final demand rose in the March quarter to 4.4 per cent higher than the same quarter in 2003. Retail trade rose by 3.6 per cent to $322.8 million turnover for the year to June 200—2.4 per cent higher than the year before. All jurisdictions record an increase. In the ACT we had the second highest increase in retail trade.

Unemployment in the ACT is 3.3 per cent. The national unemployment rate rose to 5.6 per cent; we dropped to 3.3 per cent. We have the lowest unemployment rate in Australia. During July the ANZ job advertisements in the ACT fell; nationally job advertisements fell. These figures contrast with monitoring by ACT Treasury, which show a rise of 13 per cent in job ads in July. In July 2004 there was a 13 per cent increase in job advertisements. Average weekly earnings in the ACT are the highest by far in Australia. The wage cost index rose. The consumer price index rose by only 0.6. Housing finance for individual investors in the ACT is as strong as anywhere in Australia.

The indicators go on and on and on: the residential property market, building approvals, tourism, new vehicle sales and the Hudson report. Look at all the indicators. Look at all of the economic indicators in terms of how this community is performing and how it has performed under this government. Look at why it is that we still have the strongest economy, the lowest unemployment rates, the highest rates of growth, and the strongest demand in the retail and housing sectors of anywhere in Australia. This particular community is booming. Not just is it booming, but also it is happy and it performs well on all the indicators.

Issues are being raised in relation to health and education. Look at the statistics we have in relation to what the people of Canberra think about Canberra—what they think about living here—and what life is like in the Australian Capital Territory. Motions such as this ignore what the people of Canberra think. What do the people of Canberra think about Canberra? Do they walk around with this gloom and this doom—this whinging, carping, whining nonsense that we see reflected through this motion? No, they do not. They do

not join the Liberal Party. They do not join the opposition in whinging, carping and negativity. They just do not. They do not do it.

Those opposite whinge, carp, moan, complain and talk down—that is what they do. That is all this opposition has done. All those opposite have done for three years is whinge, whinge, whinge. I have yet to see anything constructive come from them.

Look at what the people of Canberra think. In 2002, 88 per cent of Canberrans reported their health status as good to excellent—higher than the national average. Fifty per cent of Canberrans were delighted with their lives, compared with 40 per cent nationally. We have the lowest levels of psychological stress in Australia. We have the highest adult participation rate in physical activity in Australia. Children's participation in organised sport is the second highest in Australia after the Northern Territory. We have the highest life expectancy in Australia. We have the lowest rate of suicide and the lowest infant death rate in Australia.

Mrs Dunne: That was 2002.

MR STANHOPE: When we were in government and continuing. We have the strongest indicators across the board in relation to almost every indicator you care to name. This is a community that is extremely satisfied. It is satisfied with the government. All of the indicators of satisfaction in relation to all of the aspects of community life are as strong or stronger than anywhere else in Australia. They have grown in strength under this government.

It indicates the nonsense, the hypocrisy and the failure to look back, acknowledge and own the appalling maladministration that was a feature of the Liberal government and which we inherited three years ago.

I made the point in question time today that it is the height of hypocrisy to ask questions of this government about issues such as housing. This is a leader of the opposition that, as minister, sold 700 separate public houses. Earlier I heard the Shadow Minister for Housing railing and whinging about a waiting list in relation to housing. This is the party, when in government, that sold 700 public housing units. There were 700 houses sold by the Liberal Party in government. And they come in here and complain about waiting lists.

Let us talk about aged care beds. One of the great weaknesses in the reporting that I have seen in the local paper in relation to the latest crisis—the crisis in aged care places—is: what did this opposition achieve in government? Let us have a little guessing competition; a little trivia moment. How many beds were delivered by the Liberal Party in the last term of government? Twenty one—I repeat: 21—beds were delivered in a four-year term. That is what the Liberal Party delivered.

I expect to see that on the front page of tomorrow's *Canberra Times*: 21 beds delivered by this mob in a whole term. Look at the railing, the ranting and the raving that we have seen on this issue over the last few months.

Mrs Dunne: How many aged facility places did you stop while you were in opposition? I remember one in Kaleen that you personally stopped. Who did the work to change the—

MR STANHOPE: How many direct grants of land were there by the Liberal Party in the last term of government?

Mrs Dunne: What about Kaleen? Villaggio Sant'Antonio. Calvary we started.

MR STANHOPE: How many direct grants of land for aged care beds? How many direct grants of land in the last term of government for aged care beds? None—not a single direct grant of land—

Mrs Dunne: Not true. Not true.

MR STANHOPE: Not for aged care beds. There were a few for people living in units. Aged care beds? Direct grants of land by the Liberal Party in a four-year term? Direct grants of land for aged care beds in a four-year term? Name them.

Mrs Dunne: Villaggio Sant'Antonio.

MR STANHOPE: No, no—not for aged care beds you did not. (*Extension of time granted*) So there we have it: 700 public houses sold and no support for aged care beds. We then go to some of the gross maladministration—issues that have been touched on. We need to dwell on this in the context of a comparison. That is what this motion seeks.

This motion seeks to draw a comparison between this government—its style and what it has delivered—and the previous government. That is what you have to do. You have to make the comparison. So you do have to talk about the hospital implosion to make the comparison and the 14 pages of Auditor-General reports on that botched mess. You do have to talk about Bruce Stadium—the $12 million proposal fraught with illegalities and bad decisions and no process that blew out to $84 million.

You do have to talk about these things. You do have to talk about the decision making that affected the hospital implosion. You do have to talk about the Bruce Stadium fiasco. You do have to talk about the secret under-the-table deals such as those at Hall-Kinleyside. You do need to talk about Fujitsu. You do need to talk about the lease for FAI House.

You do need to talk about the secret parking deals at Manuka. You do need to talk about the secret, illegal overnight $9 million loan. You do need to talk about the nonsense of Feel the Power. You do need to talk about those fundamentally flawed processes that led to the hospital implosion and the 14 volumes of Auditor-General reports in relation to that.

You do need to talk about all these things. You do need to talk about the missed opportunities and chances in relation to business development incentives. You do need to go out and visit the Impulse hangar at the airport. You do need to go and visit the empty

$10 million Impulse hangar at the Canberra Airport and ask, "What do we get for this empty $10 million Impulse hangar at the Airport?"

We hear this government raving and ranting about the convention centre—a convention centre that they were not prepared to fund. They rave about it now. We look at legacy of those opposite. We look at the legacy of the Liberal Party and the $10 million deal paid to a now defunct airline. It went up in smoke. But the legacy is there. Every time we fly into Canberra Airport, we see the legacy of the Liberal Party support for business.

We see it too when we think about the FAI contract. We see it when we think about the Fujitsu contract. We think about it when we remember the illegalities around Bruce Stadium. We think about it when we look and recall the bungled hospital implosion. These are the things that we are aware of and that we do think about.

We also recall the appalling mess that the Liberal Party made of health. They have made much of health and they think they have traction on this issue. We ought to go back to 8 August 2001. An internal memo revealed that the Canberra Hospital bed and staffing crisis had reached breaking point, with management discussing activating its disaster plan. Hospital authorities considered calling in the Defence Force to deal with the crisis.

On 5 April 2001, Leah de Forest from the *Canberra Times* reported that "patients are being hooked up to monitors in storage rooms and being forced to spend nights on trolleys as Canberra Hospital is pushed to breaking point". After the humbug, the hypocrisy and the carrying on that we have seen over these last couple of months, we see "patients are being kept in storage rooms". As a result of the fine steps that we have taken to address these problems that we inherited, we have cant and ranting.

"Nursing shortages at the Canberra Hospital have forced the closure of 17 beds", states the *Canberra Times* of 18 July 2001. And here they are standing up ranting and raving about there being not enough beds. I repeat: '"nursing shortages at the Canberra Hospital have forced the closure of 17 beds", states the *Canberra* Times of July 2001.' It goes on and it goes on. They stand here today and they pretend that they left this fantastic, pristine system or service for us.

We have achieved a lot over this last three years—achievements that I am particularly proud of. We have, for the first time as a government, put in place a range of long-term strategic planning that sets this city up for a fantastic future.

Mr Smyth: Mr Deputy Speaker, I rise on a point of order. The Chief Minister is misleading the Assembly: he is saying that it is the first time a strategic plan has been put in. I hold up the 1996 strategic plan. The Chief Minister should withdraw the comment.

MR DEPUTY SPEAKER: There is no point of order.

MR STANHOPE: I am particularly proud of this government's achievements. We have put in place a range of strategic plans of an order that have never been achieved before through the Canberra Plan, the spatial plan, the social plan and the economic white paper. We have in place a range of plans that stands this community in very good stead.

The community as a whole is now in a position that it has never before been in. We are proud of our record. We are more than happy to campaign on it in the run-up to the next election.

MR DEPUTY SPEAKER: The minister's time has expired.

MR STEFANIAK (5.22): Might I firstly tell the Chief Minister that even the opposition is not alleging that your government is totally hopeless. We are just simply talking about failures—and they are significant, as my colleagues have said—in the areas listed in the motion. So, to start with, it would help if you read the motion. It does not mean you are totally hopeless. If that were the case, we would not have supported some of the legislation that has gone through. But there have been some very significant failures, as indicated today by my colleagues.

I will indicate a couple of areas which have probably not been touched on terribly much to date. A lot of legislation that goes through this place—about 80 per cent of it—is usually agreed on. It is non-contentious stuff. But there has been some contentious stuff, and some of the most contentious legislation that has gone through related to social experimentation by this government. It is very different to what other Labor governments around the country, or indeed even federally, have done. We have spoken about this before and have indicated that we will repeal some of this experimental social legislation.

It may well be that things like same sex adoption, industrial manslaughter and union right of entry do not affect a hell of a lot of people. That is true. It is also true that there probably is not a huge amount of interest out there in the general community about things such as the Human Rights Act. However, this is very important legislation and I think this government, driven by its own pet projects and ideological agendas, has failed in this respect. It has passed legislation in an area where other Labor governments have feared to tread.

Although the act has just started to operate, I have already heard of a number of problems that have been raised not just by lay people—I do not think terribly many lay people are remotely aware of what it actually means—but by lawyers, who are indicating that the act, even in its present truncated form, is going to cause significant problems to the ACT. It is going to cause a lot of needless litigation, it is going to be very costly to government and it is going to lead to judicial activism.

Only recently the Scrutiny of Bills Committee heard that two of our Supreme Court judges, sitting in the Court of Appeal, had attempted to bring in and act on the Kable doctrine, which very much involved judicial activism. Although they did not push it in the matter they were dealing with, it was raised. I think inevitably we will see a lot of unintended consequences—perhaps unintended from the government and others—that will naturally flow from the enactment of this type of legislation and which will lead to considerable angst and extra expense in our community. Far from promoting and helping persons' rights in our community, the act will actually detract from the rights of most normal, ordinary, law abiding citizens.

So I think this legislation, which the government highlights and trumpets as a great achievement, will ultimately be a very significant failure. The government did not heed the warnings of even their own colleagues interstate in relation to this piece of legislation. It is a case of "watch this space" but already there are some very concerning signs.

The Chief Minister rattled on about the failings of the previous government and talked about money that was ill spent on various campaigns. Just recently—and we are still waiting for an answer—I asked him a question in relation to a $1 million blow-out in the move of JACS from one part of town to another. I am sure that there are a number of consequences relating to where the money is going to come from to pay for this move. That in itself is another failing and I am still waiting for a response to my question which he took on notice.

So there have been a significant number of failings just in the area of the general law which have caused considerable angst in our community. I regard these as a failing of the government, especially when it is pushing agendas that the vast majority of Canberra citizens do not want to see. That is not really what you have been elected to do, despite what you might say in terms of what was in your platform. For example, 120 people going to six public meetings on the bill of rights, despite valiant attempts by a committee to engender interest, hardly gives you a mandate to pursue your own personal hobby horses.

Mr Wood is leaving us and I concede that he has done a reasonable job in the arts and is well regarded. But even there, there have been some failings. What has amazed me is how icon groups like the Canberra City Band and the eisteddfod could be de-funded, how we still have some problems in relation to triennial funding and how other groups that do a very good job have received less funding. For example, a dance group told me that their funding was cut from $160,000 to $58,000. So even there, there have been some failings. You scratch your head and ask, "Well how can this be, how can that happen?"

Mr Quinlan rattled on about a couple of areas of sport and recreation. I have heard that under the previous government there were about $400,000 worth of programs, of which $150,000 was funded by the Commonwealth and the rest was funded locally. I hear that now only the federal programs are being funded.

Mr Quinlan mentioned an ageing program designed to get more elderly people active. That program was very much started by the previous government and a lot of work was done by agencies such as the YMCA to develop it further. We gave money to the agencies to do this work and I am glad to see it continuing. But it is really hardly an initiative started by the current government.

The Treasurer made much of the amount of money going to the Capitals and other teams in national competitions being increased from $50,000 to $100,000. I suggest to him that that was something that was happening anyway, given that we lost the Cannons, we lost I think the Comets, and the money needed to be redistributed. So, again, I hardly think that is a particularly great achievement.

One thing that does concern me significantly is the ACTAS funding. During the estimates hearings we found that funding had dropped considerably and there were some real problems there. In fact, there was $1.9 million in the budget for 2001-02, with $200,000 to be found by sponsorship. This financial year the figure is $1.4 million, with $200,000 to be found by sponsorship. This is a drop in funding.

The Chief Minister was on his hind legs talking about what a wonderful job the athletes have done in Greece, and they have. Many of those athletes go through the Academy of Sport. But ACTAS is struggling and they will not be able to keep up the programs, they will not be able to service the same number of athletes and they will not be able to produce the same brilliant results achieved in the Olympics by our local athletes, who are a credit to themselves, their country and, indeed, their territory.

I am somewhat disappointed by the government's performance in the sport and recreation area. Indeed, there are some significant failures there—failures that will need to be addressed. Even in a health promotion area, physical activity and sport used to get around about 35 per cent but we are now down to about 26 per cent. Some significant problems flow from that, especially in view of the increasing rates of childhood obesity and other problems in relation to general fitness.

And then, of course, there are the problems with the dragway and motor sport generally. When all the ministers in the government seem to want to give Fairbairn Park a lease, why can't this be done? Surely it is not all that difficult. It was really quite amazing to see in a debate last week the prevarication on the dragway by the Deputy Chief Minister. Every conceivable problem seems to have cropped up in relation to the selection of a site. You are never going to please everyone. There are always going to be people who are going to be disaffected by a decision of government. You are not going to please everyone in relation to a dragway site.

There are people who are worried about the possibility of noise. Yes it can be noisy and, yes, steps can be taken to minimise that. A number of studies have shown you where motor sports should be placed. The 1996 study, which started with David Lamont when he was minister, placed it in the Majura Valley and the 2001 design and siting specifically placed the best site for a dragway at section 52. Yes, there might still be a 39 per cent Commonwealth interest there but if that goes, section 52 is the best site. And if for some reason it does not go there, section 51, which the government renewed the lease on last year, is also an excellent site. So you can narrow down where it should go.

There may be some problems but that is what governments are for—to overcome those problems. It is certainly not beyond the realms of what this Assembly or the government are capable of doing, to bite the bullet and go ahead and do it. But I suspect the government really does not want to. What we are seeing is window dressing. It has put money in a budget for something it never has any intention of delivering on. (*Extension of time granted.*) That is sad because so many people in motor sport look to this government to come in and actually build a dragway, and they gave every indication that they would.

Ms Gallagher: Where are you going to build it, Bill?

MR STEFANIAK: I have just told you. The government gave every indication that it would in fact be built. And what has happened over the last three years? Nothing.

To sum up, people out there in the community are saying that one of the biggest problems with this government is that it is a do-nothing government. There have been umpteen dozen reviews and there has been very little action. We are now starting to see a little bit of action in a couple of areas, right before the government goes into caretaker mode and before the election commences. But it has taken nearly three years for this to happen. Mr Speaker, I do not think that is good enough. The biggest failure of this government is its inaction and I hope that it will be judged accordingly.

Mr Stanhope: Why did you close it down, Bill?

MR SPEAKER: Order, Chief Minister!

MR STEFANIAK: We didn't actually.

Mr Stanhope: Yes you did. Why did you close it down?

MR SPEAKER: Order!

Mr Stanhope: Why did you create the problem?

MR SPEAKER: Order, Chief Minister!

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (5.33): This motion, which we oppose, gives the government a great opportunity to list all the achievements that we have delivered since coming to government. Yesterday in question time I went through quite a number of the achievements in education. Just to refresh the memory of members, I will briefly run through them.

The ACT government has had an inquiry into education funding. We have funded curriculum renewal; we have reduced class sizes; and we have passed the Education Act. We committed to spent $27 million of the free school bus bribe inside the school gate and, in fact, we have spent over $36 million.

We have improved, through a variety of programs, participation, retention and outcomes for indigenous students and students at risk. For the first time, students with a disability have individually had an appraisal of their need to participate fully in education. We have improved the legislation around our training system.

Our apprenticeships and trainee numbers are going through the roof. We have funded $9½ million for Skilling ACT and the training pathway guarantee. We have implemented initiatives around promoting healthy lifestyles for students and college health coordinators.

We have an $11 million ICT package to support information and technology in our schools, both in the government and non-government sector. We have increased funding

to the non-government sector in every budget since coming to office. We have targeted those initiatives to areas of need. We have targeted schools in the non-government sector where we believe there is the greatest need for support from government. We are working with the non-government sector, again individually appraising all of their students with a disability to make sure that we are meeting our responsibilities in that area. I think my answer in question time yesterday was more comprehensive than what I have just outlined but I have several other areas in my portfolio to cover.

I presume, because there has not been a great deal of commentary on women or industrial relations, that these portfolios have got the ringing endorsement of the Liberal Party. We do not hear much from the Liberal Party about the status of women or women's affairs, but I will go through some of our achievements in these areas. We have established the Office for Women. Along with Ms Dundas and Mrs Cross, we formed the Select Committee on the Status of Women and we have got an ACT women's plan due for release very soon. We have had our first women's budget statement, which will be improved for next year's budget. For the first time, funding has been allocated to the women's grants program.

We have improved conditions in the ACT Public Service for balancing work and family. We have expanded the women's register to make it accessible to the private sector and to community organisations. We are supporting scholarships for women to attend courses at the Australian Institute of Company Directors. The current percentage of women on government boards and committees is around 48 per cent and, of course, that is just short of the government's target of 50 per cent. In women's sport, 38 per cent of funding was provided to women's teams in 2003-04—up from 18 per cent in 2001-2002.

A dedicated hotline service reporting instances of elder abuse has been established, as well as a website dedicated to elder abuse prevention information. Betty Searle House, a boarding house providing long-term accommodation for older women, has been established. We have the second violence action plan, which we report against annually. There are several other achievements in that area, which cross over into achievements in industrial relations.

We have had two rounds of certified agreements. We have removed the pay and condition disparities across agencies and reduced the number of public sector agreements from 55 to 30. The pay outcomes for ACT public servants covered in the template agreement total 23½ per cent from June 2002 to April 2007, a vast improvement on the 5 per cent pay outcome between 1999 and 2002.

Our achievements include a package of wages and conditions to ensure that we are competitive with the Australian Public Service, including 14 weeks paid maternity leave and 14 weeks paid primary care giver leave, facilities for nursing mothers and no involuntary redundancies. We have reduced AWAs and negotiations on the template are continuing.

In relation to private sector industrial relations, we have, of course, seen the passage of the Long Service Leave Legislation Amendment Bill and the Annual Leave Amendment Bill. Each year the government has made submissions to Industrial Relations Commission safety net wage reviews and test cases, and each year the commission has awarded wage increases very close to those sought by the ACT government.

The government is working hard to assist working parents. It recently announced a payroll tax exemption to encourage private sector employers to provide paid parental leave. We have seen the passage of the industrial manslaughter legislation.

Mrs Burke: Yes. Is the business community happy about that?

MS GALLAGHER: We have reviewed and repealed the outdated Dangerous Goods Act and replaced it with the new Dangerous Substances Act.

Mrs Burke: They have all embraced that one!

MS GALLAGHER: Well nobody has left the country, I must say.

Mrs Burke: No, not yet. You wait.

MS GALLAGHER: Well, it has been in place for a fair while. I think a mass exodus would have happened by now. I am not quite sure where everybody is going to go.

The government developed and passed extensive amendments to the Occupational Health and Safety Act to improve compliance with duties to provide a safe and healthy workplace. A nationally agreed ban on the use of all forms of asbestos through regulations made in December 2003 has been implemented. In relation to improving health and safety outcomes in the public sector, we have just recorded a 2.2 per cent decrease in the ACT government's workers compensation premium rate.

They are just some of the achievements across portfolios. Of course, I have not touched on children, youth and family support. There has been a lot of discussion around this area of my portfolio. In the last 12 months we have created the Office for Children, Youth and Family Support and increased funding by over 30 per cent to the whole office. In relation to child protection, funding has risen by 80 per cent. We have had extensive consultations in preparation for the ACT's first children's plan, where approximately 12,000 Canberrans were consulted. Of course, a significant proportion of children were consulted. This plan will direct and focus our services and programs for children aged from birth to 12 years.

We have had a review of the child protection system. This, of course, has come with the whole range of an implementation framework, which we are working on as well and about which members are very well informed. We have also seen the establishment of 186 new early childhood places across Canberra. This has been achieved through capital upgrades and budget initiatives, including the building of the Gungahlin Children's Centre and the expansion of six early childhood centres.

The parents as teachers home visiting program has been expanded to Gungahlin. The program provides regular home visits and group information sessions for families with children up to three years of age.

There are new positions in the unit focusing on Aboriginal and Torres Strait Islander issues within the Office for Children, Youth and Family Support, to provide support for carers of Aboriginal and Torres Strait Islander children. We have developed the

turnaround program, which has had its first referrals. This service provides young people between the ages of 12 and 18 with very intensive support needs.

We have funded a number of programs that support young people and their families. This includes funding for the CYCLOPS program; the YWCA to assist in supporting families of adolescents who are experiencing family conflict or are dealing with alcohol or other drug use; RecLink; and the messengers program. All of these programs are directed at assisting young people at risk.

A couple of weeks ago I released the young peoples plan with the theme of “strengthening opportunities for all young people in the ACT”. This plan sets directions for the government and the community on how to make a real difference to the lives of Canberra’s young people and their families.

Members, that is just a snapshot of some of the achievements we have seen in areas that I have responsibility for. This is a government that has worked hard. We have a strong record and, based on those achievements, we are very well positioned to see a second term of the Stanhope government.

MS DUNDAS (5.42): Just briefly, I want to put on the record that I will be voting against this motion, as I am not really interested in putting a motion on the books of the Assembly that puts forward what is basically the Liberal’s campaign. However, I had thought of amending the motion to recognise the government for the work that they have done in picking up some Democrat policies and initiatives, especially in the areas of health, education, business, family services, water management, et cetera.

It is quite clear that this debate has settled into being a “government said”, “opposition said” contest, which I would have preferred to see outside the walls of this chamber, out in the election campaign—a debate to be had with the community, allowing the Assembly to have the precious time that we need to make some policy changes and put some clear direction on the books.

That being said, the Democrats do have concerns about the areas listed in the motion—not to the point that we think the government needs to be condemned but we do have ongoing concerns about the work that is being done in relation to health, education, business, tourism, community safety, aged care, housing, family services, sport and recreation, water management, and a whole array of other issues. We have a crime prevention budget that is continually underspent and at the same time we have a prosecution budget that is continually overspent. We need to find a better balance there and we need to recognise that the community is made safer, not by being tough in relation to law and order but in preventing crime in the first place.

We had a debate this morning about housing affordability and I spoke at length about the stamp duty scheme. I am glad that the government has been able to establish a taskforce on student accommodation but we still have not heard any answers about what we are going to do in relation to the problems that are going to be faced at the beginning of the new academic year. Open week for the universities is on this weekend and I have not seen a solution or a positive move in relation to that issue.

I am glad to see that the government has finally agreed to the establishment of a commissioner for children and young people, and I look forward to being involved in that consultation process to get the model right for the ACT. But the government's recognition of the need for such a body in the territory was a long time coming.

I could go on at length to talk about a whole range of issues. Domestic bore water licences is one that has come up again and again. Whilst we were working under the impression that bore licences would no longer be granted, they are still being issued and that does have impacts on our groundwater. I think this puts into question why we have water restrictions in the first place.

They are just a few things that concern me. I, like other members in this place, could go on at length but I do not think that would contribute to the work that we as an Assembly need to be doing. There is much more work to be done in every area that the government and this Assembly have to face. I for one, and the Democrats overall, will continue to put forward fresh ideas. We will work with whoever is in this Assembly and I will continue to put relevant criticism and comments forward in the name of better outcomes for the entire community.

I do not see what motions like this add to the work of the Assembly, to the precious time that we have in this place. So whether or not this motion is passed, I do not think we will have achieved anything by having this debate, except for allowing everybody to put forward their vision of the campaign that will take place over the next weeks leading up to the election.

MR SMYTH (Leader of the Opposition) (5.46), in reply: Mr Speaker, there is so much to get through in so little time in my summary of this debate. I think I will start with Mr Corbell and his use of figures again. Mr Corbell was recently censured for being a persistent misleader of the Assembly. He comes down here and he tries to create that impression again by using figures. He gets up and says, "We've done more surgery." Well, the minister knows the measure is cross-weighted separation, because that is what counts.

If you look at cross-weighted separations for the last four years you will see that 14,168 cross-weighted separations were achieved in our last budget in 2001-02. What did Mr Stanhope achieve in his first and only year as health minister? He achieved only 12,265 cross-weighted separations—a decline of almost 2,000. What happened in Mr Corbell's first year as the health minister? In April this year the figure went down to 12,035 cross-weighted separations. We are waiting for the end of year report but the end of year estimate is 14,475, which is basically where we had started three years earlier.

So, let us not be fooled; let us not use the figures that nobody talks about. When you come back to the standard, cross-weighted separations—and you know this as a former health minister, Mr Speaker—this government has failed.

MR SPEAKER: I spell it differently, though.

MR SMYTH: Sorry, Mr Speaker?

MR SPEAKER: Cost-weighted.

MR SMYTH: Sorry, my apology—cost-weighted separations.

I would like to talk about what Mr Quinlan offered, which again, as always, was very little. Mr Quinlan asserts stuff and then walks away from the wreckage. He makes the constant assertion that, "We're the first government that has put together a strategic plan." Well, Mr Speaker, I am holding up a document that sets out the ACT strategic plan. The document is entitled *Canberra: a Capital Future.* What was the date? It was 1996. Fancy that—Canberra 1996. This document sets out where we saw the ACT going. We talked about priority actions. We asked who is the lead act, who is the lead agency and what needs to happen across all the areas of the ACT? So there is a strategic plan. It was put together by the previous government and it really worked.

You can look at any page. Page 26 identifies critical infrastructure projects that are required. This was the previous government listening to the community. What did the community say to the previous government about what they wanted in terms of infrastructure? They wanted an upgrade of the Barton Highway, a very high speed train project, an upgrade of the Canberra airport to international standards, completion of the duplication of the Federal Highway and improvements to the Monaro Highway. And what happened? We delivered.

The upgrade to the Barton Highway—done. The very high speed train was out of our control. We were keen to do it but you had to get the New South Wales Labor government to agree. Upgrade of the Canberra airport to international standards—under way; completion of the duplication of the Federal Highway—done; improvement to the Monaro Highway—done.

I ask members to open any page of any report, of any plan, that this government has produced and try to tick off a list of achievements. This just cannot be done. It is not enough to say, "We spent our first term getting ready." They have spent all their time getting ready. The only legacy of the Stanhope government that I can recall is that Supreme Court judges no longer wear wigs in civil matters. This will be the only evidence that this government ever existed.

The other day the Chief Minister hurried to open a family centre in Gungahlin but it is not even finished—the poor thing has not even been painted. If you apply the test of things, initiatives, started under this government and completed in their first term in office, you are left with a very short list.

Let us run through the list of things that were meant to happen. Prison—we have got a name but nothing has happened in three years. We are in a position where we could have started building. Dragway—"We will re-issue the lease; we will give them a 10-year lease on the site at the airport." Not done, Mr Speaker. Convention centre—"Something will happen in the term of this government." There will not be a lick of paint spread on the convention centre in the life of this government under Minister Quinlan.

Aged care—this is the pea and thimble trick; we are juggling things here. We can count 56 beds that this government has delivered in the life of this government. If Jon Stanhope

delivered pizza the way that he delivers aged care beds, you would all starve. They are all coming. "We're gunna give direct grants of land and we're gunna give improvements and we're gunna get beds," but if you wanted a bed tonight you could not get one because all the beds are full. That is why the hospital system is clogged and that is why people are suffering under this government.

Let me turn to the National Zoo and Aquarium. The National Zoo and Aquarium came to us just as we were leaving office to say, "We'd like that block of land to the south of the zoo and aquarium to expand." Unfortunately at that time for the zoo and aquarium, the land was covered in timber—timber that was to be felled in coming years. We said, "Well, look, when the timber has gone come and talk to us."

A couple of months after we left office the timber was burnt down as a result of the Christmas Eve 2001 fire and for about 32 months the zoo and aquarium have been trying to get an answer out of this government as to whether they can have that land. It has been limbo time. It is a new game for this government—let's play limbo, keep everybody in limbo; everybody is moving and they are shuffling; it looks like we are doing stuff; but nothing happens, and the zoo and aquarium is an example of this.

The other classic is Gungahlin Drive—on time, on budget. We will all believe that one when we see it because by July next year it won't be finished and it won't be on budget.

Mr Speaker, we have dealt with the assertion by the Treasurer that there was absolutely no strategic thinking until the Stanhope Labor government appeared. I just want to take one area—let's pick environment. This is a good choice because the Chief Minister is the environment minister. Let's see what has happened with the environment under the Chief Minister.

Under the previous government we set up initiatives such as no waste by 2010, which had strategic, long-term targets and we put in the funding to make things happen. We set up greenhouse gas targets, and we had a greenhouse gas strategy that was the first of its kind in this country. But this government is now saying, "Oh, too hard. You can't achieve it. We're afraid." We set up a long-term process—2008 and then finally 2018—and we set ourselves specific targets. We put in place a plan to achieve those targets, and that is the difference. The difference is the level of gloss in your documents, and that will be the only legacy of a Stanhope government. We set up long timeframes with real targets and plans to achieve them. We actually funded things, funded initiatives, funded activities, to make sure that they would happen.

Let me take another area—say, infrastructure. The Chief Minister was critical of us because the Impulse hangar is empty. That is unfortunately true because of the vagaries of the Australian aviation industry. We have seen in the last couple of days that happening again to Virgin Blue and to Rex. You do not see us complaining about the government not doing anything to save Rex and Virgin Blue, which is what they did to us. Unfortunately, Impulse did not survive but we paid some money and we have got the infrastructure.

I think the auditor said we got value for money in respect of Bruce stadium. It was the cheapest refurbishment of a stadium in the country at the time, when stadiums all over the place—Melbourne, Adelaide, Brisbane—were being refurbished. Ours was the

cheapest and I have not heard from anyone who does not like it. Yes, some money was spent, but you can see where the money went. You cannot see where the money went under this government.

Look at our five-year road plan. We set out a five-year road plan that was strategic, long term, funded, achievable and it was met. Why? Because we knew that as we came into surplus you must spend your surplus on infrastructure. What this government has done is put the surplus back into the recurrent. As the *Canberra Times* editorial said, they have been "budgets of lost opportunity" because there is no strategic view under this government.

But let us go back to the assertion that things like Fujitsu was a failure. Was Fujitsu a failure? At the time when the then Chief Minister said we were going to make Canberra the ICT capital in this country, those opposite laughed and talked it down and said you cannot do it. The St George Bank trends document—don't believe me; this is what was said by an independent body—said that "Canberra is now the ICT capital of Australia". Canberra has double the national average of people involved in ICT. How did we do this? We did it by getting firms like Fujitsu to come to town, which created the impetus, which gave people the confidence and which saw people invest. And what we do not have now is that confidence. We have now had two quarters of negative confidence in this government, and that is the problem.

Let us look at the circumstances when we came to office in 1995 and when they came to office in 2001. In 1995 the housing market was depressed and housing prices were falling; unemployment was soaring; the government had a $344 million operating loss; and there was poor growth and very little opportunity. (*Extension of time granted.*) What did we leave them? We left them an economy that was the envy of the country; we left them an economy that had enormous private sector growth; we left them an economy that had at that stage the lowest unemployment, and thankfully it has continued to trend down; we left them with huge surpluses and cash reserves—things we did not have—and they have simply squandered that opportunity.

Let me go back to the environment. What did we achieve in that area? No waste by 2010—up and running; greenhouse gas targets and strategy—up and running; firewood strategy—up and running; 24 action plans for endangered species and ecosystems—up and running and in some cases being reviewed in compliance with the act; water legislation—in place and running; grasslands at Gungahlin saved by moving a town centre; Jerrabomberra town centre not to be built in the ACT to protect the environment; and we had started the removal of the willows in our creeks as woody weeds.

What has Labor done? What are the achievements of Labor? What have they carried out under their own steam? What have they started? What are their original achievements in the environment area? Name one—one.

Mrs Dunne: Solar hot water rebate.

MR SMYTH: The solar hot water rebate—okay, we have got one from Mrs Dunne. She remembered. We have got one. And that is the problem—there is no strategic direction, there is no drive, there is no initiative, under the government.

Mr Speaker, we are pointing out that, in terms of the real issues that affect people in this city today, this government has failed. We have a hospital in genuine crisis. We have an aged care sector where little or nothing has been done, and even the sector says that. We heard the quotes from the Deputy Speaker in regard to what Jim Purcell had to say.

In policing we find that the numbers have not been kept up. The assertion was made that we did not put any money into it. I have got documents here—and I will show them to members if they want to see them—that show that the budgets did grow and that there were enormous initiatives, particularly in 1998-99 in respect of communications equipment and a upgrade to the Winchester Centre to bring the police force forward. And that is what we did.

I think we put extra ambulance units on the road. However, we now find that the Kambah ambulance station closes to provide backup to the Fyshwick station which mans the SouthCare chopper when it is deployed. So don't say that we did nothing in police or emergency services. We certainly did.

Mr Speaker this is a serious motion. It is not a waste of the Assembly's time; it is not about gloss. What it is about is taking a government to task for its failures. What it is is pointing out to the community that they have got a government that has failed them on the key issues. It has failed on health. It is failing in education, particularly in our high schools where now 46½ per cent of our students are not in a government high school and we have got a minister who does not care.

The government has failed in police and emergency services. The great failure, of course, in their time is the failure to warn Canberrans that the fires were coming, as ministers went off on leave and ignored the warnings that were given in numerous briefings.

Mr Speaker, by any objective measure, this is a government of failure. When we left office they inherited a strong economy and strong direction for a city that was going to have a strong future. This will again be the case under a Smyth Liberal government in 2004 because our creative Canberra plan is real, it has targets and it has initiatives that are achievable.

Unlike the Chief Minister, who will not comment, we will continue to put out a policy for things like the dam, which is real, which has a target and which is achievable. He is going to tell us in March next year what they might do about water.

So, Mr Speaker, this motion should be supported by the Assembly. This is a good motion because it takes the government to task for what it has failed to do, for what it has failed to deliver, for the promises it has failed to keep and for the opportunities that it has squandered. The Assembly should support this motion.

Question put:

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

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Berry	Ms MacDonald
Mr Cornwell	Mr Stefaniak	Mr Corbell	Mr Quinlan
Mrs Cross		Ms Dundas	Mr Stanhope
Mrs Dunne		Ms Gallagher	Ms Tucker
Mr Pratt		Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Job training for students at risk

MS DUNDAS (6.06): I move:

> That this Assembly:
>
> (1) recognises:
>
> (a) that children from jobless households are more likely to become unemployed than children from households with one or more working parents;
>
> (b) that a school-leaver with an established employment record is less likely to become unemployed; and
>
> (c) that part-time work increases the social and educational opportunities of young people from low income families; and
>
> (2) calls on the ACT Government to offer optional after-school job training to "at risk" year 9 students so they are equipped to take up part-time employment outside school hours, with training to commence in the 2005 school year.

Mr Speaker, this motion is motivated by a strong desire to help tackle our youth unemployment problem. Unemployment in the ACT has dropped to a record low level, but young people are still unemployed at a disproportionately high rate. Compared to a young person with an established part-time work history, young people with no work history are far less likely to find a job when they leave school.

Mrs Burke: On a point of order, Mr Speaker: there's a lot of audible noise and I can't hear Ms Dundas.

MR SPEAKER: I think people are moving. If we can cut the conversation so that Ms Dundas can have a fair go with her speech. Ms Dundas has the floor.

MS DUNDAS: Thank you, Mr Speaker. Compared to a young person with an established part-time work history, young people with no work history are far less likely to find a job when they leave school, and young people who are unemployed for a substantial period immediately after leaving school are at substantial risk of becoming part of the long-term unemployed. I think we are all well aware of the range of problems that then flow from long-term unemployment.

Children from families where there is no working parent are particularly likely to become unemployed after leaving school. An ABS study conducted in the 1990s found that the unemployment rate for young people between the ages of 15 and 24 was 20 per cent if they were living with both parents and at least one of those parents was employed. This compared with 36 per cent unemployment for young people with no employed parent in the household, and 43 per cent for young people living with a sole unemployed parent. Could you imagine the outcry if our unemployment rate sat at 43 per cent? But this is the reality for a certain group of young people within our community. So for these reasons, we should be doing what we can to support young people, who are at risk of dropping out of the education system, to at least find part-time work outside school hours so that they can start building a work history.

Of course, there are other benefits from young people being involved in the employment sector. Part-time work provides young people with a part-time income, and that extra money opens up opportunities for many kids from low-income families. It is a sad fact that forming and sustaining friendships in the teenage years costs money, and young people who can't afford to participate in social activities often become marginalised and bullied. They are likely to become truant or just drop out of school altogether because they cannot afford to participate in the excursions; they cannot afford to participate in the social activities that are part of the cohort, a part of their friendship growth. So they end up with limited social connections.

Overseas research has shown that kids with part-time work are actually happier because they can afford to participate in social activities, including sport; they're able to actually buy their own clothes; they don't feel that they're putting an extra burden on their parents by continually asking for support to participate in school excursions or to get new things. Getting these young people into weekend jobs can help keep them in school, and this is what studies have actually shown.

Having a regular income also teaches young people how to budget and save, which is an essential life skill. Most children from low-income families don't receive their own pocket money, and it's pocket money that helps start children set and achieve goals to buy larger items. I'm sure it is a tool that many parents in this Assembly have used themselves.

But for many disadvantaged young people, it is a job that provides them with a regular income for the first time; it is a job through which they actually get the knowledge about how to save up funding, about the value of money. It's not inherent, the value of a coin or the value of a note; it is something that does need to be learned; and we need to support young people to take on these life skills.

We already have vocational training being delivered in our schools—and this education is available from year 9 onward—but it is geared towards future full-time employment, not to gaining the skills required for part-time employment to meet those immediate financial and social needs. I fully support the vocational education programs that are happening in our schools, but they are directed at what will happen when the young person leaves school; they are looking at the long-term future. The motion that I move today looks at the immediate circumstances of young people and what we can do to help them in that immediate way that will pay off in the long term.

School-based apprenticeships are also part of our current teaching regime and can, in some cases, give young people access to an income, but a lot of vocational courses cost money to undertake and do not generate an income. So I think jobs skills training—and I've put forward the idea that it should happen for year 9 students–would fill an unmet need.

I first floated this idea last year and had quite positive feedback, but there were concerns raised with the initial proposal. The first was that we should not force young people into employment. My idea is to actually have this as voluntary. You can't force young people into employment and you can't necessarily force young people to take up training. That was never my intention. I've also heard concerns that job training would displace valuable classroom time teaching other essential skills that are now part of our curriculum.

So the suggestion I put forward today is that these courses are run outside of school time, that they're run after school. This could be at any of those times that exist outside of school hours, be that after school, before school, at lunchtime, at weekends, over the school holidays. I think that running the courses independently of school would help reduce the impact of any stigma that may arise from kids feeling that they are being singled out for special treatment.

I use the term "at risk" because this Assembly and the government have put substantial effort into identifying disadvantaged young people who are the least likely to complete their education and less likely to find secure employment when they do stop studying. The recent young people's plan actually mapped out the different stages of being at risk that young people can fall into. I'm not trying to set up a whole new set of criteria—that work has been done—and I can see this idea fitting quite well into the plans that are already there. Schools have the ability to work with these young people and know when extra support is required; so it's just a question of tapping into the already established body of knowledge that exists.

I don't believe that this will be an expensive proposal. There are community-based employment training providers who have the skills to run job skills workshops very cheaply and are quite excited about the idea of working with young people. Courses could cover a range of things, from resume preparation, interview and job-seeking skills, workplace safety laws, as well as teaching young people what employers expect in terms of dress and behaviour.

These are things that all seem second nature to us now but, for a young person who has never been in an employment situation, they are sometimes quite difficult things to pick up and learn. We do need to support young people who might not have those supports naturally to be able to deal with the situation of what it is like going to the first job interview, what it is like when you actually get a job and what is expected of you in terms of showing up on time, of how you deal with your co-workers and in some cases the public.

I think there is a great opportunity here for the Assembly to support this motion and, through it, support young people in the territory who are at great risk of falling into an unemployment cycle that could last their lifetimes and who are at risk of falling out of

the education system altogether because they cannot afford to participate in it any longer. So I call for members' support, not only for this motion but also for young people in our community who need our support and who would benefit from a motion such as this being enacted in future school years.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (6.15): The government is happy to support this motion, with an amendment. I move:

> Omit paragraph (2), substitute:
>
> "(2) calls on the ACT Government to investigate the need to provide optional after-school job training to "at risk" year 9 students so they are equipped to take up part-time employment outside school hours and consider this proposal as part of the 2005-2006 budget considerations.".

I will speak to both the motion and the amendment. I think this is a worthy motion; it's worthy of members' support. There are challenges for all of us in terms of defining and identifying programs for young people who might be at risk of not completing their education or at risk of getting involved in drugs or alcohol abuse. It is something, I think, that presents a challenge and I think we constantly need to ask young people what sort of program they would like.

There are a number of programs, as Ms Dundas has alluded to, that are currently being run—school-based new apprenticeships; student pathway plans; some of the programs like SPICE, which is run by Volunteering ACT, which has got ongoing funding now and which is targeting those students who are in years 7 to 10 and who are looking like they might fall out of the school system. I think, in the first semester of this year, 90 students participated in SPICE; it's a very good program. BISEP and GRAPES are, again, partnership programs with the MBA and the Construction Industry Training Council, targeting 12-week certificate one programs for the building and construction industry. Again, that's targeted at year 10 students who are looking like they might not end up with a year 10 certificate or finishing the year. There are a number of programs.

I agree that there's more that can be done. The only concern that I had with this motion was that some of the reading that I had done actually had said that some young people who are at risk of not completing their education are at risk of not completing it because they are working to support their families and engaging in part-time work. There was an Australian Council for Education Research report released in 1999 which talked about the effects of part-time work on school students and did touch on students at risk, but the study did show that students believed their part-time work did assist them to get a job later on and was useful. But there was some caution in that about part-time work and how much part-time work. The importance that it plays in those years needs to be balanced by the importance of completing an education program. I think we do need to acknowledge that and find that balance.

The other concern I had was that the government should not just accept that this proposal is a good one, which it may well turn out to be, and put it in place for the beginning of 2005. I can't say that I have been lobbied very strongly to provide this sort of program—and that is not to say that people don't want it—but when I look back at submissions for budget initiatives and meetings I have had with the youth sector, the minister's youth council and young people, in the formulation of the young person's plan it didn't come

up as something that was of a high priority. I'm not saying it's not a high priority; I just think my amendment changes the motion a little, to say "investigate the need" for this. By that, I mean consult with the sector; consult with young people; look at if this is something that needs to be done; and, if it is, to consider that proposal as part of the 2005-06 budget considerations.

I think the amendment is probably a sensible one. I think the motion is a commendable one. I think we need to always be looking at what we can do to support students to stay at school and provide them with skills for the world outside. With this amendment, if it's supported, the government is very happy to support Ms Dundas's motion.

MS TUCKER (6.20): Ms Dundas's motion highlights issues that were actually raised in the 2001 report of the Standing Committee on Education, Community Services and Recreation *Adolescents and young adults at risk of not achieving satisfactory education and training options*. I commend her for raising the issue tonight, because I think it is one that certainly is worth debate and could well warrant further government action. I think it's a useful debate. I note the amendment that Ms Gallagher has put, and I'm happy to support that, as I understand Ms Dundas is too.

I just remind members that, in the course of preparing our report in 2001, the committee identified a range of alternative vocational programs operating both in the ACT and interstate. I remember well the visit to the island program, which was a program in North Fitzroy in Victoria. It was a more comprehensive program than the type that Ros Dundas is suggesting tonight because it offered both vocational training and broader life skills and community-based support over a number of months; it was for young people who had dropped out of the school system.

It was a really interesting program in terms of seeing what the needs of this group of young people are, how broad they are and how it's a lot more than just the actual vocational training. As Ms Dundas said, there are a lot of other aspects to it in terms of independence. It's not independent living skills exactly but in a way it is; it's about living skills, social skills. That is probably a better way of putting it. What was really interesting in the island was in fact that basic living skills, independent living skills, came out to be a major area of need in quite a number of the young people who participated in that program.

It was interesting to note, for example, in the island, they had—I've got the program here—a workshop-based activity which included building, construction, carpentry, woodwork, automotive, cooking, catering, literacy, numeracy, design studio and art. The students took the opportunity to experience all the workshops, with a time emphasis on their key interest areas. All students were expected to take one unit each in cooking and catering, even though they may not have thought that was their interest. The units lasted nine days.

There was one really interesting example of a young man there who had come to the island thinking he might like to work with cars and who basically found that he really loved cooking. He came back to the island the day we were there, a very proud, apprentice chef. It was a really inspiring story in lots of ways. This young kid had turned around totally because of the experience offered by island.

But the other really important aspect of the experience was that, by learning to cook, you learnt what to cook; you learnt about nutrition. Everyone was required to eat the meal that was prepared each day by the particular kids that were doing the cooking unit and the catering unit. So they actually learnt about nutrition. That was something that was clearly very, very important to a number of them. It makes you reflect on how poorly nourished a lot of young people actually can be in our community; it's about an understanding of nutrition and so on.

Other life experiences were given to them through that program. For example, a number of them, it was discovered, had never been to the beach and had never played in the sand. So at the age of 15, they were playing in the sand for the first time. There was in this program a really healing, holistic approach to these kids. I think that you need to take that really broad approach to what the needs are for this particular group of young people.

We have some programs like that operating effectively in the ACT, although, like many worthwhile community-based programs, there are ongoing issues in sourcing government support and funding. For example, the Billabong Aboriginal Corporation is producing good outcomes for indigenous kids at risk. Many of these kids have already made the decision to leave school, and the program assists them with vocational training. However, some kids involved in the program are successfully combining school and work.

Another local program which is achieving good results with kids who are at risk and which has also struggled for support is a program delivered by the Gungahlin Community Service and Gold Creek High School—the alternative learning program, which provides IT and other skills to kids at risk.

There are also a number of organisations, both in Canberra and nationally, attempting to address the issue of intergenerational poverty and disadvantage—for example, the Smith Family's learning for life program, which provides financial and educational support to kids at risk. That's basically dealing with the use of the Hayes component of public education.

Ms Dundas's motion, as I said, has much to commend it, and the information base clearly makes it worth exploring. However, I think there would be benefit in undertaking some further consultation before we push ahead with an after-school program. In the short time available to us, we have heard concerns from people with extensive experience in the sector, in particular in relation to the prospect of having a program delivered after school. It may be that after school is not the best time for such a program. Kids might not want to have to stay back after school for extra training.

An after-school program might also be a barrier to kids with carer responsibilities. It may be that making vocational training for students at risk could be an elective as an alternative to traditional school subjects, although, then again, I know people can have concerns about that. There are a range of options and I think there needs to be further consideration of the best ways such a program could be delivered.

There also needs to be more consideration of the type of training such a program would deliver. It, as I said, should deliver the skills that kids are interested in. These skills should be delivered by qualified trades people, ideally in partnership with school and community groups. If we're going to have a program like this it has to be different from the work experience programs already on offer and provide a vehicle for kids to get real educational and vocational outcomes which are meaningful to them and which will lead to employment.

On that point also: I don't know—because I didn't listen closely to every word Ms Dundas said—whether she said this, but this actually is something that could be very interesting for students with a disability. I had an email just yesterday from a parent really concerned because she has a daughter or a son—I can't remember—a child with a disability who's at the point of wanting to find employment and can't get even work experience because no-one's prepared to take that young person on. If you had something like this that was looking at their needs, that would be also very valuable. In fact, I mentioned to that constituent this motion and this conversation because I think it's quite relevant—maybe not for her child but hopefully for others in the future.

I also think there needs to be consideration of how to make the type of program. Ms Dundas was suggesting making it attractive for kids at risk and some analysis of whether there is sufficient demand for such a program. That's why I'm supporting Ms Gallagher's amendment. I'm interested to hear from the youth organisations and from the kids themselves about the type of training they would enjoy.

I do support the intention of this motion and think that Ms Gallagher's amendment is a useful addition, although I can understand why there was a desire to have some quick action on this. I think we just need to do a little bit more work, a little bit more consultation with youth organisations and the kids we're proposing to assist.

Sitting suspended from 6.29 to 8.00 pm.

MRS BURKE (8.00): I also wanted to acknowledge and thank Ms Dundas for placing this motion on the notice paper for us to debate this evening. I would make a few overall comments about the parts to the motion.

MR SPEAKER: If I can interrupt for a moment, I remind you that we are speaking to the amendment moved by Ms Gallagher.

MRS BURKE: Can I speak to the whole?

MR SPEAKER: You can speak to them both.

MRS BURKE: Thank you. I wish to speak to the whole and to the amendment, which I will be supporting. I will explain my reasons for that as we go through. I think Ms Dundas raises some very important facts. She has given us some statistics in (a), (b) and (c). I will not go into those, but I would say that sometimes it is a challenge even to get these young people to attend school on a regular basis, for the very reasons Ms Dundas cites in part (a) of her motion.

We discussed this earlier. I think we are looking at it from two different perspectives, which is healthy for the debate—and Ms Gallagher alluded to some of those things as well. It is interesting to see all perspectives here. That is why I support the government's amendment, given that it is an investigation. We need to do an analysis on what we have at the moment and where we need to be going. I commend Ms Dundas for putting it on the notice paper.

Part (a) states that children from jobless households are more likely to become unemployed than children from households with one or more working parents. I do not have the statistics in front of me but I think it is fair to say that we are talking now about second and third generations of people being unemployed, and children following in that cycle. We need to find a way of breaking that cycle.

Perhaps the first thing is that the parents also need support, encouragement and assistance to enter—or, in some cases, re-enter—the work force and the job market, to break the dole cycle for their children and themselves. My suggestion is that a parents' and students' class could be considered in the government's investigations here—obviously bringing parents and children together, just as a side interest.

I will make some general comments. In this particular age group, students often have a sizeable amount of homework to contend with after a long day at school. Further work after school could possibly interrupt normal schoolwork and add to the overall learning burden. I feel that further work in a schoolroom would not be an option for some of these children. Therefore the question is: how high would the participation level in such job training programs be?

Most high schools have business studies or equivalent courses. Looking at many of the excellent models throughout our public school system at the high school level, some of these could be tailored and geared to catering for some of the students Ms Dundas alludes to here. I believe it is important to note that a school leaver with an established employment record is less likely to become unemployed, as Ms Dundas says, but, more importantly, as employers always used to tell me when I was the school-to-industry liaison officer, a person needs the skills to be able to handle the work situation. So I think there is a lot of merit in what Ms Dundas has raised.

There are other things we need to look at—how students with things that perhaps pull them back in life are able to hone their job application skills, for example. Utilising a standard school day might be the way to go, rather than working after hours. Ms Gallagher has pointed out that a lot of high schools have innovative programs to which their students are attached.

They also have innovative career guidance counsellors who are happy to direct students towards vocational education training and other areas of learning to develop job-seeking skills. There are grave concerns over the possible stigma that students attending a special job training class such as this would endure. I hope it would not become known as a students at risk participation-type program. I have flagged that with the Democrats—with Ms Dundas's office. That is something we need to be cognisant of.

Together with Mr Pratt, I recently had the pleasure of visiting a class of students at Deakin High School who perhaps normally would not attend school, who would fall into this category of struggling to get work, or even to stay at school to learn the skills necessary for work. They were undertaking a practical class. I commend Deakin High School and the government for working on programs such as that. I note that it was Deakin High School—to give them a bit of a hooray for the day—that in the late 1990s led the way in piloting the "adopt a school" program. I had the pleasure of working very closely with Deakin High School at that time in setting up that program. They set a bit of a standard in the area. I am not sure if that program still goes on. I think I have heard the minister mention it at some stage in here.

That is a program where the school and students engage with local businesses, for example, to undertake work experience, to develop the very things that Ms Dundas is suggesting. I think, Mr Speaker, you will remember that, in the last Assembly, we had a trip to Victoria with the education committee to see what was being done in the area of helping students in a similar category with vocational education and training. When we can engage students in a practical area, they are often then more likely to want to learn the academic side of things.

We were shown some very fine examples of assisting young people at risk, who perhaps do not fit into the usual school situation. Some excellent programs are being run to assist young people in the category of students at risk of dropping out of school, students with difficult home lives, students with addictions and so on. The minister talked about all those as well, as did Ms Dundas. All these factors, of course, are contributors to young people perhaps having difficulty in gaining the necessary work/life skills which make the difference between them getting a job or not.

Ms Tucker talked about indigenous students at risk and innovative programs being used there. Again, it was the practical aspect of vocational education training. There are many entry and exit points within vocational education training which make it good for these young people to pick up modules of learning when they need them. I think Ms Tucker mentioned after-school programs being a bit of a concern as well.

For reasons that I agree with, it would be good to work through that and try and incorporate some of that stuff into the working school day. Students may not want to stay at school, or they may need to leave to babysit or perform other caring roles within the family. But, as Ms Dundas points out—and I had not thought about this—it is also worthy of note that they may enjoy staying back at school because that is their support unit.

Ms Dundas said that vocational education training in schools is geared towards full-time employment, but I would not necessarily agree with that. I think there is an avenue for that but I also think that vocational education training sets a young person up with skills for life. We are now talking about lifelong learning, and getting the young people in the group of students she is talking about on track for lifelong learning.

I have referred to most of the things other speakers have said. I think the minister said that there are many definitions of "students at risk". I would agree with that—and certainly that we tailor programs. We talked about new apprenticeships, pathways

programs, the SPICE program and industry programs, which have been very successful in this town, in collaboration with the unions, the government, the students and the employers. I think that is an excellent program in the building and construction industry, for a start.

We must also look at the effects of part-time work on students because it is an issue with regard to the study load. That is a bit of a difficult one. In this option we are getting students to stay after school to learn, yet we are trying to get them into part-time work, in particular. I know that Ms Dundas bases a lot of her thoughts on the document out of the UK entitled *Listening to children*. I was very interested to read that and thank her very much for that piece of information. Other than that, the Liberal opposition will be happy to support Ms Dundas's motion, except for item (2), on which we will accept the government's amendment.

MRS CROSS (8.10): I rise to commend Ms Dundas on her motion, which I will be supporting; and I support Ms Gallagher's amendment.

MS DUNDAS (8.10), in reply: I will speak to the amendment and will also be closing the debate. I thank members for their participation in this debate. There have been some very important additions added to the whole context of what I am trying to achieve here and, more broadly, what we as a community are trying to achieve in relation to supporting our young people. So I thank members for their input. I think we have done a lot this evening in broadening the debate a little, recognising some of the problems we have and some of the many different innovative ways that are being thought through as to how we can support young people in need and young people at risk in our community.

I support the government's amendment. I can see the need for that. They want to take time to investigate how this can work and look at it as part of the next budget considerations. I would note that it is one of those constraining things as a member of the crossbench that you put down an open-ended proposal and then you get lambasted for not having any concrete ideas; and, if you put down a concrete idea, then you get lambasted for not being flexible enough. I wear that as it is and I see where the government is trying to get with this amendment, which I think is commendable.

It is important to recognise that there are many in our community for whom long-term unemployment is a reality. Even though we have a very low unemployment rate across the territory, we need to recognise that unemployed people in the community are most likely long-term unemployed and that they face the prospect of never having a job. That puts great pressure on their children. As I have stated before, the reports and statistics show that these are often the children of those families who themselves never have a job, and we have generational unemployment happening in our community.

This motion and the debate today have moved us one step closer to discussing how we can address those issues. I again thank members for the different areas of debate they raised. I thank the minister for bringing in the idea that we need to find the right balance between after-school jobs and the work students are doing in school so that their schoolwork does not suffer. I always recognised that that was important. That is why I was trying to see these programs working after school, but there might be better ways of doing that.

I thank Ms Tucker for raising the important issue of students with disabilities, and how they are catered for as they try to reach their educational and employment outcomes. There are currently some great organisations in the ACT community working specifically to obtain work placements for children with disabilities. There are some options there that we can investigate. I thank Mrs Burke for raising the ongoing questions of the participation of students and young people in the community and the educational atmosphere around them.

I hope that this debate today opens up some thinking about how we are working to support disadvantaged people, and especially disadvantaged young people, in our community. We were discussing earlier the demise of the School Without Walls and the impact that had had, not just on students at risk but on the whole student body in the ACT. It was a great educational institution for students from many different backgrounds who just needed a different approach to education. Maybe we need to be thinking a little more broadly about those educational options and how they help many in our community—and maybe they need to be facilitated on a greater level.

I thank members for their support of this motion, as I said, and I thank the minister for her amendment. I hope we see some changes happening so we can fulfil the goal we have set ourselves this evening of supporting young people at risk, helping them get into the employment market and getting them out of long-term generational unemployment.

Amendment agreed to.

Motion, as amended, agreed to.

Residential Property (Awareness of Asbestos) Amendment Bill 2004

Debate resumed from 18 August 2004, on motion by **Mrs Cross**:

> That this bill be agreed to in principle.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (8.16): We are here today to consider a most important issue. The bill proposed by Mrs Cross amends the Civil Law (Sale of Residential Property) Regulations 2004 and the Residential Tenancies Act 1997.

The amendments to the Residential Tenancies Act 1997 would create an obligation on owners of residential property to declare to prospective tenants the presence of asbestos or asbestos products on a property. The amendments to the Civil Law (Sale of Residential Property) Regulations 2004 would require building inspectors compiling a building report for the sale of residential property to state whether there is asbestos, or asbestos products, in the building; its location and type; and whether access to part of a building was limited or not available during the inspection.

I note that Mrs Cross has circulated amendments to her bill, which would also amend the Dangerous Substances Act 2004 to require persons in control of residential property to

give construction practitioners that they engage a notice about asbestos on the property. The James Hardie inquiry has served to remind all of us that Australians are still continuing to suffer from, and ultimately die from, asbestos-related diseases. Along with the recent boom in home renovations, the inquiry has again brought to the public consciousness the presence of asbestos throughout Australian homes and building stocks.

This is a terrible legacy, the consequences of which we will live with for another generation. I commend Mrs Cross for her courageous initiation of debate on this important topic. Any measure designed to stem the incidence of asbestos-related disease is worth careful consideration, as are measures to increase awareness of the dangers for homeowners and occupants of dwellings containing asbestos. Nevertheless the approach taken in this bill is unlikely to stop asbestos-related diseases. The bill is targeted at changes in residential property ownership and occupation, without an effective link to the cause of asbestos-related diseases. People contract asbestos-related diseases because they are exposed to asbestos in a dangerous condition, and when they are undertaking dangerous activities. The bill simply does not target the hazards of asbestos, and this is the government's fundamental concern.

The government has been accused of playing politics with matters of life and death on this issue. I reject this suggestion. The simple truth is that the government has been doing what it is obliged to do. It has been considering the broader spectrum of issues and implications raised by the existence of asbestos in some Canberra homes and buildings. It has been examining how we, as a community, can best understand and control the hazards this creates. We know that asbestos is most hazardous when it is loose, damaged or friable, and that exposure to asbestos fibres can result in asbestos-related diseases such as asbestosis and mesothelioma.

In most cases people who have suffered asbestos-related diseases have been exposed to the dangerous fibres through their occupation, particularly in the building, mining and product manufacturing industries. We know that asbestos was commonly used in private and public buildings, including residential dwellings, as fire-proofing, as sound-proofing, in wet areas, as insulation, and even for decorative purposes, until the mid 1980s.

We also know that measures were taken to remove very dangerous loose asbestos insulation from roof cavities in the ACT in the late 1980s and early 1990s, and that measures have also been put in place to rid schools of asbestos. This government is committed to finding a means of identifying the location and condition of asbestos materials in the ACT so that abatement and control procedures can be instigated when repairs or renovations are conducted. Similarly, it is the public policy of the ACT that asbestos removal work is done properly and safely, to protect public health and safety.

Asbestos and asbestos products are prohibited dangerous substances under the Dangerous Substances Act 2004. The import, manufacture and use of all forms of asbestos were banned in Australia from 31 December 2003. The ban came into effect with the making of new customs regulations by the Commonwealth, in conjunction with prohibitions on use and manufacture in all Australian jurisdictions. The Dangerous Substances (General) Regulations 2004 implemented the national ban in the ACT. They encompass prohibitions on the manufacture, supply, storage, transport, sale, use and re-use, installation and replacement of asbestos-containing material.

With the exception of Victoria the ACT was the only Australian jurisdiction to extend the ban beyond the workplace. The prohibitions are universal in the territory and ensure that asbestos products can never again be used or re-used in any context or for any reason, including in private homes. In the ACT the safe removal of asbestos, including licensing, is currently regulated as building work through the Building Act 1972 and the building regulations. The standard for the work is set out in the ACT appendix to the Building Code of Australia, which references the National Occupational Health and Safety Commission Asbestos Code of Practice and associated guidance documents.

In addition, these documents are approved under the Occupational Health and Safety Act 1989 as the code of practice. These arrangements are comprehensive and require the use of a licensed professional to remove asbestos whenever building work is undertaken. Unfortunately, we hear all too often of home owners and others who do not comply with these obligations who demolish and remove asbestos-containing materials without understanding either the dangers or the law.

As I will discuss further in moving amendments to Mrs Cross's bill, it has been the government's intention to transfer these requirements to new asbestos regulations under the Dangerous Substances Act, with the goal of developing a fully integrated regulatory approach to the control, safe handling and removal of asbestos, supported by appropriate information and education materials.

The reality of the current situation is that asbestos is a hot topic. While there is a lot of publicity and media attention on the dangers of asbestos, there is little public education, and no empirical data, in place to offer a balanced perspective on the issue. The need for an education campaign to raise awareness in the community of the dangers, to assist people to recognise situations of high risk and to give people the information they require to handle asbestos safely is something that, unfortunately, this bill has not addressed.

This is one of the fundamental problems with the bill. There are also practical difficulties in implementing the proposals contained in the bill. For example, while the bill requires an owner to include details of asbestos on a property in tenancy agreements, there are no straightforward ways for an owner to identify whether there is asbestos present on a property, or where it may be located. Asbestos may be hidden in wall cavities or, to the untrained eye, may look like ordinary plasterboard. Therefore, to be able to comply with the requirement in the bill, and for certainty and safety, this assessment would have to be conducted by a trained building inspector who is licensed to conduct a special purpose property inspection.

Let me discuss in more detail the meaning of "special purpose property inspection". The Australian standard for residential property inspections provides guidance on two types of building reports—standard property inspections and special purpose property inspections. The detection of health and safety issues, such as the presence of asbestos, is listed by the standard as being a special purpose property inspection.

The Australian standards specifically state that a standard property report should not contain any assessment or opinion that should be the subject of a special purpose property inspection report. Therefore, the bill before us today requires all home owners

and lessors to obtain special purpose property inspection reports. These reports cannot be conducted by all building inspectors. Asbestos surveying requires specialised skill and experience. A properly conducted survey is costly and many building inspectors are unable to get the insurance they need to carry out these inspections.

Asbestos can be unsettled through the conduct of a thorough survey, potentially rendering it dangerous, as opposed to the relative safety when left undisturbed. In some cases conducting a full and conclusive inspection for the presence of asbestos might require a building to be damaged or partially demolished, particularly if the asbestos is in wall cavities or under floorboards. Often samples are extracted and sent to a laboratory for testing. The wording of the bill before us requires a report of the exact location of the asbestos. Identification of the kind of asbestos and the location thereof will require comprehensive inspections and testing to be carried out in order to comply.

Anecdotal evidence suggests that 200 to 250 residential property contracts are exchanged each week in the ACT. This equates to 10,000 to 12,500 properties a year. In the ACT there are approximately 33,100 rental properties. As it stands, this bill would require that all 33,100 of these properties be inspected and certified. This would impose an enormous burden on the community and, in the case of disclosure as part of rental agreements, there are very substantial doubts about what would be achieved.

The government agrees that point-of-sale reports have some merit in generally making buyers aware of the full condition of properties they are purchasing. For this reason the government will be supporting a requirement for asbestos reports to be prepared. Unfortunately, the work behind the bill has not investigated the financial impacts of the proposed measures, or the capacity of the inspection industry to meet the immediate demands that would be created. These are serious issues that need to be worked through to make sure we put in place the best possible control regime. For this reason, the government proposes to delay commencement of those elements of its package relating to reports for a period of up to, but no later than, 16 January 2006.

The government does not oppose measures that are effective in helping the Canberra community deal with asbestos. It is crucial that the creation of any new laws adequately addresses the very real issues posed by asbestos in the ACT. Mrs Cross is rightly concerned with the dangers to ordinary people renovating or making repairs to their homes. The bill presented to the Assembly targets only residential property covered by the Civil Law (Sale of Residential Property) Regulations 2004 and the Residential Tenancies Act 1997. The bill does not cover university student accommodation, boarding houses or caravan parks.

I understand that Mrs Cross will move to amend her bill to account for home owners who are not selling their houses but instead are renovating or refurbishing through the engagement of a construction professional. The bill remains silent on non-residential building stock—commercial, industrial, and public—which must also be comprehended in any effective and meaningful approach to dealing with asbestos.

The amendments that will be moved by the government will have the effect of implementing a comprehensive framework for addressing the risks arising from exposure to asbestos in the built environment. The government's approach shifts the focus from transactions of ownership and tenancy to risks, activities and safety. It categorically

recognises the dangers of asbestos and the need to remove asbestos and safeguard public health and safety through a legislated statement.

It broadens the focus to all built structures regardless of use. It provides for a public education campaign to increase public awareness across the board; it codifies broad duties to inform and to undertake inspections in specified circumstances; and it establishes a whole-of-government task force to analyse the magnitude of the asbestos problem in the territory, identify the risks, and identify strategies for managing those risks.

Last week the government presented an exposure draft for new regulations under the Dangerous Substances (General) Regulations 2004, which proposed that the government conduct an involved empirical study on asbestos and its risks. This proposal has now been incorporated into the government's proposed amendments, through the creation of the task force.

The government is concerned about asbestos and is determined to put the ACT at the forefront of Australia in grasping the issues fundamentally. No government in Australia has attempted to deal with asbestos so comprehensively. Unfortunately the bill, as presented in its current form, would not do this. While I pay due respect to Mrs Cross for the work she has put into this legislation and the goodwill she has shown in working together over the past week to put together some amendments to make the bill more effective, we need to move these amendments. It is for that reason that the government is proposing significant amendments to the bill but, with those amendments, the government will be supporting Mrs Cross's bill in principle.

MR STEFANIAK (8.28): Mr Speaker, the opposition will be supporting Mrs Cross's bill and indeed most of the government amendments to it. There are some three clauses we have some concerns with. I will indicate at this stage that, when we get to the government's amendment No 3 to the bill, we would like that done clause by clause. I think that would be tidier. I see the minister nodding.

Mr Speaker, you, Mr Wood and I are the only members of this place who were members of the First Assembly. Like you, I had a little bit of time out. I do remember very vividly a very good initiative taken then as a result of asbestos in the roofs of Canberra homes. It was a very big undertaking and a lot of work was done in planning for it. I think fundamentally it worked very well. It has actually ensured that the ACT is far more in front than a number of our state colleagues when it comes to asbestos and controlling the problems arising from asbestos. There has been a significant history in the ACT in relation to it.

Asbestos is a particularly nasty product. James Hardie has a hell of a lot to answer for. Asbestos does kill. Before 1983 it was used a lot in Canberra homes. I think a lot has been done, as I said, to mitigate the worst aspects of it, through removing the asbestos in the roofs of many Canberra homes. You can get certificates to say that that has occurred. That is for conveyancing. I think that was, as I said, a good project.

Asbestos—and I have learned a fair bit about it and had my memory refreshed a bit during this particular process—if left alone is okay. If it is not left alone it needs to be

removed properly. Indeed the Master Builders Association has people quite capable of doing that.

We need to look at the best way forward here. I commend Mrs Cross for bringing this particular bill before the Assembly. It ensures that the ACT now will move forward so that public safety and the safety of individuals are addressed. It also, I hope, at the end of tonight, will ensure we move forward in a proper, structured way that does not have any adverse effects that will cause significant concern and problems in our community. I have talked to Mrs Cross and she certainly does not want that to happen.

It is very important that we look at what is the best way forward. We need to look at what is needed. We need a regime that protects people; we need a regime that works without adverse effects on housing, the property market and any other unintended consequences in the ACT. It is a complex issue; it is a hard ask. I note that the government has brought forward by a couple of months some matters in its schedule to its amendment No 3. I think that is quite sensible.

One of the problems with the initial bill—and I think Mrs Cross is quite right in saying it should not start until 16 January 2006 because a lot of work needs to be done—was: what about home renovators? It covered a number of things, but home renovators were not covered. That, I think, is very important. We actually need to start now an education campaign. I note the Master Builders Association, again in conjunction with WorkCover, are keen to progress that. That was something that was certainly missing. I see that it has been taken up now in the government's amendments and that is certainly something the opposition supports.

It is crucially important too that we end up with legislation that does not have adverse effects. That is why I think whatever we do should start by 16 January 2006 so that, if there are problems, they can be fixed up and we end up with a regime that satisfies the needs of everyone in our community in relation to this crucially important issue. I note from the government's amendments that there is one aspect of it that starts before that. I will speak to my amendment in greater detail when we come to that stage, but I do think it is important that 16 January 2006 is the crucial time.

It is crucially important that experts look at this and come up with what is the best way forward, including not just what all the issues are and how we should attack them but also, I would suggest, some suggestions as to what needs to actually go in acts of parliament and regulations in relation to this issue. I am pleased to see that the government has indicated in its amendments that there will be a task force that will report to the Assembly next August. I am going to move an amendment to add something to that which will, I hope, if supported, set up a regime that satisfies the needs of industry, home buyers, home sellers, tradespeople, home renovators—people who might come into contact with asbestos.

As a lot of people have commented in the last week in relation to this bill, a lot of activity has occurred in this area. I think I can quite confidently say now that the legislation passed here tonight will not be perfect; there will be a lot that needs to be done. If we are not careful there may well be adverse effects even from this legislation. There are several clauses that I think we need to look at very carefully before they are

passed because of possible adverse effects. It is important to get this right for all concerned, because it is going to be with us for a long time.

I think we did a pretty reasonable job in 1988-89. I am sure a few things could have been done better, but that worked. This is something that needs a lot more work, because what we pass tonight is only really just the start of it. It is important to do this work, to get this right. It is impossible tonight. With the number of amendments and counter-amendments flying around, it makes it very difficult. But of course it is a start.

I understand that—and the minister has touched on this—in residential property there may well be some problems still and things need to be done. I have talked about the home renovators. It is crucially important that we have an education campaign in relation to that. They still do not seem to be covered. People who go in to do repairs on buildings can actually get in people who are qualified to remove asbestos safely, if need be. But in terms of home renovators, especially with the popularity of these home renovation shows, people might be tempted to do this without qualified builders and qualified assistance. That can be dangerous; hence I commend the idea by the MBA and WorkCover for that education campaign.

The minister touched on a lot that has been done in other areas. For commercial buildings there was a national code of practice on asbestos in 1988 and a guidance note, which commenced in 1999. There is an approved code of practice pursuant to section 87 already of our OH&S Act. That requires, in the commercial area, building owners to identify asbestos in the building and remove or manage it. Owners are actually required to notify tenants of the location of asbestos within the building. A register is also required to be maintained, noting buildings with asbestos. The proposed obligations under the bill are therefore covered to a large extent by the code of practice for these types of buildings, and owners of commercial buildings in the ACT are required to comply with the code by virtue of its approval under the OH&S Act.

Generally, buildings constructed prior to 1983 have actually had asbestos surveys carried out as a result of the OH&S Act and code of practice, with the asbestos being either removed from the buildings or managed in accordance with the asbestos management plan. If it has been removed a new certificate of occupancy or use is obtained under the Building Act 1972. The regulations under the Dangerous Goods Act were enacted to bring into effect the national asbestos ban from 31 December 2003.

As a result of the above legislation and code of practice, building owners are aware of their responsibilities to occupiers of the building in relation to asbestos. In the commercial market, at least it is recognised that the presence of asbestos in a building may be an issue. This is ordinarily negotiated by the interested parties, for example, by way of warranties and indemnities either in a contract for sale or in a commercial lease.

Government tenancy leases also usually have a strict obligation on the lessor of the premises to warrant that there is no asbestos in a building where the premises are located, and the requirement that a lessor provide a certificate regarding the non-existence of asbestos is a common request by government tenants. In addition, government tenancy leases usually provide an early termination right for the government lessee if asbestos is located in the building in which the premises are located.

The Property Council actually suggests that there is no need to regulate by statute a practice that is covered to a large extent by their code of practice and existing legislation in commercial practice. That relates to the commercial tenancies. They also have some concerns in relation to some buildings which are classified B, C and D-grade stock and which are located in the city precinct.

It is also pointed out by them—and this has also been pointed out by the Master Builders and some other groups—that, from a practical perspective, there is currently only one recognised organisation in the ACT that has the expertise to carry out detailed inspections of buildings to locate asbestos and that that in itself is a problem because it might be very difficulty for that one organisation to do the work needed in the timeframe set out, not to mention the costs

Again, it is crucially important that there be a proper timeframe for a lot of work to happen and it would seem from that that, indeed, in the commercial area at least there have been some significant advances made probably over the greater part of a decade and a half or so in the ACT. Again I think the ACT is in a better position compared with the states but I think everyone in this Assembly, from what I can gather, recognises the need to do whatever we can to come up with a good regime that will cover all the problems that have been quite correctly identified, make it safe and make sure it works.

Accordingly, I hope at the end of the night we will come up with some legislation that will point us in that direction. But I do stress it is going to be rather hard in the space of a week to do it. Therefore I think most people in this place would accept the need to have experts go away, come up with a fully working regime, report back, I would hope, with the necessary rules, regulations and law changes that are needed as a result of all that expert work that is going to be done over the next 12 months, and then put a full regime in place.

The commencement date of, effectively, January 2006 is a realistic one. There are a number of problems, which I will come to in the detail stage, in what is being proposed. With those comments, Mr Speaker, again I congratulate Mrs Cross for bringing this issue forward. I thank the various officers and the various groups such as the MBA, the Property Council, the HIA, the Asbestos Diseases Foundation and everyone who has been involved in a bit of a mad flurry in the last week to get the matter to this stage. I also thank the minister's office for their assistance and their efforts here, together with, of course, Parliamentary Counsel who do a sterling job in coming up with amendments, in an ongoing process like this, very quickly indeed.

MS DUNDAS (8.40): Today we are discussing a very important issue that will continue to affect the ACT for many years to come. I want to start by thanking Mrs Cross for bringing this issue to the attention of the Assembly, as successive governments in the territory have long neglected it.

The ideas behind this bill are very simple. Asbestos kills, and it is long past the time when governments around the country should have acted to ensure that exposure to this deadly substance is stopped. Governments have been slow to respond, despite calls for decades for the issue to be dealt with. The evidence that asbestos is a lethal and dangerous substance has been present for decades. Indeed evidence that asbestos caused

severe and fatal health problems has been around for more than a century. There is no safe level of exposure to asbestos and it has quite correctly been banned in this country. However, nearly a century of asbestos use has left behind a legacy, in our homes, our workplaces and our public buildings.

Because they are so small, asbestos fibres can easily penetrate body tissue. Their indestructibility means the body's natural defences cannot break them down. No-one knows exactly how many deaths have been caused by asbestos because it is often misdiagnosed and its effects can take up to 40 years to become apparent. Exposure to asbestos causes a number of extremely debilitating and fatal diseases, including asbestosis, lung cancer, asbestos-related pleural disease and mesothelioma.

The last of these is usually malignant. It is exceptionally rare, other than in cases of asbestos exposure. Between 70 per cent and 80 per cent of persons diagnosed with mesothelioma can trace the condition to asbestos exposure. Approximately 75 per cent begin in the chest cavity, with about 15 per cent beginning in the abdomen. Even with advanced treatment, most cases are usually fatal within six to 18 months, and fewer than 10 per cent of patients survive five years or more.

So the frightening thing about asbestos is that, despite the long-standing evidence of the horror and the death of so many Australians, people continue to be exposed to potentially lethal asbestos fibres and there has as yet been no coordinated and exhaustive program to identify the asbestos that remains in our city so that Canberrans can be made aware of the risks of this potentially lethal substance in their homes. One in three houses in Australia built before 1982 has asbestos in it. I do not have the figures specifically for the ACT, but it may be even higher here, given the large number of buildings built in the 1950s, 1960s and 1970s as the territory went through one of its growth spurts.

The ACT undertook, some years ago, to remove large amounts of loose asbestos that was used as roof insulation in over 1,000 private homes. I think it is a pity that the particular issues that we are debating tonight were not proceeded with at that time, because at that time there was broad public awareness and support so that, with this issue so much in the media, people were willing to do what was needed to protect themselves and their families. Yet, 15 years after we had that large period of media publicity, we no longer have a systemic plan to remove the threat of asbestos from the people of Canberra.

Estimates suggest that up to 40,000 new cases could appear in the future in Australia. Given some of the high risk practices that have occurred here and the age of our buildings, it seems likely that the territory will have its proportionate share of these problems if nothing is done to prevent them. Home renovators are particularly at risk. Even relatively simple home renovations such as sanding down walls, altering water heaters or drilling into cement could expose people to harmful levels of asbestos. All of these things could expose people to asbestos dust.

However, there are others at risk as well, particularly those employed in workplaces that continue to contain asbestos products. Also at risk are the community sector, many of whom are housed in buildings that are ageing and possibly exposing asbestos fibres to air; and, of course, on-campus accommodation which was built many years ago. The University of Canberra, with some of its old student accommodation, actually has roofs that contain asbestos concrete.

The question before us is: what should we be doing to prevent further exposure of Canberrans to asbestos fibres? Mrs Cross originally introduced a bill that would require every person to prepare a report on the current status of asbestos in a property before that property could be sold or leased. That initial proposal set up a whole host of discussions and ideas throughout the Assembly, the government and the community. I think it has been quite useful that we have been able to have this debate to get those ideas out there, because there are many questions about just having a report on a house when it is put up for sale or for lease, in that it does not deal with the issue of home renovators; it does not deal with the issue of public space, as it were. I am very glad that we have had the time to broaden the scope of this discussion to look beyond that, I guess, almost very narrow approach.

We have been able to put forward a more comprehensive response to that whole issue that we are talking about today, that is, asbestos, and how we deal with the fact that asbestos kills and exists in our community. I know the government has been putting quite a lot of work into responding to this legislation, and I particularly welcome their suggestions of a legislated task force and an ongoing education campaign. It is essential that the outcomes of this piece of legislation are as broad and as comprehensive as possible, as there is certainly a lot of time to make up for. We have the opportunity before us today to make up for the work that was missed out on being undertaken 15 years ago.

I think a whole-of-government task force will be a useful addition, as the simple fact is that we do not have all the data on where asbestos is located and in what condition that asbestos is. The information that we do have is not available in any coordinated or accessible form. So I think we need to realise that, while it is important to do as much as possible here tonight, there is additional information that may help inform our response into the future. I think the task force will add to our knowledge of the extent to which asbestos is a threat to Canberrans, and hopefully the education campaign will raise awareness in the community and lead to an even greater disclosure of asbestos risks. Hopefully we will be able to target those home renovators who are not thinking about selling their houses but are thinking of renovating and, through an education campaign, actually make them aware of the issues so that they can work to protect themselves and their families.

I truly respect the amount of work that has been done by all members of this Assembly in just 20 days. I think that needs to be acknowledged. It has only been 21 days since this piece of legislation was initially tabled and, through two sitting weeks, we have been able to, I think, come up with some very good proposals that will move this debate forward and actually have a positive effect into the community. So I would like to acknowledge the work that has been done by members of this place, by the support staff in our offices, and of course by the members of the community who are deeply affected by this issue. The input that they have been able to have to this debate has been most welcome.

It is important to remember that a whole generation of Canberrans has grown up without any awareness of the continuing asbestos problem. Asbestos was banned before they were born or was banned when they were children, and they are not aware of the issues. Many people forget things over time. It is, I think, quite important that we are now

re-igniting this debate and making people more aware of the dangers that may exist in their own homes. Many people actually think the asbestos problem has gone away because asbestos was banned. How could it possibly still be around?

We have a responsibility, then, to ensure that people are aware of the problem and are aware that asbestos has not gone away; that we still have more work to do; that we have to make sure that the work we complete ensures that no-one else suffers unnecessarily from these terrible diseases; that we are able to get the information out there where it is needed most; get the information from the task force, as the government has proposed, and find out what we need to do next to make sure that the Canberra community is safe and nobody else needs to suffer from the terrible effects of asbestos.

MR BERRY (8.49): I felt as though I should make a contribution to this debate because I have some historical connection with dealing with asbestos in the ACT. This issue, of course, became a headline issue again with the appalling attempts by the Hardie company to extricate itself from its liability for the effects of asbestos on people who have been exposed to it. This scandalous position has been well publicised and is well understood in the community. Of course with those headline issues forming such an important part of our information sources, it is not surprising that the issue that has been raised—firstly by Mrs Cross in relation to the removal of asbestos, and now being dealt with by the government—has gathered a head of steam which might not have happened in other circumstances.

However, asbestos has been a part of life in this country for a long time—a terrible part of life. Lots of people have been affected by it. Many people, if not most of older generations, have been touched by asbestos in some way.

On a personal note: my father was an electrician and I was an apprentice electrician. You get to work on all things insulation if you are an electrician. One of the most important pieces of insulation around in those days was asbestos. It was used for heat insulation but it was also used, for example, to line electrical switchboards, as I recall, to make them fire safe. It was also an inert product that was useful for those sorts of operations. Asbestos ropes were used to wrap around fuel lines and exhaust pipes and asbestos was used in electric irons and electric toasters. Indeed, in households often the household iron sat on an asbestos mat or, indeed, the pot in the kitchen sat on an asbestos mat. These things were commonplace around the household. Many hundreds of thousands of people were impacted in some way. We will never know the impact of this, but we will keep seeing it as people become ill as a result of exposure to the substance.

I think the ACT took the lead on asbestos, as it has on many issues in times past. Indeed, there was a massive campaign for the removal of asbestos in the 1980s. The building that was the headline building, if you like, in the campaign to remove asbestos by the ACT Trades and Labour Council was the National Library. That has got some significance in local politics as well because our Senator Lundy worked as an asbestos removalist in the National Library. Before that there was a massive industrial campaign that resulted, I think, in a former member of this place being arrested. Mr Lamont was on a picket line and I think Mr Lamont was arrested.

We are all touched in some way, either by activism around the issue or by our lifestyles or our operations in this place. I was in the fire service for many years. Asbestos was

used widely in the fire service for protective clothing. Indeed, I remember being despatched, as part of my rostered duties when I was in New South Wales, to lift the asbestos suit out of the box, wipe the dust out of the bottom and put the asbestos suit back in the box. One's job was not completed until that had been done. You were scolded of course if you did not get all the dust out. I look back, with some humour but with some trepidation as well, because there are many people who have been in the same boat in one way or another in relation to asbestos.

In the ACT, as a result of the Mr Fluffy efforts, there were, I think it has been said here, about 1,000 houses where asbestos had to be removed. All of the houses were identified and samples were taken from, I think, all ACT residences at the time. I am not quite sure of the detail of that, but there was a massive amount of information collected in relation to those houses. I know that the fire service had a store of that information so that if the fire service was despatched to any of these houses it would know if it had loose asbestos in it. Indeed it became an issue for the fire service because one or two did catch on fire and of course the fire fighters had to be decontaminated afterwards. There were some industrial issues about proper decontamination and all those sort of things.

It is not new here in the ACT and there are many experienced people around the place who know a little or a lot about how to deal with it. I must say that, when Mrs Cross's bill in its first iteration turned up, I thought personally that it was incomplete. I think I told her that in a roundabout sort of way. Prior to that of course, the ACT branch of the Labor Party had passed a motion to deal with asbestos in a more comprehensive way.

At the same time we have as a background in the ACT that any asbestos work conducted has to be dealt with as part of building work and therefore needs to have approval. But of course that did not deal with the issue where somebody wants to go and do a little bit of work on Saturday morning around the house. If they were to do so without knowing about it, they might be affected by exposure to asbestos.

There are buildings where this might occur as well, other than residential premises, and that needs to be dealt with. But I do not think we can deal with any of this without some sort of comprehensive look at what is left to be done. The task force which the minister has put together in her proposed amendments will be extremely important, I think, in reaching some sort of finality, if it can ever be reached, in dealing with asbestos out there in the community. Because of the risks associated with the removal of asbestos, there will be asbestos products in our community for a long time into the future. So it is extremely important that we have a vehicle that will protect us as well as possible.

I was thinking, when I thought about speaking on this matter, about some other areas that might usefully be investigated by the task force. We have not touched on the transport industry—motor vehicles, for example. There are many old motor vehicles still hovering around with asbestos materials in their brakes, clutches, gaskets and so on and so forth. Those are issues that are dealt with day by day. I seem to recall seeing reports in the past where young mechanics have been affected by asbestos dust when they have been dealing with brakes, clutches and those sorts of things. There are also lots of friction materials containing asbestos used in industrial machinery. I say those things to emphasise the need for a task force to look in detail at all the risks, whatever they might be, in order that at the end of the day we have a strategy to deal with it to the best extent possible.

What does this say for other places that do not have the same level of activity around this issue so far as legislation is concerned? I do not think that we should be daunted by that. It is important that we put in place legislation that is good for our own community and we should not be fearful of doing these things because we might be the first. But at the same time I think we have got to have legislation structured in a way that takes account of anything that we have not thought of in this short space of time.

One of the risks we face in this Assembly is that we could find ourselves in a position where we could produce legislation pretty quickly. That is something that we have always got to be a little guarded about because we have got to make sure that it is quality legislation. I think the work that the minister and the minister's office have done in relation to this legislation should give us all an assurance that in the future, when the job is more complete, we will be in a better position to judge how best to take it forward after that point.

Mr Stefaniak makes the point that it is possible, I think, that this legislation may need some future tweaking, and I think that is a fair point. One does not know, until one gets into all the detail of the effects that this legislation might have. But, overall, I see this as a continuing part of the massive campaign that has been required to try to rid our community of asbestos, though not necessarily all the asbestos products that were ever produced, because that would be difficult. Imagine the thousands and thousands of kilometres of water pipe, water mains, which have been laid underground and which will be there for eons. As they deteriorate and break, they will have to be dealt with as well. Long after we are out of the legislative game there will still be people dealing with asbestos and probably finetuning legislation to make sure that it is safe for workers and others who come into contact with it.

The important thing, I think, is to make sure that the younger generations who replace us are not as exposed to it as we were. We can be somewhat light-hearted about how close we were to asbestos because there is not much we can do about it if we have been exposed to it. But we can also be angry that people like Hardies and other people around the world who produced asbestos did so in the knowledge that it was dangerous.

All of the compensation in the world does not help or repair the damage done to the individuals who have been affected by this, but I think companies like Hardies, which have inflicted this on a large part of the world, have a price to pay. I am not a vindictive person, but I think that at some point in time companies like Hardies do lose the right to trade. If they have traded in products like this and done so in the knowledge that it affects people, then I think it is fair to say that most people in the community would say they have lost the right to be involved in commerce because they have proven that they are prepared to be involved in commerce which inflicts heavy damage on the community—not just an immediate damage but an ongoing one which will affect all of us, our families, our economies and our friends for a long time in the future.

It will also be a burden on legislatures as they have to deal with it. I have to say, in regard to any legislation that I have ever heard of in respect of this, it has always been dealt with fearlessly by legislators because they now understand the problem. That was not so in the past.

I recall an incident where my colleagues in Victoria were having a bit of a beef about an asbestos blanket that hung around the front of a turntable ladder at one of the fire stations down there. They wanted it removed and replaced with something else. The president of the board was protesting about their vehemence over this matter. He said, "Come on down; we must go and have a look at this asbestos blanket that you're talking about." So he went down and had it lowered down to a level where he could see it. He said, "It doesn't look very troublesome to me." He gave it a little bit of a rub and said, "Look, that doesn't hurt you."

Our ignorance has been wiped away since then, but such is the nature of the product. It is fairly harmless looking, inert and does not present immediate problems just by running your eye over it. That is the issue that this legislation, I think, deals with. It will involve, I am sure, another re-education program—as if the community has not been educated—and these education programs will be required to be ongoing well into the future because the risk will be around for a long time.

MS TUCKER (9.03): The Greens will be supporting this bill and the amendments by the government. The asbestos issue has been significant in the ACT for a number of years. Canberra is particularly affected by asbestos as its massive expansion through the 1960s into the 1980s coincided with an enormous flood of asbestos-based building products.

I will not go into detail and take a long time describing the awful and insidious nature of asbestos-related diseases, as that has been done quite extensively over recent times, and I think everyone here is fully aware of the issues. Suffice it to say that we cannot take lightly the intensity and dimension of the suffering that asbestos has had and will have on people in our community and on our community as a whole.

It was not long ago that Canberra went through an asbestos removal process that saw a massive process to extract loose asbestos insulation from residential buildings. That was an important public health initiative but it had a negative consequence in that people now think the asbestos problem has been dealt with.

Issues relating to asbestos have come before us at various points since then. I remember my office pursued concerns regarding dumped asbestos products in the yards of rental properties, without a legal requirement for the landlord to safely remove the material. More recently, I wrote to the Minister for Urban Services in regard to the need to put procedures in place to protect people from damage caused by asbestos fibres set loose in work around the house and the notion of a certificate attached to the sale or rental of properties that would alert all residents to the presence and condition of asbestos materials.

People in this room are very well aware of the campaign that Ms Thurbon and Ms Willey as well as other activists have been conducting in regard to asbestos awareness, and I want to commend their work in lobbying on this issue because they have certainly been significant in raising awareness, again in the Legislative Assembly, of the need for something to occur. I think it is fair to say that the government had taken the view that it was engaged in developing a more rigorous approach to dealing with asbestos but the

asbestos activists were keen to see the Assembly take a more emphatic legislative stance. As I said, I commend them for that activism.

Mrs Cross then took up the cause and of course created a greater focus again, for which I commend her. I want to say that I was concerned about statements in the media from Mrs Cross to the effect that there were politics being played with people's lives. I want to put on the record that that was never the case. People in this place have been looking at the details of the proposals from Mrs Cross. I took a number of distressed phone calls as a result of that media statement and reassured them that people here were working with rigour and integrity in dealing with the issue. I think it is regrettable that those statements were made by Mrs Cross because they caused unnecessary distress.

To talk to this legislation and the amendments: the initial approach of this bill, prior to amendments, is to impose a requirement on the sale of all residential properties and granting tenancies to include a report detailing the location and condition of all asbestos in the building. While the intention very clearly is to protect home owners and new residents in the first instance, it is very narrow in its scope; it fails to reach many of the people most at risk from asbestos and it does not build any compliance or enforcement mechanisms into the process.

It could also run the risk of shifting the liability from the material manufacturers to inspectors and property owners. This is a really interesting concern and has come up in research by some of the proponents of this in the United States that were actually proposing this, which was, in a way, protecting the material manufacturer and shifting the liability. In response, the government has proposed a comprehensive task force which would report back to the Assembly with a more considered and hopefully exhaustive regime inside a year and, so it is argued, deliver concrete outcomes in the same time frame as the Cross bill. There has been concern, however, to see that concrete legislation to address the problem is put in place promptly and it has been argued that taking the task force approach alone is trivialising the issue.

Given the high public awareness of asbestos issues right now, due in part to the legal wrangles with James Hardie, it makes sense to take the opportunity to send a strong signal to the community that we would address the issue comprehensively but, as much as possible in these circumstances, with due consideration. I would like to acknowledge that the government responded very promptly and positively once it became clear that something more immediate was needed. And I give credit to Mrs Cross for being part of the impetus for that.

The government's amendments that will be moved to this bill create a much more rigorous scheme. The government scheme includes a true scientific assessment of the presence of asbestos products in all ACT buildings. It applies to all buildings, including commercial and government-owned buildings. The scheme alerts all residents where asbestos is likely, not just at point of sale or rent, and institutes duty of care on householders, lessees and renovators. That is a more comprehensive and failsafe approach than the existing bill, with more concrete community safety outcomes.

The scheme includes a duty of care for government over buildings in its control, including all public housing. It is a government-wide scheme, so the costs are not directly imposed on the property owner if the residence is to be sold or upon the tenant if

it is a rental property. The government's scheme will set up an accessible and comprehensive database that can ensure that all information on the location of materials containing asbestos is freely and publicly available. It also more easily supports information campaigns and working with industry equipment hire and hardware businesses. Finally, housing these amendments in the Dangerous Substances Act provides regulation, inspection, compliance and enforcement mechanisms, which is very important.

All members here have had forwarded to them legal advice furnished to the Asbestos Diseases Foundation of Australia from Turner Freeman. I will quote from the conclusion:

> Although the ACT Legislation as proposed does not go as far as the ADFA proposal would like, it represents a significant advance in the current Legislative set up. Our only reservations are that many of the important factors and definitions which will give teeth to the Legislation will not come into existence until the Task Force has done its work or until certain definitions are provided under Regulation. For this reason the real effect of the Legislation will be not seen until the Regulations are set in place, or the Task Force has delivered its final findings sometime around 1 August 2005.
>
> Given that the ADFA solution to require an Asbestos Certificate would also have some preparation time while the industry gears up towards being able to prepare such a certificate, the preparation time is not unreasonable provided that the Task Force is properly equipped and resourced—

something that I certainly would be stressing to the minister. I continue:

> The Cross Amendments, while commendable in spirit, do not appear to us to be an appropriate solution, and do not go as far as the Government's own proposal provided that the Government carries through with the Task Force review and regulatory change.
>
> In conclusion, we must give qualified support to the ACT Government solution on the proviso that the Task Force receives the funding and resources necessary to properly complete the job.

I think it is important that we have that advice on the record, too, particularly regarding the funding resources issue.

I believe we have arrived at a comprehensive and intelligent response to the challenges we face with asbestos. I believe the process has been too rushed to remain entirely confident that all the details are correct at this stage but I remind members that the task force will have some months in which to conduct the necessary research and development and an opportunity to ensure that this important legislation has the proper scrutiny before it comes into force.

This is indeed a very important piece of public health legislation and I commend everyone who has worked so hard on it in the last couple of weeks because I know it has been a lot of work but it has been very worth while.

MRS CROSS (9.12), in reply: Mr Speaker, the asbestos awareness bill has made the last few weeks somewhat more hectic for everyone than they might otherwise have been. The bill had its germination in a paragraph drafted by the Asbestos Diseases Foundation Australia's legal team which sought to have included in a residential building report an inspection for the presence and identification of asbestos so as to protect owners, renovators, tenants and workmen. And it grew like Topsy to reach this point. I am sorry for such angst, but I believe it was worth it in the end.

Together we have finally come up with some groundbreaking legislation that will help provide protection for generations down the line. As things stand at present, estimates are that over the next 35 years tens of thousands of Australians, more than 50,000 people, will die of asbestos-related diseases. This is the terrible legacy of the insidious effect of asbestos over past generations. What I am hoping is that what we are about to do this evening, tonight, will go a long way towards ensuring that horrendous figures like this will, with the passage of time, steadily fade away as the monster disappears from our society and the world becomes safer for future generations. The Legislative Assembly should be proud of how it has cooperated so energetically to come up with a result we can all be proud of.

I wish to address some of the comments made by members, Mr Speaker. Firstly, I would like to commend you on your speech and commend other members for their support of this bill in principle. Ms Tucker referred to the media reports recently. I have said all along that all members are entitled to their opinion. Ms Tucker and I can agree to disagree, as we do on other issues, and I will leave that at that.

May I just say that this issue was first raised with the Chief Minister's office in April. My understanding is that it was raised within ALP ranks last year. This was raised by the widows of asbestos victims who, as Ms Tucker said, through their valiant and persevering efforts, tried to get this issue addressed by legislation and failed. Everyone was sympathetic, everyone wanted something done but nothing happened. I commend Ms Tucker for the question she asked the minister in June. Ms Tucker did something. But at the end of the day this issue was brought to my attention in July. This is the end of the sitting; this is the end of the Assembly term. There was not much time and I was not prepared to stand by and do nothing.

Regarding how many places there are in Canberra for getting asbestos tested: there was a reference earlier that there is only one. That is not the case; there is not only one place for testing of asbestos. There is one private company, but asbestos removal inspectors I have talked to generally take their samples for testing over to Ian Fox at the government analytical laboratory in Holder for testing and can get a result within a couple of hours at a cost of $56, including GST.

I have heard the arguments put to me by some groups. Indeed I was quite shocked last night when I was leaving this chamber, after having made a number of attempts to contact some industry groups—one, in particular—and I accidentally bumped into one of the two individuals in the lobby at the members' entrance. I said to one of the gentlemen, "Look, I've been trying to get in touch with you for a while. Could we have a chat?" The other fellow with this man, whose name I will not mention because he does not deserve

a mention, made the most reprehensible comment to me. He said, “We’ve just been here meeting with the government to talk about your asbestos nonsense.”

I have got to tell you that that was a shocking statement to hear from a supposedly responsible member of the public, somebody who had been here discussing and consulting and informing the government that he frankly did not like this bill and what I was trying to achieve. Too bad! This is not why I, along with a number of other people, wanted to see this legislation brought forward. I find the comments of that individual not only reprehensible but an indication of a lack of duty of care for the welfare of the broader community.

I have been told that this was going to cost a fortune, that it was going to cost thousands and thousands of dollars to address. My answer to that is this: what price do you put on a life? Tell me; tell me what price you put on a life. It was implied that the world was going to end. I remember the same argument put to me by other lobby groups when we were looking at the smoking ban legislation last year. People said, “Look, if you do this to us it’s going to destroy us; it’s going to affect our income stream.” Let me tell you one thing: one big club in the ACT has had an increase of almost 10,000 in their membership since the smoking legislation went through. I do not believe that this legislation is going to stop the world from turning; it is not going to make the world end. We as legislators have a duty of care to ensure that we look out for the health of the community. Fortunately, we all agree on that.

This legislation—and I must refer to a comment made by the Speaker and others—was rushed. You were right, Mr Speaker; it was rushed. We had no choice. I had no choice. As I said, this issue was brought to me in July. I tabled the bill on 4 August. I am grateful that the minister and the government responded to this legislation. But if I had not tabled this bill on 4 August this issue would have been left till after the election. I felt it needed to be done now. I had a slot available and I acted on it. I appreciate the work that not only the members but also the staff have done. I know it has put pressure on them but what you are doing is a good thing; it is a valiant thing.

I need to also inform members of this: the adverse effects of asbestos have been known for decades. The first notified death of an asbestos-related disease was in 1899. James Hardie has been aware of the fatal effects of asbestos exposure since the 1930s.

One man inspired me to persevere with this, despite some criticism and some very stupid media reports, including one irresponsible article by Crispin Hull in the *Canberra Times*, having written something without checking his facts. This is not uncommon for most journalists that write for the *Canberra Times*—but not all, and in this instance I compliment Elicia Murray for the sterling effort that she put into her article on Sunday. My inspiration was Bernie Banton. Bernie Banton is here tonight. Bernie Banton suffers from asbestosis. Bernie Banton worked for James Hardie. Bernie Banton lost one brother to an asbestos-related disease and has another brother who suffers from an asbestos-related disease. Bernie Banton took the fight up to James Hardie in Sydney—this has been a five-year battle—and won.

I must also acknowledge his wife, Karen. Karen has been Bernie’s rock. Bernie refers to Karen as “my darling”. I think members of this place who have that support network—their rock, their partner, whatever—know that without that support we could not do the

advocacy work that we do now. Elizabeth Thurbon and Carol Willey, the widows of asbestos victims, fought, persevered and lobbied just about everybody to get something done. I did this for them.

I must commend the minister, Katy Gallagher, because I know that she genuinely cares about the welfare of these people. Had it not been for the minister's offer to deal with me directly, rather than us having to have our advisers and lawyers and all sorts of public servants putting their own spin on things, this could have fallen off the rails. I compliment and commend some advisers in both our offices for their efforts. But this almost fell off the rails because of a variety of opinions and approaches on how this issue should be handled. I was so worried last week that this was not going to succeed that I went to her desperately and said, "Please, let's just you and I deal with this." True to her word, she did. I thank Katy Gallagher for that.

God bless George Wason from the CFMEU. I said to him that maybe in another life I would come back as a union rep, because the CFMEU both in New South Wales and in the ACT have been strong advocates to get something done. Not only have they supported the workers in the broader community but they have also strongly lobbied this government to ensure that this gets through with as much in it as possible, as was requested by the Asbestos Diseases Foundation. I believe—I hope—that that is what we have achieved.

I also have to acknowledge the HIA's Caroline Lemezina who was probably, of all the representatives of industries that I met with, the most balanced, the most logical and the most apolitical. Frankly, she looked at this in a clear way and offered constructive input. I commend Caroline Lemezina for that.

I have to also acknowledge my Assembly team and the support team outside this Assembly, some of whom are here tonight and some of whom are doing very hard work in the community. I dedicate this bill to the victims of asbestos; to their families—their wives, their children and their grandchildren; to my inspiration, Bernie Banton, who has asbestosis and who came all the way from Sydney, despite the fact that he has to travel with an oxygen bottle wherever he goes; and to his wife, Karen, as I said earlier, the person he refers to as his darling.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 7, by leave, taken together.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (9.25): I move amendment No 3 circulated in my name and table a supplementary explanatory statement to the amendments *[see schedule 1 at page 4273]*.

Asbestos and asbestos products are prohibited dangerous substances under the Dangerous Substances Act 2004, and any measures dealing with asbestos are therefore

appropriately housed in that legislation. Regulations under that act already contain provisions affecting a nationally agreed ban on the import, manufacture and use of all forms of asbestos in Australia from 31 December 2003. Similarly, in the ACT the safe removal of asbestos, including licensing, is currently regulated as building work through the Building Act 1972 and Building Regulations 1972, so it is appropriate for measures concerning asbestos to be included in that legislation as well.

The amendment moved by the government will have the effect of implementing a comprehensive framework for addressing the risks arising from exposure to asbestos in the built environment. The government's approach shifts the focus from transactions of ownership and tenancy to risks, activities and safety. It categorically recognises the dangers of asbestos and the need to remove asbestos and safeguard public health and safety through a legislated statement. It broadens the focus to all built structures, regardless of use. It provides a public education campaign to increase public awareness across the board.

Of critical importance is the establishment of a whole-of-government task force to analyse the extent and magnitude of the impact of asbestos on the territory, to identify the risk and to identify strategies for managing those risks. The government's amendment also codifies broad duties to inform and to undertake inspections in specified circumstances, which I will talk about in more detail in a moment.

Further research is required into the extent of asbestos used in Canberra buildings and the full ramifications that the presence of asbestos presents before more significant and specific steps can be taken. To this end, in addition to the amendments proposed by the government that provide an appropriate and logical response now, the proposed amendments will also establish a means for the gathering and assessment of more detailed data with a view towards developing our response in the future.

The proposed task force is essential, as currently there is no empirical data in the ACT on the number of properties that may contain asbestos products. It is essential to ensure that our information reaches the right target groups and is targeted at appropriate dangerous activities. My hope is that through the task force we can get on with the job of properly studying asbestos and collecting data, which can then be passed on to the public for their own safety and peace of mind.

The government's amendments also contain positive duties in proposed section 47J, 47K and 47L. I understand the opposition may have comments or amendments to make on these aspects of the government amendment, but I will leave that to Mr Stefaniak to talk to. Under proposed section 47J, owners and occupiers of buildings who are aware that their building contains asbestos will be under a duty to disclose this fact to certain persons, such as prospective purchasers, or tenants or persons doing certain types of work.

This duty will be imposed only upon persons who have actual knowledge of the existence of asbestos, or who ought reasonably to know about the presence of asbestos, but no requirement to discover whether asbestos exists will be imposed. Owners and persons in control of buildings will have a duty to undertake an asbestos inspection only when the building is in a high-risk category and the building owner is undertaking a high-risk activity under proposed section 47K. What will constitute a high-risk activity

will be determined by the proposed study and included in regulations, although we can assume that the likely disturbance of asbestos would lead to an activity being classed as high risk.

The third duty in proposed section 47L provides that a seller of a property, except in specified circumstances or if exempted by regulations, must obtain an asbestos report before the property is first advertised, listed or offered for sale. A seller must also make the asbestos report of the property available for inspection during the time an offer to buy may be made. These requirements apply to all properties where there are premises and units under the Unit Titles Act 2001 and locked in a community title scheme.

Buildings constructed after a certain time frame could be exempted from this provision. However, that would be a matter for the task force to advise the government upon. Failure to comply with these duties will be strict liability offences with a maximum penalty of 10 units, which is consistent with the penalties in the Civil Law (Sale of Residential Property) Act 2003.

Section 23 of the criminal code provides that, if a law creates an offence, provided that the offence is one of strict liability, there are no fault elements for any of the physical elements of the offence. Essentially, this means that conduct alone is sufficient to make the defendant culpable. However, under the criminal code all strict liability offences will have a specific defence of mistake of fact. Clause 23.3 of the criminal code makes it clear that other defences may still be available for use in strict liability offences.

There are also amendments to the Building Act 2004 and Building Regulations 2004 covering the handling of certain asbestos and covering requirements for plan approval in respect of disturbing asbestos in building. It has been the government's intention ultimately to transfer these requirements to new asbestos regulations under the Dangerous Substances Act, with the goal of developing a fully integrated regulatory approach to the control, safe handling and removal of asbestos, supported by appropriate information and education material. This transfer will still occur. Placing these provisions in the Building Act will in no way diminish their application or the protection they provide to the ACT community. In fact, they will enable the government to benefit from the task force's consideration of these provisions before proceeding with the relocation of the provision.

MR SPEAKER: Thank you, Ms Gallagher. Members, I think that we have missed a couple of matters: the title and the preamble. We will deal with them, in accordance with standing order 180, towards the end of the debate.

Ordered that the question be divided.

Clause 1 of **Ms Gallagher's** amendment No 3.

MS DUNDAS (9.32): I will take the opportunity to speak now, as it seems the most opportune time. Hopefully, I, too, will speed this debate along more and not speak on all the different sections of clause 3, as I can see where they are all headed. I note that other members have amendments, and I will be happy to respond to those as the debate moves on. I will be supporting the government's amendments, as they expand the scope of the

legislation, meaning that the action that the government takes in response to the asbestos issue will be far more widespread than was originally proposed.

First, these additions ensure that a government task force will be convened, backed up by the strength of legislation, which will be able to gather far more information and investigate the risks in far more detail than we have been able to do in the two weeks since the bill was tabled. The task force must report publicly to the Assembly and will be able to suggest further ways of improving our asbestos response, beyond the scope of this legislation, and how we should enact further laws and regulations to ensure that we are taking the best actions possible.

Second, these amendments legislate for an education program, which is an essential element of any government response to prevent exposure to asbestos. I note that the clause does say that the government must prepare educational material. It is there—it is legislation; it becomes law—that this education material must be put forward. However, I will also say that the required funding must be made available to back up this legislation. There is no use legislating for an education program unless there is a commitment to follow it through with the necessary resources. This campaign should be not an afterthought but a sincere attempt to ensure that all Canberrans are aware of the risk that they face in relation to asbestos.

The government's amendments retain some of the original elements of Mrs Cross's bill—those that insert new regulations into the Dangerous Substances Regulations to require all property owners to have a report prepared on the location and risk of asbestos before the property is sold. In addition, it requires that every property owner or occupier will have a duty of care to provide information about asbestos to anyone who is performing work on that property.

It is this section that we will be further discussing tonight with the amendments from Mr Stefaniak and Mrs Cross, and I look forward to that debate. As I have said, I am generally supportive of what the government has done here with these amendments. They extend the provisions that were already contained in Mrs Cross's bill, and they offer, I believe, the best way forward that we have at the moment to address the most serious of these issues.

MRS CROSS (9.35): I welcome the broadening of the scope of this legislation. Like all legislation, it is an evolutionary process. Given that we have had only a few weeks, I commend the government and the public servants who, for the most part, have done a valiant job—an even better job than we started with. I acknowledge the excellent work of Parliamentary Counsel, given the pressures they were under.

Clause 1 of **Ms Gallagher's** amendment No 3 agreed to.

Clause 2 of **Ms Gallagher's** amendment No 3.

MR STEFANIAK (9.36): I move amendment No 1 circulated in my name, which amends Ms Gallagher's amendment No 3 *[see schedule 2 at page 4282]*.

This amendment amends Ms Gallagher's amendment No 3, altering the commencement date of clause 2. Currently, clause 5—as it is in her amendment 3—commences within

six months. The other two commence on 16 January 2006. As I said earlier, the commencement date of 16 January 2006, which was in Mrs Cross's initial bill, is a very sensible date. It enables a number of things to occur, and it ensures that any problems that crop up as a result of the legislation evolving will be able to be fixed with minimal fuss to make the better law.

A number of issues have been raised with us in relation to the six months provision—specifically, that it may be difficult for inspectors to provide reports within six months. Also, the definition needs looking at. I have been advised today that there might be some legal problems in relation to what "ought reasonably to know" means. There is substantive case law there. There are also questions about duty of care and obligations, what "renovation work" means, required information and also relevant work. Similarly, when you get to clause 6, there are problems in relation to high-risk activity and, again, questions about duty of care and obligation—although that is meant to commence on 16 January 2006.

For consistency's sake, to ensure that this legislation is going to work, I have been advised that there are problems with six months. It may well be too short. The other two sections commence on 16 January 2006—hence the amendment I am making here to the commencement date. That adds greater consistency and will certainly alleviate any of the potential problems that have been pointed out to us, which may well arise from this particular clause if it is not consistent with the others.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (9.39): The government will not be supporting this amendment. It seeks to delay the commencement of section 5, which is the duty to inform if there is knowledge of asbestos on the premises or reasonable grounds to believe there is asbestos on the premises. There is no need to delay that until 16 January 2006.

We are setting up a series of duties. The first one is the duty to inform if you believe there may be asbestos on your premises. It does not require any further obligation on the part of the owner or occupier of the premises. The second duty is that, if there is high-risk activity in section 6, there is a responsibility for owners and occupiers to inspect. The third is that, for points of sale post 16 January 2006, an asbestos report be provided.

We are dealing with this issue in a staged way but, if someone has knowledge that there is asbestos and is then going to engage in a high-risk or dangerous activity around that asbestos, there is no logical reason to delay having to say this until 16 January 2006. The government will not be supporting the amendment.

MRS CROSS (9.41): I thank Mr Stefaniak and the Liberal opposition for working with me in the past few weeks. They came out in support of this legislation. I understand why Mr Stefaniak is doing this. Given that the minister has now put together a more comprehensive approach that sees that we can do some of the things we are aiming to do sooner, I cannot support the amendment. I support the sentiment behind it and again thank the Liberal opposition for being extremely collaborative on this bill during the last few weeks.

MS TUCKER (9.41): The Greens will not support this amendment of Mr Stefaniak. Under the government's amendments, section 5 would come into force after six months, if not sooner, and it is clearly the government's intention to introduce that section properly. Mr Stefaniak's amendment will not prohibit that. In any event, six months would be long enough for the duty of care provisions in place. Most of the provisions would take on a real significance once the task force's work of identifying buildings likely to have asbestos materials has been completed. Certainly, that is the work that needs to be done. If that is to be rigorous, it will take some time.

Mr Stefaniak's amendment to **Ms Gallagher's** amendment negatived.

Clause 2 of **Ms Gallagher's** amendment No 3 agreed to.

Clause 3 of **Ms Gallagher's** amendment No 3 agreed to.

Clause 4 of **Ms Gallagher's** amendment No 3.

MRS CROSS (9.44): I seek leave to move amendments Nos 1 and 2 circulated in my name.

Leave granted.

MRS CROSS: I move amendments Nos 1 and 2, which amend Ms Gallagher's amendment No 3, circulated in my name together on the sand paper *[see schedule 3 at page 4283]*.

On consultation with the Asbestos Diseases Foundation and other stakeholders, I had concerns that the task force the government was looking at putting together would consist of bureaucrats. We were concerned about another bureaucratic layer being created, on top of what we have in the ACT. We were also concerned about the potential for frank and fearless advice being give to the government by people that perhaps would not want to give it.

One of the reasons I moved amendment No 1, suggesting that this become a disallowable instrument, was to ensure that suggestions of appointments be brought by the minister into the Assembly to ensure that the Assembly is happy with those choices. I have, however, since spoken to the minister and I am not actually sure whether this is possible. So I will leave that amendment as it stands and just let members speak to it, and we will vote on it accordingly. Amendment No 2 is consequential to amendment No 1.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (9.45): The government cannot support amendments Nos 1 and 2. As Mrs Cross explained, this amendment seeks to make the establishment and members of the task force a disallowable instrument.

Whilst there may be some good arguments for that in other situations, this legislation does set down a time frame for a report back to the Assembly of August 1. There has been a great deal of excitement and rush to get this legislation through. To then say that

establishing the members of the task force—which we need to do to get the education going and to start doing the work—should be made disallowable on the second last sitting day of this parliament would require the establishment of that task force to be put off until the business of the next Assembly, the election of the next government and, of course, the first sitting of the next Assembly.

Our view is that it will significantly delay the establishment of that task force and, while we could put membership on that task force, I think there is a requirement to attract a person with a level of expertise to the chair of the task force. It would be quite difficult to start that process off and say, "We'd like to have you, but it's up to the next Assembly, who will be elected shortly, to determine whether you're the right person for the job."

The timing of it, and the fact that we are near the end of this Assembly and are setting ourselves some pretty tight time frames for reporting back and for a whole load of work to be done, means that this time you will have to have a little faith that we will consult widely and that we will not establish a task force that is not going to be inclusive of the community it seeks expertise from. I can give that commitment, as the minister responsible, as of this moment, but we will have to put concerns about appointments to one side in this instance and allow the task force to be established without the requirement for a disallowable instrument.

MS DUNDAS (9.47): Mr Speaker, I will not be supporting these amendments either. Normally, I am quite happy to support things being made disallowable so that the Assembly has time to consider them, but when we specifically put the chief executive of each administrative unit on a task force, we are very much prescribing who it is that we want on that task force. It would not be much use if the Assembly disallowed the fact that each chief executive is part of this task force, when we have prescribed that each chief executive should be part of this task force.

I actually think that having the task force established in the way the minister has put it down is quite useful. We will be able to bring together all the different parts of government to address this issue in a holistic way—looking at how it impacts on each separate unit of government—and have them work together to find more of the problems and more of the solutions.

I want to put on the record that I support the intention of what Mrs Cross is trying to do but, because there are just too many problems in trying to make that work within the time frame, as the minister has outlined, and also within the membership of the task force we are prescribing, I cannot support the amendments at the moment.

MR STEFANIAK (9.49): I note that, after what Ms Dundas has said supporting the government's position, these amendments will fail. That being so, I will offer a suggestion. I appreciate that the minister wants to establish this task force as soon as possible. That is the wish of the opposition as well and probably everyone concerned.

In regard to the membership of the task force, there is probably nothing to stop the minister, even during a caretaker period, telling other members of the Assembly what it should be. If members are happy with that, that is probably the end of it. I recall that in the last Assembly during the caretaker period a contract was made because both the government and the opposition had agreed to it to enable a major project to progress.

That may well be a way to overcome some of the problems that Mrs Cross has mentioned, and that other members may have, and to ensure that this task force is representative of all the relevant people who are experts and who need to contribute to this scheme.

Mrs Cross's amendments to **Ms Gallagher's** amendment negatived.

MR STEFANIAK (9.50): I move amendment No 2 circulated in my name, which amends Ms Gallagher's amendment No 3, specifically 47G *[see schedule 2 at page 4282]*.

As I indicated before, the opposition—and, I think, everyone—is very pleased to see in the expanded regime that the government is going to conduct an education campaign and is going to have an expert task force. We see this as being essential. The task force has to give a report of its analysis—and no doubt it will be a detailed analysis—to the minister by 1 August next year. The minister must also present the report to the Legislative Assembly within five sitting days of the day the minister receives the report. We think it is absolutely essential because—as I, and a number of speakers, mentioned earlier—there are going to be problems with what we pass tonight. Amendments will have to be made; that is inevitable.

This task force is going to do a lot of work; it is basically going to come up with a regime. That being so, we think it is very sensible that there is an amendment to 47G (2) so that the minister has to present to the Assembly not only the report, within five sitting days of the day she receives it, but also a draft of regulations proposed to be made by the executive—that is, the government—in relation to the task force's analysis, specifically the recommendations made by the task force pursuant to law.

I envisage that this task force will be able to say, "These are the laws you need to change; these are the regulations you need to change; this is going to make this scheme work for everyone." If that is so, it might well be that the whole scheme can get up and running in a satisfactory way even prior to 16 October 2006. The opposition proposes this amendment. I think it would be a very important part of drawing on the work of the task force and very important too in terms of ensuring that this is a workable scheme that does the job everyone wants it to do.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (9.53): The government is prepared to accept this amendment, with some reservations. The "five sitting days" makes me nervous—if that work has not been done by the task force—about there being enough time to be in a position to present it. There are usually at least two sitting weeks in August, so it could be the following week that we have to do this work.

I do not necessarilyy object to it, because I think it could possibly be part of the report that the task force brings down anyway, so it is probably covered off in subsection (a). If that is impossible, I imagine that the minister in charge would need to come back to the Assembly and provide an explanation about that. Because I believe that work will be part of that report to the government, I do not necessarily object to subsection (b).

MRS CROSS (9.54): I support this amendment as well, and I thank Mr Stefaniak for his ongoing collaboration. I also thank the minister for agreeing to support this. I think it is very brave of her to agree to it, but I think it is a commendable position. Again, I thank Mr Stefaniak.

Mr Stefaniak's amendment to **Ms Gallagher's** amendment agreed to.

Clause 4 of **Ms Gallagher's** amendment No 3, as amended, agreed to.

Clause 5 of **Ms Gallagher's** amendment No 3.

MRS CROSS (9.56): I move amendment No 3 circulated in my name on the sand coloured paper, which amends Ms Gallagher's amendment No 3 *[see schedule 3 at page 4283]*. While I commend Ms Gallagher for the comprehensiveness of her amendments to my bill, I—and others—felt there was no specific reference to the non-structural alteration of a building. When we were doing research into this area, we discovered that, while home renovators are conducting a home renovation, if that home renovation is non-structural, they do not require a permit to do it. We felt that it was important to clarify this via this amendment, which is one of the reasons why I am moving it.

I understand the government is supporting subsections (a) and (b) of this amendment—the structural or non-structural alteration of a building, and repairs to a building—but will not be supporting (c) of amendment No 3.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (9.57): I am actually a little confused because I am looking at Mrs Cross's amendment. My understanding is that Mrs Cross's amendment seeks to include four subsections under renovation work, and I am not sure that that is the amendment that the clerk is dealing with or that has been circulated to members. I do not know how to deal with that.

Ms Cross: Haven't you got it?

MS GALLAGHER: No, you have only circulated the one—

Mrs Cross: Okay.

MS DUNDAS (9.58): I move the amendment circulated in my name *[see schedule 4 at page 4284]* which amends Mrs Cross's amendment. I would like to add subsection (d) to Mrs Cross's amendment that states, "Work prescribed under the regulations". While that amendment is being circulated—and I am sorry for the delay—I will explain to members what I am trying to achieve. Including work prescribed under the regulations allows us the flexibility to deal with all the different types of work that could be undertaken in relation to renovation. Mrs Cross's amendment, as it stands, would limit the different aspects of work that could be undertaken and could leave some things open to be done without applying the rest of the legislation we are passing tonight.

By sticking in subsection (d)—that relevant work includes work prescribed in the regulations—we are leaving in the flexibility for the task force to look at the broader scope of work that could be undertaken and to put down the regulations and have that definition there. If there is no extra work, then the regulation does not need to be written, but I think that flexibility needs to be there. That is why I am moving this amendment that is about to be circulated.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.00): The government is happy to support Ms Dundas's amendment. As she explained, it was important to keep the subsection "work prescribed under the regulations" under this definition of renovation work. Whilst we are happy to accept Mrs Cross's other criteria, it was important to keep that. That is what Ms Dundas's amendment achieves.

MR STEFANIAK (10.00): Actually, I have thrown it away because both the government and Ms Dundas have made an amendment, but I was simply going to delete (c), which would have done what Mrs Cross suggested she thought the government was doing, but it appears that time has moved on. In relation to clause 5, we are ending up here with a pretty good regime and a pretty good process in terms of education, in terms of an expert committee and now in terms of that expert committee, as part of the report, having to bring in regulations and suggestions as to what the law should be.

With reference to what I said earlier, about cautioning members about a six-month period, which is fundamentally all we have got to introduce clause 5, we have seen some other amendments here. Given that we are now in the process of putting in a very good regime—significant problems have been raised with the opposition and by other members, which I have already talked about—I feel it would be preferable if clause 5 did not proceed. The bases have now been covered and there could be problems in relation to (a) the time frame and (b) whether this clause will cause problems we do not foresee—or, indeed, are foreseeable—that cannot be overcome in a six-month period, which is when this clause comes into operation.

Ms Dundas's amendment to **Mrs Cross's** amendment agreed to.

Mrs Cross's amendment, as amended, to **Ms Gallagher's** amendment agreed to.

Clause 5 of **Ms Gallagher's** amendment No 3, as amended, agreed to.

Clause 6 of **Ms Gallagher's** amendment No 3.

MRS CROSS (10.04): I move amendment No 4, which amends Ms Gallagher's amendment No 3, circulated in my name on the sand coloured paper *[see schedule 3 at page 4283]*.

There have been industry concerns that there was no prescribed date regarding which houses we were referring to in the ACT. On consultation with ADFA, and industry, I decided to have a definition of high-risk premises: that high-risk premises contain a building the construction of which was started before 1 January 1988. This seemed to be welcomed by a number of industry groups in the ACT, which I spoke to today, who

felt that, given that most houses that contain asbestos material were built up until 1983, and some up until 1987, because of stock piles of asbestos related material, it was important that we include this information to give the community and industry some certainty. I am not going to speak more to it because it is probably going to go down.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.05): The government will be opposing this amendment. The amendment seeks to include the meanings for the terms "high-risk activity" and "high-risk premises". The government opposes such a measure as it presupposes the findings of the task force. It is the task force that should determine what activities and which premises are of what concern.

Furthermore, the meaning of "high-risk activity" proposed by Mrs Cross is too narrow and allows for no refinement or expansion. The meaning of "high-risk" premises that Mrs Cross's amendment proposes focuses on buildings for which construction began before 1 January 1988, which is a date that I certainly have not been advised is critical. I understand that there is a difference of opinion about the date and at which point before or after that date buildings should be of concern.

A date picked today would be very difficult for the government to accept without having some very firm advice that 1 January 1988 is the date that we should agree to. Again, we believe this matter should be left to the task force. Anecdotal evidence is that construction of buildings begun in 1988 should be asbestos free, but the point of the task force is to collect that data. The community is not properly protected by relying just on the views of some people without the benefit of a full look at the situation in the ACT.

MS TUCKER (10.07): The Greens will not be supporting this amendment. It defines high-risk premises. The government's approach is to define high-risk activity—and, subsequently, high-risk premises—through regulation, building on the work of a task force. I think that the principles of this act are strong enough to provide the guidelines and the intent for the task force to ensure that it comes forward with a sufficiently exhaustive approach. The Assembly, and through it the community, will have time to consider both the task force's report and any supposed regulations.

MR STEFANIAK (10.07): The minister makes sense there. However, on clause 6, I make the same point I made earlier in relation to now setting in place a sensible regime. Again, we have not had a huge amount of time to consider these parts of it. The law-making will be far more effective in the end if we let the expert task force do its job and come down with what is actually needed in terms of the legislation so that it will all be up and running nicely before 16 January 2006. The points I have made are just as valid for section 6 as they are for section 5. Hence, we oppose section 6.

MS DUNDAS (10.08): I also cannot support this amendment. There has been a lot of concern about the original bill. Which buildings are we talking about, which premises do we need to do a report on—all premises? Are there some premises that would not need a report to be done on them, and should we be concentrating our efforts on where we know there is asbestos? All these different questions, as I mentioned at the detail stage, were raised about the original bill.

To take a date and say that all buildings built after it are not high risk, without the work being done, is a little bit arbitrary. The government's original proposal to have these things prescribed under regulations that will be informed by the work of the task force is a better way to go. It also leaves open the question of what a high-risk activity is, so that we can have a little bit more work done on what is being done to dangerous material that makes it high-risk and where this material is located.

I support the idea of the task force doing this work before we start writing dates into legislation, but I do understand where Mrs Cross is coming from with this amendment. There was, for a number of members of the community, concern that a report would have to be written for every house, without really taking into consideration the impact that that would have on the rest of the community in relation to how sales progress, especially in suburbs where any asbestos is unlikely to be found.

Mrs Cross's amendment to **Ms Gallagher's** amendment negatived.

Clause 6 of **Ms Gallagher's** amendment No 3 agreed to.

Clause 7 of **Ms Gallagher's** amendment No 3.

MR STEFANIAK (10.11): The opposition will be opposing this clause. This clause does not come into effect until 16 January 2006; yet of all the clauses this has caused real problems for the various industry groups—and, indeed, when they saw it today, for the Law Society. This clause deals with the issue of asbestos reports. I make the point, first, that it does not start, under the minister's amendments, until 16 January 2006 and, second, that we now have in place a regime where an expert task force will be looking at all these issues and will be coming to the next Assembly—some time in August, it would seem—with suggested regulations and law changes. This may well be changed and a full regime suggested after expert consideration.

Whilst the problems with the other two clauses we have just passed are not as big—and there are problems—this one has potentially serious side effects in relation to its being included now. The Law Society contacted the opposition using some fairly colourful language. They said that this could clobber the housing market. I do not think anyone in this place wants to see this groundbreaking piece of legislation we are passing tonight—and passing for all the right reasons: to protect public health and future generations—have unnecessary adverse effects. It would be unnecessary because it would not come into play effectively until January 2006 and may well be amended one way or the other as a result of the task force.

The Law Society goes on to say that the effect of this, if it goes through tonight, may be that lawyers will have to advise their clients—be they buyers or sellers—of this clause, which would perhaps lead to a rush of people buying or selling before the clause takes effect in January 2006. Another concern expressed by the Law Society is that buyers would invariably wait until this became law, which would have a significantly adverse effect on buying and selling properties in the ACT.

If it were for a really excellent purpose, I do not think anyone would have a problem. But, given that this will not come into force until January 2006 and that we will have

a whole, thought-out regime before then, what is the point of putting this in now if it is not absolutely necessary? Quite clearly, given the time frame of this legislation, it is not. Some groups that have also spoken to members raised other issues. The Property Council, the MBA and another group were very critical and strongly objected to this clause. They saw the minister about it for a number of other reasons, apart from those mentioned by the Law Society.

There are also questions about the cost of obtaining the report and questions taken in relation to the time of obtaining the information needed. What is up-to-date—the last 12 months, the last two years or 10 years? It is not a simple report, and the time that will be taken to both carry out the inspection and create the report is substantial. There were suggestions that it might take up to three months at some cost.

All of this can be teased through by the government task force that has been set up, but there are significant industry concerns in relation to this. Even problems in relation to a reference to the person likely to be a purchaser could extend to any person, not just the person inspecting the property for sale. There are also problems in relation to inspectors being unable to obtain professional indemnity insurance. There will be a number of practical problems if this clause goes through tonight—a clause that will anyway not be operative until January 2006.

This legislation has been put together very quickly and, as Mrs Cross and others have said, everyone has worked very hard. But there are obviously problems with it, and it is crucial that we take heed of what these groups are saying, especially when a body like the Law Society has significant problems with it and there is no practical difficulty in not having it in the legislation now but having it come back, in whatever form, after the expert task force goes through it, does its job and comes down with model legislation and regulations to implement the scheme being put in place tonight.

I strongly caution members about this particular clause. It is not going to advance what we are seeking to do here tonight. Out of all the potential clauses, this one will have considerable adverse problems, recognised by a number of people, if it is put in at this stage.

MRS CROSS (10.17): Mr Speaker, contrary to Mr Stefaniak's comments, this is a significant clause, and I thank the government for including it in its amendments. With this legislation we were hoping to make aware not only home owners, home owner/renovators and workers but also those about to buy a property. This was a significant part of what we were trying to achieve, and I believe that this covers it.

Mr Stefaniak referred to the cost of a report. As I said before, what price do you put on a life? How long it takes and the technical matters will be worked out by the government and the task force. But without this I do not think that ADFA and I could have reached a consensus. The fact that the government was prepared to come to the party on this shows that it is taking this issue seriously.

Not only that; I am a bit dubious about the motivation of some of the organisations that lobbied against this. I understand they have a membership they have got to protect but, at the end of the day, legislators are here to look after the welfare of all the community, not just a small group. One of the organisations that supported what we were trying to

achieve with the legislation was the Housing Industry Association, so not every similar association has the same sentiments. I have heard some members say that the Housing Industry Association is not as important as the MBA and other organisations. My responsibility as a legislator, and that of the government and other members, is the welfare and health of the community. I stress: what price do you put on a life?

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.19): I agree with Mrs Cross: this section is a very important part of the legislative framework. In any discussion about progressive law reform in the area of asbestos, or any discussion you have with stakeholders, it is clear that selling properties, that point-of-sale transaction, is an important link in the process.

I acknowledge Mr Stefaniak's comments that it will come into effect post the task force initially reporting—there is the potential for the task force to have more of an ongoing role than just past 1 August 2005, just because of the work that it has got to do. Part of the work of that task force will be to look for exemptions and where exemptions are appropriately given and for that to be allowed through regulations.

This part of the legislation will be finetuned through the work of the task force, but part of the whole emphasis of this amendment bill is to get greater knowledge of the presence of asbestos in the ACT and to better equip ACT residents with knowledge about asbestos. As asbestos can be found in homes, that point-of-sale transaction is important. That is why the government has included it.

I take the point that there will be further refinement, and I take the point that we will need to talk with industry and stakeholders—and Mr Stefaniak has named the Law Society tonight—prior to this coming into effect to make it as workable as possible. I absolutely agree that nobody wants to see the catastrophic events Mr Stefaniak outlined in his speech. We can avoid those. As a commitment to where we are heading with this, it is important that this part of my amendment No 3 is in the bill.

MS TUCKER (10.21): The Greens agree that the certificates are an important flag for home buyers and renters. Once the work has been done on assessing the distribution of asbestos, it will not be so expensive or disturbing for people to know more precisely where the asbestos is. It has to be accepted as a significant part of this legislative package.

MS DUNDAS (10.22): I note the concerns that Mr Stefaniak has raised, but the Democrats are happy with this clause staying in the legislation we are debating tonight. The world did not collapse on the housing industry on 1 July 2004 when new regulations came into place for the gaining of reports and who gets those reports in relation to the point of sale for houses.

This is another report to add to the list of reports that need to be collected at the point of sale, and I think it is an important one. As the minister has indicated, and as Mr Stefaniak spoke about at length, this section does not commence until 2006, which leaves ample time to work with industry on how this amendment will work in practice. It even gives us the opportunity, if necessary, to come back and amend it. It is an important message to send that this Assembly recognises that the point of sale is an important part of the whole

picture in dealing with asbestos and that we support work that ensures that inspections are done on houses at point of sale.

Question put:

That Clause 7 of **Ms Gallagher's** amendment No 3 be agreed to.

Ayes 11		Noes 6
Mr Berry	Ms MacDonald	Mrs Burke
Mr Corbell	Mr Quinlan	Mr Cornwell
Mrs Cross	Mr Stanhope	Mrs Dunne
Ms Dundas	Ms Tucker	Mr Pratt
Ms Gallagher	Mr Wood	Mr Smyth
Mr Hargreaves		Mr Stefaniak

Question so resolved in the affirmative.

Clause 7 of **Ms Gallagher's** amendment No 3 agreed to.

Ms Gallagher's amendment No 3, as amended, agreed to.

Mr Stefaniak: And that includes the schedule?

MR SPEAKER: Yes.

MR STEFANIAK (10.28): Speaking to that, Mr Speaker, the opposition supports a schedule being in there. It brings forward a number of things that were going to happen in two or three months as a result of this bill, and we think that is very sensible. Given that I will not speak again on this bill, I thank all members for the amount of work that everyone has done in relation to it and look forward to the results of a very thorough task force in this most important activity.

Clauses 1 to 7, as amended, agreed to.

Preamble.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.29): I will be very brief. I move amendment No 2, which inserts a new preamble, circulated in my name *[see schedule 1 at page 4273]*.

The amendment inserts a preamble into the bill which sets out a series of principles that reflect the underlying philosophy of the bill. The first principle is that the legislature recognises that medical and scientific evidence indicates that exposure to asbestos fibres significantly increases the risk of contracting cancer and other debilitating or fatal diseases, including asbestosis.

Other principles contained in the preamble include a statement that previous measures to reduce the risk of asbestos exposure in the ACT were based purely on the removal of loose asbestos and that the Legislative Assembly declares that it is the public policy of

the territory to properly safeguard the public through ensuring them that the removal of asbestos and indeed any work in relation to asbestos is conducted properly.

Just before I finish, Mr Speaker: other members have talked about it but I would like to sincerely thank all of the staff involved from JACS, Parliamentary Counsel and the Office of Industrial Relations, namely, Shelley Schreiner, Brett Purdue, Peter Quinton, Tania Manuel, Paoyi Tan, Sandra Georges and John Leahy, and of course Garrett Purtill and Nick Martin in my office, who have worked tirelessly over the past 12 to 14 days to ensure that the legislation we have here tonight is of the standard that it is. I really give my thanks to all of those people named for their efforts, their expertise and their talent in producing this piece of legislation.

Preamble agreed to.

Title.

MS GALLAGHER (Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.31): I move amendment No 1 circulated in my name *[see schedule 1 at page 4273]*.

This government amendment amends the title of the bill to reflect that the act to be amended should be the Dangerous Substances Act 2004, as it is the appropriate legislation to address asbestos issues and asbestos-related duties. This amendment has been supported by other government amendments.

MRS CROSS (10.32): Mr Speaker, I would like to extend my thanks to all members and their staff for their support and hard work for this legislation.

MR SPEAKER: You'll be coming back to the title shortly.

MRS CROSS: I am supporting the title. I thank Parliamentary Counsel for their collaboration, patience and willingness to work with my office and also with ADFA on getting things done in a very speedy way. I thank the government and other members of this place on being prepared to reach what I feel is a sensible position in order to put the community's interests first. Above all, I thank my staff and Bernie Banton for having faith in me and believing that I could achieve something with the collaboration of other members of this place. This one is for you, Bernie.

MS MacDONALD (10.33): I am rising to support the amendment. I think this is a more appropriate place for this to be. I would also like to take this opportunity to give my thanks to Elizabeth Thurbon and Carol Willey and to Bernie Banton and his wife, Karen, who have travelled from Sydney today to see this progress through.

I particularly raise the issue of Carol Willey and more particularly Elizabeth Thurbon. I have been working with Elizabeth and Carol for a number of months now on this issue and I keep urging Elizabeth to keep up the fight; I think that it is important that she keep up the fight. What she has achieving here today is a good step forward. So I congratulate her for her efforts at continuing to pick away at it and keep it up. I know she wants to return to her life, but I do not think that she is allowed to do that just yet.

MR STEFANIAK (10.34): As someone who has known the Thurbon family for many years, I echo those comments. I also dedicate it to an old army mate who died of asbestosis. We served in several places together.

Amendment agreed to.

Title, as amended, agreed to.

Bill, as amended, agreed to.

Suspension of standing order 76

Motion (by **Mrs Dunne**) agreed to, with the concurrence of an absolute majority:

> That standing order 76 be suspended for the remainder of this sitting.

Bushfires

MR PRATT (10.35): I move:

> That this Assembly:
>
> (1) notes community concern about the lack of warning given to the Canberra community by the ACT Government about the January 2003 bushfires; and
>
> (2) calls upon the Chief Minister to inform the Assembly by close of business today exactly where he was on the evening of 17 January 2003 and why he was unable to take telephone calls.

Mr Speaker, I rise today to speak about the government's failure to act appropriately and in the best interests of the Canberra community during the January 2003 bushfire disaster. The reason this complex and important issue is being raised again in the Assembly tonight is due to the still unanswered questions that have been asked by the Liberal opposition and crossbenchers and completely and arrogantly dismissed and ignored by the government, in particular the Chief Minister.

Let me provide you with some examples of this arrogance by the Chief Minister. On 3 August I asked the Chief Minister—and I quote from *Hansard*:

> My question is directed to the Chief Minister. Where were you on the evening of Friday 17 January 2003, and what were you doing? Can you confirm that you failed to ask any questions about the approaching bushfires on the evening of 17 January?

The Chief Minister did not completely answer the question, with his reply being:

> On the evening of Friday 17 January I was in Canberra.

This lack of detail moved me to ask the supplementary:

> I ask a supplementary question. Why did you fail to come clean about your actions on the evening of 17 January 2003 and the morning of 18 January 2003? Was your failure to warn the community in time a direct result of your lack of concern? Is your shyness about this issue the reason why your chief of staff, Mr Friedewald, told my senior staffer … today "to go and get ……"? The expletive has been deleted.

Mr Speaker, despite the utter rudeness of the Chief Minister's staff to my staff, he still failed to answer the integral element of the supplementary question. Why did he fail to come clean about his actions on the evening of 17 January 2003 and the morning of 18 January 2003? Was his failure to warn the community in time a direct result of a lack of concern by him? His answer simply was: no.

MR SPEAKER: Order! There are too many conversations going on in the chamber.

MR PRATT: Thank you, Mr Speaker. On 4 August 2004 I asked the Chief Minister—and again I quote from *Hansard*:

> Mr Speaker, my question is to the Chief Minister. Given that you were acting emergency services minister on the evening of 17 January and the Chief Minister in charge of a cabinet facing a highly dangerous threat to the community, where exactly were you in Canberra on the evening of 17 January and what exactly were you doing about that threat that evening?

Not surprisingly, the Chief Minister did not answer my question about exactly where he was and exactly what he was doing on the evening of 17 January. His answer simply was:

> I was in the north of Canberra, Mr Speaker

I again asked the Chief Minister:

> Chief Minister, why are you so reluctant to tell the community what you were doing, other than embarrassment at your poor performance in a crisis?

His answer was:

> I'm not, Mr Speaker.

Does the Chief Minister have such a lack of respect for the victims of the January 2003 bushfires and for the entire Canberra community that he serves that he refuses to disclose his exact location and his exact activity on the evening of 17 January? If the Chief Minister had pressing personal business, then that is all he has to say. We do not want to know about the detail of that; we are not interested; we are not prying into that. All he has to say is that he had those pressures, but then he has to also explain what contingencies he put in place to back him up. That is all we need. We are not asking whether he was mowing the lawn or having coffee. This is a very serious business because there were failings on the 17th and the 18th that go to the heart of good governance.

It is not an unrealistic conclusion to come to after hearing his answer to my question on 5 August, again from *Hansard*:

> Mr Speaker, my question is to the Chief Minister. Chief Minister, yesterday you advised the Assembly that you were in the north of Canberra on 17 January 2003. Where, precisely, were you in the north of Canberra on the evening of Friday 17 January 2003? What exactly were you doing on that evening to prepare for the oncoming bushfire?

The Chief Minister simply said:

> I've answered the question previously, Mr Speaker.

After Mr Smyth rose to make a point of order that was not accepted by you, Mr Speaker, I asked the Chief Minister a supplementary question:

> Chief Minister, is your failure to answer the question—your shyness—an attempt to avoid an issue going to the heart of whether or not you failed in your duties on 17 January 2003 to warn this community about the oncoming bushfire approach?

His answer was:

> No.

The Chief Minister has a duty both to members of this Assembly and the Canberra community to disclose his location and activity on the evening of 17 January. His consistent arrogance and lack of detail is a mark of disrespect towards the Assembly and the community about very serious matters that go to the heart of the good governance of the territory and the management of an emergency.

We all know that there was a lack of warning given to the Canberra community by the government about the January 2003 bushfires. Frankly, if there was an appropriate emergency management plan in place and the government allowed sufficient time to warn the community, the loss of over 500 houses and the loss of four people, could have been minimised.

Again, this is also the salient issue when speaking about the Chief Minister and his decision to declare a state of emergency. Although the Chief Minister has said in the Assembly that it has to be a serious incident to declare a state of emergency, what could be more serious than the circumstances that existed, certainly on 17 January, if indeed not on 16 January, given the level of bushfire and weather intelligence available? Could it be that the Chief Minister failed to ask obvious and necessary questions that any government leader should have and would have asked that would allow him to better understand the situation developing at that time?

I put it to you that this was one of the Chief Minister's chief failings. He lacked the inquiring mind that a leader needs to have. He did not put pressure on his minister, or the senior managers of ESB, to provide accurate information. Or, if he did, and they provided timely and accurate information about the developing situation, he chose not to warn the community. Which is it? It is my considered view and it is our considered view

on this side of the chamber, on all the evidence available that we see tabled in the coroner's inquest—forget about McLeod, because McLeod was a spectacular failure of governance, another failure of leadership which can be tied back to the Chief Minister—and on the truckloads of anecdotal and formal information provided to people in the community and to the opposition, that it is a bit of both. The Chief Minister failed both to inquire deeply to determine the real situation in those days leading up to the 18th and to be open with the community, to warn them, to keep the community warned and to keep the community alert.

The Chief Minister's handling of expert advice is a salutary indication of his failure of leadership and so too his handling of expert advice into what had actually gone wrong after the disaster. An examination of the Chief Minister's poor management of the available advice from a range of experts in the community is clearly illustrated when we look at the Phil Cheney case, both before and after the disaster. Looking at this is quite salutary in terms of the failures of responsibility of the Chief Minister. The Chief Minister's peculiar attitude toward Mr Cheney mirrors the Chief Minister's negligent handling of the bushfire disaster.

On 19 November last year, I had occasion to congratulate Mr Cheney on an award for his contribution in the area of bushfire management. We took the opportunity to congratulate Mr Cheney on his award and formally acknowledged his work in the area of bushfire behaviour and management, because the government had not. I pointed out that, unlike our highly knowledgeable Chief Minister, the Liberal opposition knew and recognised, as a lot of other people in the community did, Mr Cheney's expertise and contribution in this area.

Mr Speaker, in *Hansard* of 21 October 2003, the Chief Minister answered a question without notice from me:

> I have no recollection of having ever met or heard of Mr Cheney until some months ago … I have no memory of ever having heard the name Phil Cheney, ever having met him, or ever hearing of any conversations that he may or may not have had.

The Chief Minister seemed confused about Mr Cheney. He said to Mr Cornwell, in fact in this place during question time, that he did not know that Mr Cheney existed until a few weeks prior; yet the same day he had said to me that he had no recollection of ever having met or heard of Mr Cheney until some months prior. That is pretty cavalier treatment of a very important expert and very clearly illustrates the lack of grasp that the Chief Minister had on analysing the situation in the period leading up to the fire.

The Chief Minister's ignorance about Mr Cheney, the Jefferys, the Campbells and other experienced rural bushfire experts, who were yelling their warnings in 2002 and then in the final days before the disaster, reflect the muddled management on the part of the Chief Minister. He refused expert advice from people who, he was told by those running the show, were out of touch; that is, they no longer belonged to the club.

Where did we as a community get to? What should have happened? A broad range of community experts and experienced people in the emergency services community, living on the land and from other government agencies, really believed that there was sufficient

bushfire and weather intelligence available from 16 January 2003 determining there was a high probability a major fire impact on suburbia would occur within days.

What else should have happened? From 16 January 2003, the ACT government should have been broadcasting general warnings to the entire ACT community of a high likelihood of impact along the suburban fringe. Additionally, the government should have been from that day broadcasting specific warnings to vulnerable suburbs and providing specific warnings on residential preparations, including placing people on notice for phased evacuations. Additionally, the ACT government should have been directing its emergency services, including the police, to visit the vulnerable suburbs to ensure residents were in no doubt of the very high threat levels and ensuring they were as well prepared as possible.

But none of these things happened. No action occurred. It was as if the vicious little December 2001 fire had never occurred, as if the alarming lessons arising from that fire had never been acknowledged by the government, particularly in respect of media, communications, warning systems and procedures. Those 2001 lessons were never applied in 2002 in preparation for the next bushfire season.

Yes, the fire was unstoppable by 18 January 2003. The government cannot be blamed for that, but the deaths and losses may have been minimised if the government had acted properly to warn the community from 16 or even from 17 January, and the government failed. The government failed to take action; they failed the community. The Chief Minister, as acting emergencies minister, was mysteriously out of the loop on 17 January and 18 January; he was not alert; he had failed to maintain an inquiring mind. At best, he failed to question his ESB officers on what situation had actually developed. At worst, he failed to warn the community properly.

It has been entirely proper for the opposition to ask the Chief Minister to be transparent about his actions, his duties, during this extremely critical period—his own and his government's. Things went horribly wrong in the governing of the territory with respect to the management of the unfolding disaster. The community must know what went wrong and the community must know exactly what must be done to rectify the failures in the emergency management system. *(Extension of time granted.)*

Now, in 2004, there have been significant steps taken to get to that point, but right through 2003 very little occurred. There are still many unanswered questions.

Mr Quinlan: Many, according to you, mate.

MR PRATT: There are a hell of a lot of questions yet to be answered. It is our duty—it is the opposition's duty—to question the government about this and we will continue to do so. There are a lot of unanswered questions about what failings occurred in 2003 and indeed in 2002 and what steps must be taken to make sure that we can go as far as we can to protect our community.

I call on this Assembly to support this motion that calls on the Chief Minister to inform all members by close of business today exactly where he was on the evening of 17 January 2003 and why he was unable to take telephone calls. As I said before, if the Chief Minister had urgent personal matters to attend to that kept him away from his

duties, then he has to simply say so. We do not want to pry into—and we do not want to know the details of—such matters if that is what occurred. However, if he had those concerns, then we must know—we would expect to be advised—what steps the Chief Minister took to ensure that the ship of state was being managed during those very difficult hours. The members of this Assembly and the Canberra community deserve to know what the acting emergency services minister and Chief Minister was doing when fires were threatening the nation's capital, our houses and our residents.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.53): Mr Speaker, the government will not be supporting this motion. In moving the motion, Mr Pratt and the Liberal Party persist with a consistent line of questions over recent weeks and indeed over the last year or so about matters the subject of a coronial inquiry still in progress. Mr Pratt is clearly aware that there is a coronial inquiry into the 2003 bushfires, that it is still taking evidence—in fact it met today—and that there will eventually be substantial conclusions and findings in relation to events leading up to and including 18 January 2003. Specifically, the coroner has taken evidence on my decision on 18 January to declare a state of emergency.

Many people—senior officers, fire fighters, community members and representatives of the government, including myself—have appeared before the coroner to give evidence. We presented ourselves to give evidence-in-chief and for cross-examination. The coronial inquiry is an important accountability mechanism. Mr Pratt and the Liberal Party posed the rhetorical question: "What went wrong?" Mr Speaker, that is why we have coroners. That is why we have a coronial process and a Coroners Act. That is why this government has committed to date $7 million to the coronial process to answer those questions.

Ms Tucker: You don't need to. Mr Pratt's got all the answers.

MR STANHOPE: That's right. What, if anything, went wrong? And why did it go wrong? We have committed up to $7 million to answer that question. I have presented myself before the Coroners Court to give evidence. I have presented myself for cross-examination on every question pertinent to issues about the bushfire. The effectiveness of the inquiry, the coronial process, derives from its forensic process, the open nature of the taking of evidence and, most importantly, its impartiality.

We do the public no service if this Assembly attempts, as is occurring again tonight, to usurp the coroner's role or attempts—and I do not say this lightly, I do not say it rhetorically and I do not say it politically—as the Liberal Party is tonight, to influence the findings of the coroner by debating issues live before the coroner in a politically motivated manner such as is occurring tonight. I will not and cannot believe that it can fairly be said that this motion tonight is not an attempt to influence the coroner.

In this regard, note comments by a former New South Wales judge of appeal, now an assistant commissioner for the New South Wales Independent Commission Against Corruption, who recently expressed concern and called before the Independent Commission Against Corruption the Premier of New South Wales, with the suggestion that a statement he made about evidence before the Independent Commission Against Corruption could be perceived by the public as putting pressure on his inquiry to make particular findings. The Independent Commission Against Corruption referred to the

comments of the Premier of New South Wales as “an evil”. The speech we have just heard by Mr Pratt on behalf of the Liberal Party bears no comparison to the bland comment of the Premier of New South Wales in relation to a matter before an inquiry to be conducted by a body essentially of the same order or sort as the Coroners Court—almost identical; not judicial, but quasi-judicial, independent inquiries.

In New South Wales, in the view and the mind of the Independent Commission Against Corruption, the comment of the Premier of New South Wales, “an apparent evil”, was sufficient for the inquiry to call before it, to answer a possible contempt, the Premier of New South Wales. What he said goes in no way to match what we have just heard—an unashamed, unabashed attempt by the Liberal Party of the ACT to bring pressure to bear on the coroner of the ACT.

I pose the question: what if the coroner were now to find, at the completion of her inquiry, or to make findings of the order just put on the table in this place by Mr Pratt? Who can say that her findings, if they bear an eerie similarity to the nonsense that we have just heard sprouted by the Liberal Party—

Mr Smyth: Sprouted by you.

MR STANHOPE: No, the nonsense sprouted by the Liberal Party—can be said not to have been as a result of the influence or the pressure that was brought to bear by the Liberal Party?

This is a genuine concern of mine and a concern of direct relevance to the Liberal Party’s motion. It is extremely likely that Mr Pratt, in moving this motion which relates to issues yet to be determined by a judicial officer in the coronial inquiry, could reasonably be perceived as intending to place pressure on the coroner to reach conclusions which suit his partisan, political interests. There is no other conclusion to be drawn. This Assembly should not pre-empt the coroner’s findings.

I have expressed, over the course of the last year, a serious concern about the repetitive questions asked of me in relation to a matter being heard before the Coroners Court in relation to the bushfire. I believe that this matter must be pursued in the next Assembly. The need for a change to our standing orders to actually determine the questions in relation to a judicial process must be included within the sub judice rule. This is a court; we are talking here about an inquiry before a judicial officer in a court and we should give serious consideration to treating it as actually meeting the sub judice rule.

I have said repeatedly in the house that the separation of powers is not a mere slogan. The separation of powers has real meaning. In this instance it requires us as legislators to respect the role of an independent judicial officer undertaking an inquiry according to law. This motion should never have been moved. It certainly should not be debated if we take seriously the doctrine of the separation of powers. I would urge the Leader of the Opposition to show some leadership of his party and respect both this institution and the court.

I conclude on this point: this motion is highly offensive. It is highly offensive to my civil liberties, to my right to privacy, to the right to privacy of all of us. The question is: where exactly were you on the evening? Why were you unable to take telephone calls? The

next question of course—the subliminal question, the question not asked but the question intended—is: and whom were you with? And what were you doing with that person with whom you were? These are the obvious corollaries; these are the unasked questions. This is where this line of questioning leads.

This is an appalling, offensive invasion of my privacy and of my rights as a human being. It is offensive in the extreme, and it concerns me greatly that none of you understands that. That is what I find so difficult and so offensive. What cuts me to the quick about this motion is how offensive it is to my individual rights and not a single one of you understands that.

MR SPEAKER: I would remind members of my comments on 21 October 2003 when I attempted to discourage members from dealing with matters before the coroner. That is a matter for this house to determine. I cannot determine it from this place, but I repeat my concerns about issues that affect this coronial inquiry being canvassed in this place.

MS TUCKER (11.02): I will speak briefly to this. As Ms Dundas said to me, I am really only speaking because I imagine the Liberals are going to be calling a division on this, in an attempt to make some political point. I cannot imagine what they think the point is that they are making.

There are two points that I would make. I am intrigued by this, in that I have no idea what exactly Mr Pratt thinks he is achieving by asking this question. I listened carefully to what he said and he went through questions he had asked. The only thing that made any sense to me, from what he said, was: what were you doing about the threat of the fire? That is a legitimate question. It should not be asked, of course, at this point of time because of the coronial process that is occurring. But let's just say we are looking at the logic of what Mr Pratt is asking the Assembly to demand of the Chief Minister. It was not: "What were you doing about the threat on that night?" It was: "Where were you?"

Mr Pratt: What do you think that relates to?

MS TUCKER: Mr Pratt explains, "What do you think that leads to?" That does not have to lead to anything. The question that may be of interest, if there were not a coronial process into it, is: "What were you doing about the threat?" As we have a coronial process, that is an inappropriate question to be asking.

But now his question is: "Where were you?" He said that he had asked it, actually, several times. Mr Stanhope said he was in North Canberra. But that is not good enough. He wants to know more detail. "Where were you exactly?" Why? I still have not heard an explanation from Mr Pratt. What is so significant about exactly where he was, in terms of what he was doing about a threat that, as I have already said, is a question we should not be asking at this point?

I absolutely agree with Mr Stanhope. When I saw this motion I thought it was very offensive, and I am very surprised that everyone on the Liberal Party side of this Assembly does not understand that, as Mr Stanhope just said.

I want to hear—I am interested to hear—what you will say in defence of this and how you explain to us that this is going to reach the heart of the matter, apart from explaining

why you do not have that coronial process. We do not need one, actually. Obviously Mr Pratt has got a full grip on everything; he has got the explanation; he has just got to ask a couple more questions and it is finished really. We could have saved a lot of money. Obviously the rest of us do not actually agree with that. So I am looking forward to hearing how you will justify this appalling invasion of privacy.

It makes me think that maybe I could ask Mr Pratt: “You should put on the record here where you have been every night for the last three years, to explain your incompetence in this place.” Maybe it’s where you were.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.05): I will try not to speak for long, because to do so would in fact confer on this motion a dignity it does not warrant. I want to say just once that, because so much is said in this place in heat, so much florid language is used, we actually devalue that currency and it is difficult to communicate genuine disgust, but I would like to as best I can.

Earlier today I mentioned my observation that in more recent times I saw an opposition that had adopted an approach of constant repetition of particular claims and an apparent, if not actual, belief in the veracity of that claim, regardless of how spurious and unreliable the data was to support it. It just seems to have been a developed pattern. Of course my observation has never been more appropriate than in the case of this matter. To listen to Mr Pratt’s speech, he became even more involved in it as time went by. The litany of accusations in that speech, all drawn from “Where was Mr Stanhope on the Friday evening?” is nothing short of amazing.

I want, for the sake of this debate, to repeat a perspective, starting on the Thursday before the bushfire. We had a briefing from relevant personnel in Emergency Services, and cabinet was advised that the Monday would be an extreme weather event. We had maps and whatever—and I cannot recall it being said—but maybe there might be an emergency declared on the Monday when this particular weather event occurred and Canberra was most exposed.

Remember, we were hearing this in the context of course of the 2001 fire, the Christmas 2001 fire, which also reached the edge of Canberra. It was handled very adequately. We lost a fair bit of forest, but we all celebrated and we all had some ceremonial celebration. You have got to remember this is before the event and not after. These questions have been asked. I have also got *Hansard* here, Mr Pratt, and you can sense this emboldening in the questions. There was a question from Mr Stefaniak back in March: “Why do you expect us to believe” blah, blah, blah in relation to this? In other words, “You are lying to us.” From Mr Pratt: “You were warned that the urban edge faced significant threat of fires. You did absolutely nothing.” He was not particularly warned of the firestorm that hit us, Mr Pratt; none of us was.

Mr Pratt said in his question on—let me give you the right date—1 July, “The call from Mr Castle was clearly a most important and urgent call.” Who said? I will tell who said. He did. Nobody else. Then it culminates in a question to me. Somehow he got the idea that I was looking up phone records; I do not know why—but anyway. It mentions the Chief Minister’s failure to respond to critical phone calls. If that ain’t embroidering, I do not know what is. And that sort of embroidering is downright dishonest.

Let's get some facts then; let's roll forward to Saturday. Did the Chief Minister receive any critical panic calls on Saturday morning? No. There actually was some exchange on the phone, but so mundane, in fact, that he forgot that call. So there were no panic calls early on Saturday. What happened, Mr Pratt? We had a crisis on Friday that disappeared on Saturday morning and came back. You have a vivid imagination, I have to tell you.

Let's go back to Friday night. Did any author of a so-called critical phone call chase any of the Chief Minister's staff? They have all got little phone books with all the numbers in. No. Did anybody try to call me? Mr Wood? Mr Corbell? Any member of the government? No. How do they know that? Did everybody know that? My phone was on, I think—I cannot guarantee it. No messages, though, nothing on my message bank. My number is in the book. The greeting on my number in the book details my mobile phone number. Did anybody leave any messages there? No.

But somehow this character has decided for us all that there were, somehow, critical phone calls not immediately attended to on Friday night. That is just plain arrant nonsense and it is the whole centre point of what you have said in here tonight; it is the whole centre point of a series of questions. It has got to be, just by sheer logic, nonsense.

Mrs Dunne: It's got to be, because Ted says.

MR QUINLAN: I did not hear that muttering. But it is the case. You can gather from what you are getting over there that it is: "I'm not hearing this; I don't want to hear it; it's logic but I don't want to hear it."

Let me just say this much: as we build up to the Saturday, there was a tremendous amount of reportage, of media cover—press coverage and media coverage. You over there, with your 20/20 hindsight—so much better than ours—did you have a scintilla of foresight? Did you ring anyone? Did you say, "I observe the Chief Minister's not panicking yet; better do something about it"? You read the paper, you watch the television—very graphic footage on the television—what did you do?

I suggest that we were all in about the same position, where we knew that there were bushfires and none of us had an idea that we would be hit by the firestorm that hit us. That is a fact. It's a fact you don't want to accept, for the reasons that Mr Stanhope has articulated. You were doing nothing. Why weren't you? You are a member of the Assembly; you are up with the news. In nearly every question you ask in here, you say, "People are telling me; people are always coming up to me; people are ringing me up."

Mr Wood: You never asked me for a brief.

MR QUINLAN: Did you ask for a brief? No. You are trying to re-write history and you are defying logic. If there were critical phone calls on Friday that this man missed, what happened? A phone call was made—critical, the whole future of Canberra depended upon it and then it all died away. There was no follow-up. No-one else followed up anywhere. What arrant nonsense.

Like Mr Stanhope, I have never met Phil Cheney and I do not know him. But where was he? Is he also a member of the 20/20 hindsight club that seems to embrace you lot? But I will close by repeating: your argument does not stand up in logic.

MR STEFANIAK (11.16): Mr Pratt's motion is quite simple really. He wants the Assembly to note community concern about the lack of warning given to the Canberra community by the ACT government about the January 2003 bushfires. Yes, I think blind Freddy could tell you there is community concern about that. You do not have to be a rocket scientist to appreciate that. So we know that.

He then calls upon the Chief Minister to inform the Assembly by close of business tonight exactly where he was on the evening of 17 January and why he was not able to take telephone calls. That is not rocket science either. Really the Chief Minister has actually brought this on himself by his amazing obfuscation—I think that is the word—in just not answering a very simple question. I do not think it has got anything to do with private life or anything like that. It would be very simple for him to just tell, okay, where he was; it could have been a family function; it could have been anything. He could have been home watching the news or something, but why be so secretive about it? Can't he remember? Has he got something to hide? Why not just actually come out and say it? I really cannot see the problem in that.

It is most valid for Mr Pratt to also ask why he was unable to take telephone calls. The events of 18 January were the most calamitous events in the ACT's history. It is actually of great concern to the ACT. The opposition must in fact do its job in terms of trying to get to the bottom of exactly what happened. We all need to see what we can actually do to improve on it.

Yes, there is a coronial inquest occurring. But these are simple questions that have not been answered by the government. I am at some loss to imagine why. The Chief Minister is off on a tangent talking about privacy or anything like that. He talks about the role of the coronial inquiry. If it is all the role of the coronial inquiry to ask these questions, one must actually ask the question: has the Chief Minister told the coronial inquiry where he was on 17 January and, if you do not want to tell us where you were, why don't you go and tell the coroner? The coroner after all has actually invited the Chief Minister and, I think, several other senior officials to come back and give more evidence to her in relation to the matters raised. If you are not going to tell us, why not got and tell the coroner. That is fine.

MR SPEAKER: Mr Stefaniak, you are now trying to coerce members into taking a particular position with the coroner. All I can do is discourage you from doing that. It is entirely up to you, but I think both of us know that that is going a bit beyond the pale.

MR STEFANIAK: Thank you, Mr Speaker. I do merely pose those questions. I thank you for your comments.

There is nothing earth shattering in what Mr Pratt is actually moving here. It is of great concern to the community—the lack of warning. What he is calling on the Chief Minister to do is really something that I would think is quite reasonable. The Chief Minister has really brought it on himself in the way that he has answered questions in this place—

actually, a very simple question asked by Mr Pratt. I am sure he could have been responded to with a very simple answer. That would have been the end of the matter.

MS DUNDAS (11.19): Mr Speaker, I put my thoughts on the record for this debate. If it does goes to a division, I would like to have the reasons why I voted the way that I did recorded.

I am not supporting this motion, for two reasons. One is whether or not I should care where the Chief Minister was on the evening on 17 January 2003. That is a question that I will actually leave to the coroner. If it is relevant to the state of emergency that faced the territory on 18 January, then I am not the person to make that decision; the coroner is the person to make that decision.

Also I cannot support this motion because I think it would be reprehensible for this Assembly to demand a location of a member of this place in this particular way. It steps over the already-grey boundaries that exist between our personal and public lives and should not be supported.

MR PRATT (11.20), in reply: Mr Speaker, I close by raising a couple of issues. Firstly, people clearly were not listening when we said that the point of asking the Chief Minister about where he was and what he was doing was indeed about his professional duties. I said twice in that presentation that if the Chief Minister had personal reasons which kept him away from doing his duties during the time that he was on watch as the acting emergencies minister then that is all he has to say. We do not want to know exactly whom he was with; we want to know whether he was with family, whether he was out with friends or whether he was with professional officers of ESB. That is all we want to know. If he was with family, then we want to know what actions he took to ensure that contingencies were in place to maintain the emergency watch while he was off duty. That was the point of the questions without notice that we asked continually.

You might say that those questions without notice—in fact, Ms Tucker also said—did not seem to have any sense of purpose. In the time-honoured tradition of asking questions without notice in this place, those questions were designed to ask the Chief Minister to absolutely provide, chapter and verse, what he was doing in terms of his duties. That was the point of those questions. I am quite surprised at the Greens' frivolous comments about the nature of those questions without notice; it just does not make any sense. The questions without notice were like all questions without notice and dorothy dixers in this place—designed to elicit the facts. They were designed to elicit the facts, but the Chief Minister of course was too shy to tell us what the facts were.

Ms Tucker has tried to defend the indefensible. She, again, demonstrates what she stands for. She likes to defend the government at all costs. Don't question the government, Ms Tucker. I think it was Ms Tucker who was incompetent in not doing her duty as a crossbencher.

Mr Quinlan makes the point: where was the opposition on the evening of the 17th? What did we do? In fact, the point is that a lot of the members of the opposition were wandering around the place, getting to high points of vantage and trying to find out what was going on. But, unlike ministers, we did not have the authority—nor did you give any authority for us—to get briefings. You had the authority to go and ask. The Chief

Minister did not ask; the Chief Minister did not exercise an inquiring mind. Other ministers did not exercise an inquiring mind; yet you had the authority to go and talk to your officers at the ESB about what the hell was going on. You failed to do that.

I finish by saying that the people on that side of the chamber failed in their duties; they did not go and determine what the facts were. Despite the amount of fire and weather intelligence available from 16 January, they did not go and find out; they did not question; they did not exercise the inquiring mind; they did not warn the community. They should have been able to warn the community, to allow the community to prepare for the period around 18 January, and they did not.

The Chief Minister failed in his duty of care. The Chief Minister has failed to come clean on where he was and what he was doing. The Chief Minister needs to come clean and tell us about those phone calls, what he was doing on the evening of the 17th, and what his actions were on the 18th. But he has not got the bottle.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Berry	Ms MacDonald
Mr Cornwell	Mr Stefaniak	Mr Corbell	Mr Quinlan
Mrs Cross		Ms Dundas	Mr Stanhope
Mrs Dunne		Ms Gallagher	Ms Tucker
Mr Pratt		Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Water and Sewerage Amendment Bill 2004

Debate resumed from 30 June 2004, on motion by **Mrs Dunne**:

> That this bill be agreed to in principle.

MR CORBELL (Minister for Health and Minister for Planning) (11.29): The government supports this bill's underlying objectives of water conservation and reducing nutrient loads into waste water streams but, unfortunately, the bill contains a lot of flaws. It contains so many flaws that these proposed provisions are unworkable and therefore unsupportable as drafted. However, the government will not be opposing the bill. It will, instead, support it in principle and move a range of amendments to address the bill's fundamental problems.

I understand Mrs Dunne will also be proposing a range of amendments today to address some of the detail of the bill's flaws but, regrettably, they fail to adequately address the more fundamental problems of the bill. The government supports clauses 1 to 3 of the bill but opposes the remainder of the bill, and intends moving proposed amendments in

place of those clauses. The proposed government amendments make redundant all the amendments that I understand Mrs Dunne is proposing to move today.

Looking more closely at the bill, clause 2 deals with commencement. If the bill is passed today, its technical provisions will take effect from 1 September 2004, which will provide a few days for the plumbing industry to be informed of the bill's requirements relating to showers and garbage disposal units. I will discuss later, in the detail stage, how some of the government's proposed amendments allow dispensations on certain taps until 1 July next year to allow affected parties to prepare for the provisions on tap efficiency.

The government does not agree with clause 4 of the bill, which inserts proposed section 17A into the Water and Sewerage Act to create an offence against a person for certain breaches of the water and sewerage regulations. The proposed section 17A has a flaw that makes part of it meaningless and unenforceable. Its title refers to water supply plumbing work only, and so does its preamble. In essence, the offence can only operate in respect of water supply plumbing work; it does not apply to any other kind of work. One of the bill's intentions is to prohibit the installation of under-sink garbage disposal units, but it incorrectly refers to that installation work as being a prohibited form of water supply plumbing work.

From 1 September this year the Water and Sewerage Act 2000 will contain a new definition of "water supply plumbing work", which will not encompass work to install garbage disposal units. Therefore, as the bill is drafted, it intends to prohibit the installation of such units. This will not be able to be enforced, as it is impossible for a person to do water supply plumbing work by virtue of merely installing a garbage disposal unit to a sink. The person would, in fact, be doing sanitary plumbing work, as defined in the Water and Sewerage Act. Accordingly, the government will move amendments to seek to address this problem.

The government is also unable to support a latter part of the bill, clause 6, both as presented and as amended in ways, which I understand Mrs Dunne has indicated she intends to do. These new regulations the bill proposes to make are fundamentally flawed. While the intention to reduce tap flows to conserve water is sound, a proposal to require most indoor domestic taps to be fitted with a secondary flow reducer is not a viable way to go about conserving water in all cases.

I understand that Australia's tap manufacturing and importing industries currently have a range of taps available that meet 3A water efficiency flow ratings without needing to separately add secondary flow reducers. For that reason, no secondary flow reducers are available to suit many of those taps. The bill as presented would punish those manufacturers and suppliers by effectively banning the use of those water-efficient taps where no compatible secondary flow reducer is available.

Mrs Dunne intended this bill to act as an interim measure, to begin a quick fix water conservation initiative while national or local reforms progress towards reducing tap flow rates. The fact is, however, that the approach the bill adopts is somewhat indiscriminate. Mandating secondary flow reduction on many kinds of taps will often be counterproductive and will, in some cases, force consumers to install taps with greater flows than the 3A-rated taps that are becoming available.

For example, Dorf-Clark Industries Ltd—Australia's largest tapware importer and manufacturer, covering more than 60 per cent of the local tapware market—last week made a written submission to the government about Mrs Dunne's bill, pointing out some of the problems I have mentioned here. It also suggested that a better approach would be to set a maximum flow rate for taps. The suggestions in that industry submission are consistent with the approach I will be adopting in moving amendments to this bill.

The government cannot support the amendment to regulation 16A (1) (a) as proposed by Mrs Dunne. The bill has flaws that so fundamentally compromise the operation of all of the bill's proposed new sections and regulations that the amendments as advised by the opposition will be of little consequence. Mrs Dunne's amendment would fix one small aspect of the extent of application of the bill, but the bill needs a total overhaul rather than small fixes here and there. The bill really needs substantial rewriting to best achieve its laudable objectives. The government therefore intends to make significant amendments to the bill that will take account of the matter that Mrs Dunne's proposed amendment covers, as well as giving the bill the major overhaul it needs.

The government's water strategy, "Think water, act water" adopted an educative approach to water conservation, preferring to educate rather than regulate. That was partly due to the size of the ACT plumbing market, which was too small to influence tapware makers. However, because other jurisdictions are now moving to regulate tap flows, the industry is responding by making water-efficient taps widely available. It is therefore now practical for the ACT to regulate tap flows. I will deal in more detail with the government amendments in the detail stage of the bill. As members can see from the points I have put forward, there are a range of issues that need to be addressed to make this bill a workable piece of legislation. I urge members to support the government amendments. I indicate that the government agrees in principle with this legislation, subject to some significant amendment.

MS DUNDAS (11.37): The ACT can manage its water better. Not only does this mean better methods of capturing or supplying water, such as the use of water tanks and water recycling, but it also means developing a culture and a community understanding that we need to minimise our water use. One element of doing that is to ensure that, when we install water systems in our homes, we use technology that minimises water wastage. The bill put forward this evening explores one element of household water minimisation by ensuring that taps do not spout excessive amounts of water. The bill also goes on to look at preventing sink waste disposal units.

The majority of water consumption in the territory is domestic, and internal household usage makes up about half of that water consumption. If we can reduce our usage of water for cleaning and washing within the home, we can make a substantial impact on our total water consumption. That is the intention of this bill and the Democrats wholeheartedly endorse that. This appears to be the approach the government has generally emulated in the amendments it is putting forward to this bill. The Democrats are happy to support the government's amendments, as we see them generally clarifying the intention of the original bill.

The amendments mandate a maximum workload from certain domestic taps, rather than requiring particular technology. We believe this is a sensible approach to take. In

addition, the government amendments address a number of political items that have been raised in response to Mrs Dunne's bill. These include making it clear that the regulations apply only to taps above sinks in kitchens and laundries and to showerheads, and do not apply to business plumbing or for properties where there is currently very low water pressure.

The Democrats support the proposal in relation to insinkerators—that we no longer allow the installation of garbage disposal units in sinks that flush food waste into the sewerage system. This is a poor practice, from a waste disposal perspective, from a water quality perspective and from a water use perspective. While it is a small step in improving water usage and water quality, it is a worthwhile step and the Democrats support it. There is also a new Australian standard in place in the ACT that requires all new homes and extensions to be fitted with a pressure controlling device. This means that water pressure will be limited to 500 kilopascals. This initiative will reduce the amount of water flowing out of domestic taps and will assist in reducing water consumption.

I thank Mrs Dunne for bringing this bill forward for debate—and I note that it has been on the notice paper in various forms for quite a while. The government has had ample opportunity to address some of the issues since Mrs Dunne first put forward the ideas contained therein. I think it is a pity that they have not acted sooner in looking at some of these more practical means of reducing water consumption.

As we all know, the government has announced the reintroduction of stage 3 water restrictions in the territory. Our water reserves are at some of the lowest levels in history, as the weekly TV ads inform us, so we cannot afford to waste time in improving our water usage. We need to realise that, in the end, it is only through water use reductions that we will be able to solve some of the ACT's water supply problems.

We need to recognise that a new dam alone will not solve the problems. It is only through learning to live within our means that we can provide a certain water supply and provide enough water for environmental flows and the needs of downstream users. Whilst I support Mrs Dunne's intentions this evening, I support the government's amendments as a way of making this bill slightly more workable and slightly more efficient.

I welcome this bill put forward by Mrs Dunne. I welcome the debate this evening on how we can more effectively deal with our water use into the future, because that has been missing from the water debate. The water restrictions focus solely on what is happening outside the home. We have not yet turned to look at what is going on inside the home. I think the next step is to look at what is going on inside businesses. There is a lot to be done to address water usage in the ACT and we need to be moving quickly on it.

MRS CROSS (11.41): I rise to support Mrs Dunne's bill in principle and will be supporting the government's amendments. Australians remain the highest users of water per capita in the world and, given the current arid conditions Canberra is facing, we are in dire need of sustainable water consumption strategies that make for the efficient use of one of our most precious resources. Not before their time, regulations have been promulgated to bring into force initiatives for the efficient uses of water. It would be remiss of us not to act as soon as possible.

The driving sentiment behind Mrs Dunne's bill is incontestably noble. This bill is yet another example of the government's reliance on the opposition and crossbench for that extra source of initiative in their search for good governance. However, even though I commend Mrs Dunne for her show of initiative and her well-founded sentiment, there remain some issues of effective implementation. As a consequence, I will be supporting the government's amendments. These amendments make the bill more workable at a practical level, addressing issues that Mrs Dunne's broad sweeping provisions do not address.

I would like to encourage the government to become more assertive with the matter at hand and make a more meaningful statement by investigating subdivision of the water flow constricting devices and water-efficient taps and showerheads. The water-efficient valves are of minimal cost, and it is my understanding that other jurisdictions have attempted to provide these devices to their residents. I will therefore be moving an amendment that the government supply free of charge to the relevant persons in the community the necessary secondary device referred to in the government's amendments.

In conclusion, the water supply price in the territory should be addressed on a number of fronts. This regulation will provide one of these fronts in helping to secure a more sustainable water supply for the people of Canberra. I thank Mrs Dunne for bringing this issue to the attention of the Assembly. If the government is genuinely committed to the issue of water, then I suggest that they support the amendment I move to offer these devices free of charge.

MS TUCKER (11.44): The Greens will be supporting this bill and the government amendments to it. The bill is about requiring a level of water efficiency in domestic taps and showers and banning the use of insinkerators. These are valuable steps in meeting the urgent need to reduce our water use. While incentives and education have an important role in changing the wasteful habits we as a community have, which are imbedded in much of our culture, in the end there is a need to set some new standards to make the shift.

Incentives are still important. Also, as these new requirements are triggered by major work, retrofitting can usefully continue to be encouraged in situations where it is not strictly required in these regulations. The message is that it is everyone's responsibility. It is symbolically quite a nice thing that we are debating this bill last today, on the final private members day for the term. I think this is a good example of how the Assembly should work—that is, members working in collaboration to find the best outcome—although I have no idea what Mrs Cross is just tabling. That is not part of the process I have just alluded to, because no-one knows anything about it.

Mrs Dunne first put forward a version of this bill in 2002. Following some concerns raised then about how it would work, she withdrew it and brought this one back this year. The government raised problems with the practicalities of implementing this bill. In essence, the problems stemmed from the regulations setting the efficiency requirements on the basis of particular appliances to be used in taps—the flow reducers—and because it applied those requirements to all taps, with some exceptions.

Starting from “all taps” meant that things like shared taps and pipes in blocks of flats, fire hoses and taps in water supply pipes might be caught. The amendments Mrs Dunne proposed limiting the taps to “domestic” taps would have dealt with the supply issue but not necessarily with shared taps in apartment blocks. This indicated the broader problem that there was a huge task in thinking of all the relevant exceptions, which would result in messy legislation.

The government raised concerns that they did not have enough information about the possible effects of interaction between the materials in the flow reduction valves and the tapware which might, for instance, void warranties. These concerns were not fleshed out by research. Aqualoc on the other hand, who manufacture flow reduction valves, say that their product reduces wear and tear on taps and reduces maintenance requirements. At least there was some uncertainty.

Another issue not dealt with in the bill was the situation for households that already have low water pressure, likely to be principally in rural areas. This was because the requirements focused on the technology rather than on the flow rate. This could have been dealt with fairly easily I think, but it was an issue raised in discussions. The government also raised several drafting points—that taps already incorporate a flow reduction valve, in that, technically speaking, that is the definition of a tap; that the definition of an appliance directly connected to a tap is problematic; and that the task of identifying and adequately defining necessary exceptions to taps is large and would result in messy legislation.

I had feedback from environment groups that their preferred approach was to set flow standards which left it up to individuals to achieve flow reduction. This had the advantage of bringing in the full range of water saving technologies. Incidentally, the Victorian government over the last two years—roughly the same length of time Mrs Dunne’s bill has been around—has done a lot of work to develop a comprehensive set of requirements based on maximum flow outcomes for taps. The government amendments tonight are drawn from the Victorian scheme. The Victorian changes are based on the work of their Department of Sustainability and Environment, presented in their recent white paper—chapter 5 of which is entitled, “Smarter water use in our cities and towns”—and the government reform package titled *Our water our future*.

This package was launched a couple of days before the scheduled debate of Mrs Dunne’s bill earlier this year and includes many initiatives that appear to be very good. I hope the ACT government will pick up more from the package. For example, there is a fund to trial innovative water reduction technologies. They also propose more finely tuned permanent water restrictions, for example, rather than banning the use of sprinklers. Their operation will be restricted to low evaporation hours, and all automatic watering systems would need to be fitted with either a rain or soil moisture sensor so they do not turn on when it is raining or when the soil is already wet.

Getting back to the bill before us, Mrs Dunne did develop amendments to try to address the concerns raised, including defining the required device as “secondary device”, rather than as a “flow reducing valve” and clarifying that the requirements applied to domestic water would not apply to toilets or continuous hot water systems. As I say, I will be supporting the government amendments, which bring in the preferable approach of

outcome-based measures and deal in a much simpler way with the job of defining which taps are to be affected.

The government's approach, based on the Victorian government's work, is to specify which taps the requirements are to apply to. Specifically, this is for domestic taps over kitchen and laundry sinks or over any other basin in the building. The regulations do not apply to areas used mainly for business. As I understand the government's intention, this is to allow work to be done to identify any requirements of specific businesses for higher-flow taps, perhaps for decontamination or industrial applications.

Reducing water use in the commercial sector is an essential part of the work of reducing demand, so I would encourage this work to be done swiftly—and the appropriate regulations to be put in place. Speed is important, as we are in an ongoing drought and there is just not the water in our region to imagine we can solve our problems by capturing more water in any dam. Buildings where the usual pressure of water supply is less than 50 kilopascals are also exempt from the tap requirements.

I note that, in common with Mrs Dunne's intent—although I think not, in the end, with the bill—the government's requirements would be triggered by domestic water supply plumbing work involving the relevant taps or showerheads. Mrs Dunne's bill also includes a ban on the use of insinkerators—garbage disposal units installed in the sink—which rely on large amounts of water to wash away organic waste, which can be a valuable resource, which is ground up by the unit. The government amendments retain this. Of course, to make use of the resource of organic waste, we still desperately need a collection system for people who, either because of where they live or because of their lifestyle, do not use their organic waste in composting or in worm farms.

I do not have much more to say on this bill but, again, I appreciate the work Mrs Dunne has done to bring this issue forward, and her consistent pushing of the need to reduce water use. I also appreciate the government's response in finding a way to improve the regulations. It is difficult without a government department to do the level of investigation that is sometimes required, so it is necessary to work together. That this has been done without great public acrimony getting in the way is very pleasing, and something I think the community would expect.

MRS DUNNE (11.51), in reply: I thank members of the Assembly for their support for this important but small step on the path to improving the ACT's water efficiency. Ms Dundas really hit the nail on the head when she said that—especially as we are moving again moving into stage 3 water restrictions—we spend our time looking at our outdoor domestic water consumption as essentially the only thing that can be controlled. It is obvious; it is visual and in that sense it is easy to police but, depending on which set of figures you read, about 50 per cent of all our domestic water is consumed indoors, and the current water restriction regime has no impact on that water usage. There is really no attempt by the government to encourage substantial water reduction inside the house. While we have come to a process tonight which will result in the fairly harmonious passage of this bill, it has not all been a bed of roses up until now. This has been a very stop-start process.

The point I have made from the outset is that amending the plumbing regulations, as we are doing tonight, is inordinately and unnecessarily cumbersome when you are doing it

from opposition. When this issue was first raised—before water restrictions was a "sexy" issue—I was pursuing it simply from a public policy point of view and not with the imperatives we now have behind us.

At any time since November 2002, if this government had really been committed to water efficiency measures, the Minister for Planning could have made the regulations we are making tonight with a stroke of the pen. This is the principal problem with this process and Ms Tucker touched on it. In addressing the issue I want to pay tribute to the staff at the Parliamentary Counsel's Office. One might get the impression, from listening to the minister's speech, that somewhere along the line there were a whole lot of incompetent people involved in the drafting of this bill.

Mr Corbell: No. I did not say that.

MRS DUNNE: No. I did not say that you said it, but one might get that impression. I want to put on the record that that is not the case. One of the single biggest problems that people on the opposition crossbenches have is the inability to obtain the level of advice that makes sure you do it right the first time or the second time.

This has really been brought home to me in this process, because the staff at the Parliamentary Counsel Office's did a fantastic job with one hand tied behind their backs. They could only talk to me. At no stage could they obtain advice from professional plumbers and experts in the plumbing code employed by the ACT government, because they were not working for a government minister, they were working for a private member.

Those avenues of research are closed to them in the same way that they are closed to me or to any other member, simply because it is a government department which provides advice to the executive of the government of the day, not to the Assembly. As a result of that policy initiatives like this become very cumbersome. In many ways it boils down to the government saying, "You guess which is the right way to do it."

For 18 months I have had discussions with the Minister for Planning over this issue. Commitments were made to various stages of the implementation of these regulations so that this bill would never have to come forward and be debated. I do not know for what reasons, but those commitments were never able to be kept. It seems to me, from the outside, that there is a lack of commitment to the policy issues at hand.

The Minister for Environment talks about how important water is but, "By their fruits"—and their actions—"you shall know them." There are no actions to cut water consumption in a comprehensive way like this. This is only the beginning; this relates only to new domestic work. That was the clear intention of this from the outset. Perhaps we should have moved on further by this stage, but getting this first step all the way through has been like extracting teeth. I think it reflects badly on us that it has taken so long, and that there has been, to some extent, a lack of cooperation from the government.

When we had discussions on this about a month or six weeks ago, quite frankly, some of the arguments put forward by the government as to why we could not do it were simply laughable—and Ms Tucker touched on some of them today. They said that, if you put a secondary flow-reducing valve in a tap, the interaction of that nickel with the nickel in

the tap would cause the whole tap to fail. Honestly, I found that the government must have been grasping at straws when they came up with that as an excuse for not going ahead with this. Working appliances have been on the market for some time without problems with warranties, and the government suddenly suggested that people's warranties would be voided by changing the washers in their taps. That is an example of the reluctance of this government.

Somewhere along the line, for whatever reason, they have changed their approach. I am grateful to the government, because this is a very important measure. It is only a small measure, and it needs to be the start of something much more significant. The ACT government from time to time does good things in relation to reducing water consumption in their buildings by installing the sorts of devices this bill proposes. It was interesting that they did not seem to be concerned about voiding the warranty on all the taps in Macarthur House and various other places where secondary flow-reducing valves have been introduced. But if I suggested it, suddenly it was going to void people's warranties.

I thought it was rather ironic that something done by urban services for their own use was perfectly okay; but that, if we encouraged the average ACT householder to do it, then that would be the end of civilisation as we know it. We should put that aside and focus on the fact that the government have eventually come to the party and, by virtue of proposing a range of amendments, have made a contribution to this debate. I am very grateful for that and I think the people of the ACT will also be very grateful for it.

I take some of the points the minister made—that this in a sense makes the system more workable. Quite frankly, if parliamentary counsel had had access to the sort of advice the government has, it would have been a much smoother process a lot earlier. There is no lack of professionalism from parliamentary counsel; they have done a sterling job, as they always do. I pay tribute particularly to Sandra Georges and David Metcalf for their assistance and, because this has been such a long process, to the now retired Ivo Astofli, who sort of sat around for weeks saying, "If only I could guess what the government would do; if only I could have the advice I could have if the government were doing this, it would be a whole lot easier." It was really a matter of trying to guess the best place to do it. Unfortunately, the first attempt was not the best place.

When that bill was introduced the minister still did not say, "Mrs Dunne, why don't you think about doing it in the Water and Sewerage Act rather than the Building Act?" Perhaps I am paranoid and perhaps I am too old and cynical but there seems to be a view that, if someone who is not a member of the government has an idea, ipso facto it must be a bad idea. We have seen that over and over again. We also see the level of criticism that, "It is an okay idea but the execution is poor." Sometimes they are right; the execution is poor; but that is because, unlike the government, they do not have access to the technical policy advice at any stage. If this minister as a private member decided to come up with an amendment to the Water and Sewerage Act without recourse to BEPCON, I do not think he would get it right the first time either.

This is an important measure. I will address the government's amendments in the detail stage. I thank members for their support. I think the people of the ACT will thank members for eventually getting around to doing this. I hope it represents a sort of sea change, dare I say, and that we will see more initiatives in both the domestic and

commercial arenas to extend our capacity for water efficiency. I look forward to discussing the amendments, and I look forward to seeing Mrs Cross's amendment.

Question resolved in the affirmative.

Bill agreed to in principle.

Thursday, 26 August 2004

Detail stage

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

Clause 4.

MR CORBELL (Minister for Health and Minister for Planning) (12.02 am): I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

MR CORBELL: I move amendments Nos 1 and 2 circulated in my name together and table a supplementary explanatory statement to the amendments *[see schedule 5 at page 4285]*. Amendments Nos 1 and 2 and amendment No 3 all focus on the same issue. The amendments make adjustments to the headings of the bill's section 17A and regulation 16A, and to the preamble of paragraph 17A (1) (a). Those adjustments add the term "sanitary plumbing work" to the headings and the provision.

These amendments are necessary as section 17A creates an offence which can be committed in respect of two distinct kinds of plumbing work—plumbing work in the field, which includes work to taps and showers, and "sanitary plumbing work". In the bill that includes work to connect a garbage disposal unit to a sink, whereas section 17A of the bill refers only to water supply plumbing work.

Both of the above mentioned terms are defined in the Construction Occupations Legislation Amendment Act 2004, which upon its commencement will insert those definitions into the Water and Sewerage Act 2000. The bill indirectly provides for its commencement on or after the day that the COLA legislation commences. An under-sink garbage disposal unit falls within the COLA definition of "sanitary plumbing". As such, a unit is "a fixture or water appliance that is not in or in contact with the ground and that is used, or for use, in relation to the collecting or carrying of sewage to a sanitary drain". All waste water from the kitchen sink is defined by COLA as sewage, and the outlet pipe of a garbage disposal unit ultimately discharges into a sanitary drain.

For clarity, relevant extracts of definitions from COLA have been looked at carefully to address these issues. In particular, I would like to draw members' attention to the fact that, without the addition of a reference to "sanitary plumbing" work, the bill's objective of prohibiting the installation of garbage disposal units may not be achieved, as the bill's relevant wording lacks the necessary reference to "sanitary drainage work", but instead inappropriately refers to "water supply plumbing work" in relation to garbage disposal units.

There are other issues that I think are worthwhile noting in this debate. Mrs Dunne suggested in the in-principle stage that the government has done very little—in fact, she suggested it has done nothing—to address the issue of controlling domestic water use inside dwellings. The government has—perhaps not to the knowledge of members—undertaken a most significant step, which is to limit the pressure delivered through the domestic pipes to new residential dwellings.

Across Canberra the average pressure is about 800 kilopascals. This means that a lot more water is forced through the domestic pipes and through the relevant taps and domestic appliances. The government has acted to ensure that, for all new residential dwellings as of 1 May this year, the pressure is limited to 550 kilopascals, or nearly half the amount of water pressure delivered to residential dwellings.

We are the first state or territory to do that, and other states and territories are following suit. It is a significant demonstration of the government's commitment to reduce the wasteful use of water. The most significant step in doing that is reducing the overall water supply pressure to residential dwellings, where it is simply excessive and unnecessary. I refute Mrs Dunne's assertions and make the point that the government has taken a significant but unheralded step, with a quite quiet announcement, towards reducing the level of water pressure that is supplied to new residential dwellings.

Amendments agreed to.

Clause 4, as amended, agreed to.

Proposed new clause 4A.

MRS CROSS (12.08 am): I move amendment No 1 circulated in my name on the white paper to insert a new clause 4A *[see schedule 6 at page 4287]*. The purpose of the insert is quite straightforward. The minister has said that the government is committed to the water efficiency issue. It is not a prohibitive cost to supply free of charge this necessary secondary device to households in the ACT that wish to install such a device. I commend this amendment to members.

MR CORBELL (Minister for Health and Minister for Planning) (12.08 am): I am a bit disturbed at this amendment coming so late, particularly when it involves an unquantified cost to the territory. I do not think any member can tell the Assembly this evening—and I certainly cannot do so as the responsible minister—what the potential cost of this would be. It is true that these items on their own are relatively cheap—in fact, they are extremely cheap—but Mrs Cross's amendment seems to suggest that the government would need to provide such a device free of charge in perpetuity to anyone who requested it. There is no time limit—it would simply legislate that the government shall provide these devices free of charge for as long as this clause remains in the act. I am concerned that this amendment has come so late in the day without those issues being thought about.

Regardless of issues around timeframes, I do not believe that, as a matter of principle, it is appropriate for the territory to bear this cost. First of all, as indicated, it is a relatively minor cost to householders so it could hardly be suggested that there was some sort of

significant financial impost being put on the householder that would warrant government assistance.

It is worth pointing out to members that, between the period 1 September 2004 and 1 July 2005, as proposed in one of the government amendments, new taps need to meet a maximum flow of nine litres; if they do not meet that, they must have a flow restrictor; or they do not need to have either of those for the period from 1 September this year to 1 September next year. So there is already a clause proposed in the government amendments which provides for taps installed between 1 September this year and 1 September next year not to have flow restrictors if that is not deemed possible. It is essentially an exemptions clause for the period of a year.

As I do not see what purpose this amendment would achieve, I regret that I cannot agree with Mrs Cross on this issue. First of all, as I have indicated to members, the cost is in no way quantified. Secondly, I do not see any argument as to how it is somehow a significant impost on consumers—given, as members have acknowledged, that the cost of an individual restrictor is extremely low. Therefore, I cannot see how that would warrant government financial assistance. Thirdly, as I have indicated, the government's amendments essentially exempt tapware from having flow restrictors if they are installed between 1 December 2004 and 1 July 2005.

The reason for that again, as I have indicated in the in-principle debate, is that one of the major providers—indeed the dominant provider—of tapware in Australia has said that putting any flow reducer in its taps which is not manufactured by that producer can void the warranty of that tapware. Whilst that might not be a big issue for a little tap in your bathroom, some tapware products cost in the hundreds of dollars for consumers to purchase, and some consumers may not want to void the warranty on what they consider to be a significant investment. Mostly for aesthetic reasons, a lot of taps are very fancy and aesthetically very pleasing and they attract a significant price tag. The government cannot support this amendment and I urge members to oppose it.

MRS DUNNE (12.13 am): Mr Speaker, I have to say that I am a little torn between what I should do with this amendment. I appreciate the sentiment that Mrs Cross expressed in proposing the amendment and, as Mrs Cross can speak again, I would seek some clarification from her.

I understand from the amendment that you are proposing that in addition to meeting all of the requirements that apply to new plumbing work, the government would be required, if asked to do so, to supply to consumers secondary flow-limiting valves for pre-existing plumbing work. I presume that is what Mrs Cross is doing. I think this is a very laudable approach. Whilst not being able to quantify it, we are working on the basis that somebody would have to come forward and say, "I would like my aqua lock value or my other sort of flow limiting valve supplied by the government." These things retail for less than $3.

The impost would be substantial if you went out and installed aqua lock values in every suitable tap in the 130,000 dwellings in the ACT. The government itself is proposing in its pilot water tune-up program that these values be installed in some taps.

The calculations that I have seen in relation to not only water savings but also reduced greenhouse gases indicate that there would be substantial benefits from the installation of these devices. If the government does not know what these savings are, it stands condemned. We have a government that says it cannot meet its greenhouse targets but this, in fact, is a very simple process for doing so. This was one of the things that first attracted my attention as a mechanism for addressing a whole range of issues in relation to water efficiency.

There is another spin-off. If anyone cares to read any of the data they will see that the installation of secondary flow-limiting devices leads to substantial measurable reductions in energy use and therefore greenhouse emissions. So you get a lot of bang for a very little buck. We talk about being an environmentally responsible territory and leading by example, and here is a sterling example of how you could give leadership.

I have said in the Assembly on a number of occasion—and I do not have the figures to hand—that there have been substantial reductions in electricity consumption in some areas. The ACT government itself has experienced those reductions. In answer to questions on notice, DUS indicated that they have had a considerable reduction in water use and electricity use. There are three reasons for the reduction in electricity. If you use less water, you have to pump less water from the treatment works; you use less electricity to run the water through the treatment works; and when it gets to your house you use less energy because you are using less hot water. All of those things, in addition to water savings, contribute to energy reductions and greenhouse reductions.

Although Mrs Cross has brought this matter on at the last minute, if this were a government that really knew what it was doing about water consumption it would know what the answers are. I know what the answers are. I cannot quantify the cost per household because we do not know how many people will take it up. But we can quantify what the reductions are every time you put one of these devices into a tap, and if the government does not know that, it stands condemned. I commend Mrs Cross's amendment.

MR CORBELL (Minister for Health and Minister for Planning) (12.18 am): Mr Speaker, I think Mrs Dunne misrepresents my argument. My argument is that the government could not anticipate the cost of supplying these devices to what was an unknown quantum. I did not for a moment suggest that the government was unaware of the benefits—financial, environmental and otherwise—of reducing water use by the use of such devices. So I think Mrs Dunne misrepresents my argument quite grossly.

Nevertheless, I think my argument is still relevant, and that is that what we have on the table tonight is an amendment which, if passed, would put in place an obligation indefinitely on the territory to supply free of charge these devices to anyone who wants one. Members acknowledge that the individual cost of such devices is extremely small and, in fact, you would pay much more to get the plumber to come out and put them in than you would for the actual device itself.

So it is really a nonsensical amendment and one that simply cannot be justified. I have not heard any argument yet tonight from Mrs Cross or anyone else to justify it except

that, "Oh it sounds like a good idea." Well, I think we need a bit more of a justification than that.

Mr Stanhope: Just on a point of order, Mr Speaker. No monies were appropriated in the budget for this proposal. It may be, as the minister has indicated, that we are talking here potentially of a cost of some millions of dollars. This proposal imposes an obligation on the government to expend, potentially within this financial year, monies that have not been appropriated.

I wonder if you could rule on whether this amendment is in order. It seems to me that this is an appropriation. This provision imposes on the government an obligation, from the day of the legislation being passed, to provide something free of charge. We do not have monies appropriated to supply this particular item. The government simply does not have the money. It does not have the legal wherewithal to implement such a provision were it to be passed.

Mrs Dunne: On the point of order, Mr Speaker. This is technique No 375 for the Chief Minister to avoid doing things. The Chief Minister says that this amendment may be out of order because there is no appropriation attached to it. But, Mr Speaker, we just passed a piece of legislation, setting up a taskforce to look into asbestos use, which had no money appropriated to it and that was not considered out of order.

Almost every time a piece of legislation is passed in this place, whether it be a private members' bill or a government bill, there is an extra impost on the territory. Legislation passed here today at the instigation of the government—this was essentially private members' legislation—imposes an impost on the territory and that was not out of order.

MR SPEAKER: Chief Minister, standing order 200 is pretty clear: an enactment, vote or resolution for the appropriation of the public money of the territory must not be proposed in the Assembly except by a minister. This bill is not such an enactment, vote or resolution. Those sorts of proposals can be introduced only by a minister. So, no, I think the bill is in order.

Mr Stanhope: The provision cannot be met. The government would have to breach the legislation. On the ruling—and I accept the ruling, Mr Speaker—I just make the point here now for the record that if this provision passes it will not be implemented until after the next budget.

Mrs Cross: What a cop out.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (12.23 am): This is quite clearly just a hip shot appeal on behalf of Mrs Cross.

Mrs Cross: What nonsense.

MR QUINLAN: It is not thought through.

Mrs Cross: Shallow nonsense.

MR SPEAKER: Order, Mrs Cross!

Mr Stanhope: Just get over the fact that you have lost your amendment. It is not that you lost your asbestos act.

Mrs Cross: You mean my bill?

MR SPEAKER: Order, everybody! I call Mr Quinlan.

MR QUINLAN: I just want to appeal to the commonsense of this place—sometimes it is difficult to do so. Not only is it not costed as to what it will run out to, but there is no notion as to how you administer it. We have got 100,000-plus houses out there. What is the suggestion? Speaking of being shallow, it is a case of “We didn’t think of that”. We have had a lot of that today. But how do you administer this? What do you do? Do you say, “Right, we’ll go around and count your taps and hand them out,” or will you take everybody’s word for it and say—

Mr Stanhope: “You can have five each.”

MR QUINLAN: Do we go into the scrap metal business for kits? Where is the thinking behind this little warm glow gesture that has been made by Mrs Cross on behalf of the people of the ACT? How the hell do you administer something like this? You could give them out by putting them in buckets on the street corner—that would be a good idea—and saying, “Take ‘em”. I have to say, Mrs Cross, on the second last day of this Assembly that this is just so typical.

MS DUNDAS (12.25 am): Mr Speaker, I can see what Mrs Cross is trying to do with her amendment. As she indicated, although the government supports the implementation of this legislation, she is trying to get the government to commit to adopting some of the proposals that we are supporting. However, I think this type of amendment would be better addressed through the budget or through a motion debated on private members’ day rather than being enshrined in law. There are problems with amending the bill in this way and, in that sense, I think we need to consider rejecting the amendment.

However, the amendment has had the effect of putting on the record the view that we are keen to see the government progress to make this legislation work by supporting households in the ACT to be more efficient with their use of internal water. We have all made that point and there are many different ways in which this can be achieved.

An amendment like this could remain in legislation for years. Also, as Mr Quinlan has rightly pointed out, the amendment does not provide any information about how these measures will be enacted. Therefore, I do not believe that this is the best way to go about achieving the outcome that we are aiming for tonight.

MS TUCKER (12.27 am): I would like Mrs Cross to explain her amendment much more fully than she has. I think it is not really clear from the wording even what she is trying to achieve. She said, “The government shall supply free of charge the necessary”, so I guess I want her to explain what she means by “necessary”. Does she mean required by law, or is she referring to dispensation? I think she needs to explain that.

I am also concerned about the advice she has got in respect of compatible non-warranty voiding devices. Dorf-Clark have said basically that anything that was not their product would void warranty. I think it is very inappropriate to bring this in at this point in time. Even if Mrs Cross can answer those questions and enlighten us on the research she has done, I would certainly want time to check.

Also I am concerned that this amendment was given to us without warning at 12 o'clock, midnight. Certainly, some thought has to be given to whether we should commit to legislation in this way. I would like to know what her estimates of the expenditure are. I would be very reluctant to commit to expending money if I had no idea of the costs.

I was one of the people who originally promoted the notion of the water-wise Queanbeyan model. I have promoted with the government and the Assembly a different model with different mechanisms. I know the costings that came from Queanbeyan but I would certainly want to see a bit more background provided by Mrs Cross. I would also like to have the opportunity to investigate the implications of such an amendment.

MRS DUNNE (12.29 am): Mr Speaker, I will speak again on the amendment. I suppose the real problem is that, as the minister says, the cost of supplying is an unknown quantity. But there is no doubt that the overall benefit of the supply of these devices is high. As I have said before, we have been able to quantify the water savings and the energy savings, and therefore the greenhouse savings, that result from the using of these devices.

We know that humble little Queanbeyan council across the way in little old struggle town can supply these devices free of charge to their householders. Because other municipalities around the country supply them free of charge to their householders, it is not the end of civilisation as we know it.

We have already undertaken, as part of the Liberal Party's water efficiency policy, to supply these devices when regular maintenance is being undertaken to all government houses over the next three years, and not even this doubting government would think that the world will come to an end as a result of that initiative.

What we would hope to see from the government, which is supposedly committed to water efficiency, is a commitment to lead by example. This is not to say that 120,000 households are going to turn out on the first day and strip the ACT bare of every flow-limiting valve that we have in stock. Yes, we would have to think about how we would implement this initiative, but the argument put forward that we cannot do so because there is nothing in the regulation that says how this would be done, beggars belief.

We constantly pass legislation in this place that says that the government will do X and we do not tell them how to do it. That is done in accordance with the guidelines, the codes of practice and all of the other things most of us in the this place never see that underpin the legislation.

We know exactly how committed this government is to water efficiency when we see the Chief Minister stand up here and threaten us—maybe it was a promise; I don't know

which it was—by saying, "If you have the audacity to pass it, we just won't implement it." What does that say about the level of democracy in this place?

I think Mrs Cross's amendment, while it may appear to have been presented to us at the 11th hour, does address the issues. However, it seems that it falls down because I thought of it or somebody else thought of it—that it is not valid because it is somebody else's idea.

Mr Pratt: Or they can't think of it.

MRS DUNNE: That is right. When it comes to these simple but important measures, this is a government that does not care and does not apply itself.

Proposed new clause 4A negatived.

Clause 5 agreed to.

Clause 6.

MR CORBELL (Minister for Health and Minister for Planning) (12.33 am): Mr Speaker, I seek leave to move amendments Nos 3 to 5 circulated in my name together.

Leave granted.

MR CORBELL: I move amendments Nos 3 to 5 circulated in my name together *[see schedule 5 at page 4285]*.

Mr Speaker, I have already spoken in relation to amendment No 3 so I will focus on amendments 4 and 5. Amendment No 4 omits regulation 16A (1) in the bill and substitutes an alternative regulation 16A (1) and several additional sub-regulations.

Proposed sub-regulation 16A (1) prescribes requirements in relation to certain showers, taps and garbage disposal units, including prescribing that the maximum flow capacity of the water supply fixtures it refers to shall not be more than nine litres per minute, whereas the bill as tabled prescribes a 3A water efficient rating under the Australian and New Zealand standard.

The amendment effectively changes the bill from prescribing a 3A water efficiency rating to, instead, prescribing a maximum flow capacity for shower heads. This is necessary to avoid the bill's provision unintentionally prohibiting the installation of shower heads that have a more efficient flow rating that 3A and also to cater for foreshadowed changes to the A rating scheme under the Australian standard.

The relevant flow range for shower heads with a 3A rating under the existing standard is a rate of more than 7.5 litres per minute but not more than nine litres per minute. Mandating a 3A-rated outlet therefore prohibits the installation of an outlet that has a flow of less that 7½ litres per minute. Standards Australia has a proposal to soon change the A rating label to a star rating label.

The current range of flow ratings in the Australian standard is from 1A, which is the lowest level of efficiency, to 5A, the highest level of efficiency. The basis for prescribing a maximum flow capacity to nine litres per minute is that it equates to the maximum flow permissible from most 3A-rated outlets and taps under the relevant Australian standard. The 3A rating is just above the mid range of that A-rated scheme and does represent significant water conservation compared with taps that are not water efficient, while allowing a flow rate that is generally suitable for virtually all normal uses of the tap or outlet.

Proposed sub-regulation 16A only applies to certain taps in kitchen and laundry sinks or any other kind of basin, whereas the bill, as tabled, has applications to all kinds of taps within specified criteria. The bill as drafted may have many unintended consequences, such as requiring flow reduction of the main water supply tap inside a block of flats. That tap may serve pipe work that also connects to domestic fire sprinklers. Clearly, it is not in our interests to require flow reduction measures in those circumstances.

So to avoid such undesirable consequences, the tap-related provisions of the proposed sub-regulation 16A (1) only apply to taps for kitchen and laundry sinks or any other kind of basin. They are the main taps responsible for the majority of water wasted by allowing water to directly flow down the drain without always using a plug to retain the water. The bill as tabled requires bath taps, for example, to be flow restricted, which does not contribute to water conservation as a bath is normally filled with a fixed amount of water regardless of the rate of filling.

Another unintended consequence of the bill as drafted is that because it mandates the installation of taps with a secondary flow reducer, that will prohibit the installation of taps that are inherently water efficient and that have not had a secondary flow reducer added. For many such taps, no such secondary reducer is available.

This is the case, Mr Speaker, for many lever handle-style taps. They can be factory set to achieve any flow rate, including the highest level of water efficiency rating, 5A. But for most, there are no secondary flow reduction devices available. That is because they do not use a traditional tap washer as their valve mechanism. So the bill, as tabled, would have prohibited the use of such lever-style taps. The government’s amendments overcome that unintended consequence by indirectly allowing a tap of any rating to be installed, provided it is equal to or more efficient than the nine litres per minute maximum flow limit for most 3A-rated taps or outlets.

Mr Speaker, amendment No 5 makes a consequential change to a cross-reference in the bill to cater for the other government amendments. The cross-reference is in relation to the Australian and New Zealand standard ASNZS 6400 water efficient products rating and labelling.

MRS DUNNE (12.38 am): Mr Speaker, the opposition will be supporting these amendments, but I sound one note of warning and seek a commitment from the minister. The problem with setting a standard which relies upon water flow is that you will face a whole range of different problems with compliance than would arise from my bill as it stands. You will have a problem with enforcement.

It is pretty easy to see whether a tap or a showerhead is rated in a particular way, but whether it performs to its rating depends in large part on the water pressure. The minister said that the initiative that was introduced in May to reduce the flow in new domestic work to 550 kilopascals addresses the issue of water pressure to some extent. But if you are at the bottom of a hill you may experience excess water pressure, which means that even though your tap is rated to nine litres a minute, it may exceed that rate.

I need an assurance from the minister that if you have fitted a nine litre per minute tap but it does not perform to that rating, this will not be grounds for compliance action against contractors. I need that commitment and the plumbing industry needs that commitment.

The essential problem with setting a maximum flow rating is that, in a practical application sense, a device may not comply. The fault may be with the pressure in the system, a problem that is brought about by the government, not the contractor or the householder. This is not a particularly grave matter but I do not want to see compliance action taken against people because the device that was fitted according to the regulations does not meet the standard.

The minister is incorrect in saying that the bill, as currently drafted, would not allow people to install a more efficient appliance than a 3A rating. As he says, it must contain at least a 3A rating. So it is fine if the appliance has a 4A rating or a 5A rating. The bill was deliberately drafted that way. But I take the minister's point—and expert knowledge is available to him—that there are moves afoot to change the rating system. On that basis, the opposition will be supporting the government's amendment, but on the understanding that this will not result in unreasonable compliance action against tradesmen.

MR CORBELL (Minister for Health and Minister for Planning) (12.42 am): Mr Speaker, I would like to respond to Mrs Dunne's comments. I am advised that the maximum flow rating on all these tap devices is tested at a variety of water pressures. So the device is designed to perform within the constraint of the nine litres per minute, based on tests using a variety of water pressures—both high and low water pressures. So I think Mrs Dunne's concerns are misplaced.

Nevertheless, I can assure her we are not going to have the tap police out there, making sure that everyone's devices are working below nine litres per minute. Compliance is a hard enough task already without resorting to the tap police.

Amendments agreed to.

Clause 6, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Mobile library service

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) (12.44 am): Mr Speaker, earlier in the week I launched the Library service's new mobile library, and a wonderful thing it is. This remarkable vehicle will provide services pretty much to all the nursing homes and retirement villages in this town. We expect that a little larger vehicle will be in operation in perhaps November or December.

This great looking vehicle has been coated with a graffiti-resistant "skin" and it carries some things that I do not understand. It has a Telstra CDMA communication card by Maxom to turn the mobile library laptops into a connected mobile office suite. I have got a very limited understanding of what that—

Mrs Dunne: I think that is wireless Internet connection.

MR WOOD: It has got fast wireless access to the Internet from anywhere in Canberra; an in-built antenna, so there is no need for cables or satellite dishes; Internet access to library information and catalogue systems; and efficient access to email, library applications and services away from library buildings or home. It can make and receive voice calls and send and receive SMS messages, and it has its own mobile phone number and account. Also, it leaves the library operator's mobile phone free to make and receive voice calls and SMS text messages. The library Internet site will be easily available to the public.

The vehicle has a back-up generator. A waterproof reversing camera enables the driver can see behind the vehicle, and that is a pretty good idea. It has, very necessarily, a remotely operated push-button electric wheelchair lift to enable people to get in and out. So, all in all, it is a marvellous asset to some of the older generation in this town.

I should make the point that ACT public library staff have 500 house-bound customers and material is delivered by 100 volunteers and also by way of the mobile library. So it is a very fine service. People can ring up, order material and it will be delivered to them by those 100 volunteers. I hope that one day the mobile library vehicle will pull up outside the Assembly so that members can have a look at it.

Media coverage of elections

MR HARGREAVES (12.47 am): Mr Speaker, I rise tonight to express my hope that the media coverage of the forthcoming ACT and federal elections will be fair and balanced. It may be a forlorn hope.

Mr Stanhope: Dream on, mate.

MR HARGREAVES: The media has a very important role to play during election campaigns, and I trust that they will fulfil this role with integrity—and maybe I dream on, Chief Minister. I raise these matters tonight because I have had concerns expressed to me about the apparent agenda of a particular media group in this country. For the information of members, these concerns are outlined on the website—pens at the ready—www.limitednews.info. The site contains a series of potentially alarming allegations about the involvement of News Ltd in marginal seats in the 2004 federal election. Heaven forbid that the media in this town would try to influence the outcome of the ACT election!

These allegations, if true, are alarming and worthy of further investigation. I understand that the ABC program *Media Watch* is investigating these matters. I look forward to seeing the results of their investigations in the near future, and I recommend that program to members.

Mr David Hicks

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.48 am): Mr Speaker, on the subject of media, for the information of members I wish to read from the editorial in today's *Sydney Morning Herald*. The *Sydney Morning Herald* is the finest newspaper in Australia, and I think, along with the *Independent* of London, the second finest paper in the world.

The *Sydney Morning Herald*, I think quite appropriately, editorialised on the trial, or the so-called trial, which commenced today of Mr David Hicks. I think it is appropriate that I read what the *Sydney Morning Herald* had to say about this trial, which marks what is a period of infamy in Australia's history. The editorial read:

> The maxim about justice being not only done but being seen to be done is so well-worn it resembles a cliche. It is, of course, no such thing. It encompasses the cornerstone of judicial transparency, commanding that justice be open for all to see and be subject to rigorous and impartial review. The trial this week of the Australian terrorist suspect, David Hicks, by an American military commission therefore resembles a peep show.
>
> No photographs will be allowed of Hicks, held at Guantanamo Bay's Camp X-ray for nearly three years since the US responded to the September 11, 2001 attacks on New York and Washington by invading Afghanistan, where he was captured. Four of the five military officers sitting in judgement are unidentified. Only eight seats are available for the 50-odd international news reporters wishing to cover proceedings. There will be no audio broadcasts. Unlike court martials, the commission's decisions cannot be appealed to a civilian court. This prohibits review, for instance, of whether evidence allegedly obtained by torture is admissible in court. And even if Hicks is found innocent, he will not go free until a separate review panel decides he no longer is an "enemy combatant". That might be for the duration of an ill-defined war on terrorism.
>
> None of this should surprise, of course. One US military lawyer this week forthrightly asserted that the right to a full and fair trial must be "consistent with our national security". But who decides an individual's self-evident rights must be

> subordinated by national need? Inevitably, the process must trip an otherwise free and open society headlong into the quicksand of justice not being seen to be done.
>
> The point of detaining 600 men and boys at a military base leased from Cuba was, according to the British jurist, Lord Steyn, "to put them beyond the rule of law, beyond the protection of any courts, and at the mercy of the victors." Until the United States Supreme Court intervened two months ago and reasserted the rule of law, the clear intention was to install for these detainees a structure where judges, juries, prosecutors and defenders were all delegates of the US executive. It is yet to be clarified just how this will be changed by the Supreme Court guarantee of a "fair opportunity" for detainees "to rebut the factual assertions against them before a neutral decision-maker".
>
> Many Australians are antipathetic to Hicks and a second Australian detainee, Mamdouh Habib. This has encouraged the Howard Government to sit on its hands for most of their detention, content to let Americans move at a tortoise pace. But the test of a government's mettle is the vigour with which it defends the rights of its least popular citizens, with which it insists everyone is entitled to be tried according to law, whatever their alleged crime. The Government has failed more than Hicks and Habib. It has failed the principles which should distinguish Australia.

I think it is appropriate today, Mr Speaker, the day on which David Hicks has been brought before a military tribunal, that we do pause and reflect on this most sorry episode in Australia's history. It needs to be said, and it needs to be said again and again, that this is an appalling breach of the rule of law. It is an abandonment of Australian principles of and our commitment to justice, a fair go, habeas corpus and international law. It is, I think, an appalling stain on our national character.

Today, in Guantanamo Bay, an Australian has been dragged, after three years detention without charge, before a military tribunal, a kangaroo court by another name, and once again completely disregarded and ignored by his government and by the people of Australia. It is an appalling stain on our national character, and one which will take us years to remove.

Miles Franklin primary school

MRS DUNNE (12.53 am): Mr Speaker, I would like to pay tribute to my favourite primary school, Miles Franklin primary school, which last weekend conducted the 19th Miles Franklin Music Festival. I had the honour to be the compere for the eight-years and under piano competition, where I witnessed probably 45 or more children—not just Miles Franklin students but students from across Belconnen and the ACT—in varying stages of their musical development playing magically.

The splendid work that is done in conducting this music festival is a great testament to the parent body at Miles Franklin, which essentially runs the festival, and the Miles Franklin music teachers. I understand that the other day the Chief Minister and the Minister for Education and Training experienced the joys of hearing the Miles Franklin choir. I think this innovation was commenced last year. Miles Franklin also has a senior band.

The Miles Franklin Music Festival, which has grown over the years, is a very important part of the Belconnen community. I think the clear message that came from the

adjudication in the course of the day was how important music is to the education of our children. There is a great deal of literature about the importance of music and how music helps children develop other academic skills. I note that the federal government has an initiative to incorporate more music into curriculums, especially the primary school curriculum.

As things currently stand, less than 40 per cent of children in primary school have access to music as part of the curriculum. I think the ACT does better than that average but we can always do more. We see from the research that children who have access to and some immersion in music have better fine motor skills, increased literacy skills and better than average social skills. This is in addition to the cultural awareness and sheer enjoyment that children get out of performing.

Over my few years of involvement with the Miles Franklin Music Festival I have observed the sheer pleasure that the kids get out of participating. My youngest daughter participated for, I think, the second time and it was very interesting to see the range of emotions that she displayed during the course of a day: getting up and wondering, "Will I practice or won't I?" getting close to performing and being terrified and irascible because of stage fright; but going into the room and, like everybody else, rising to the occasion and performing pretty well.

All of these kids get experience that is of great benefit to them and will live with them for a long time. Isabella came home and talked about it afterwards. She said, "Yes, I really was a bit scared beforehand but it was really fun and I'm glad that I did it." She will be back next year.

I commend Tanya Nelipa, the principal of Miles Franklin, all the fabulous staff, the parents who run the scheme, the parents who volunteered on the day and made it happen, the people who run around and deliver bits of paper, and the fabulous adjudicators who gave up many hours of their time to give great and positive advice to hundreds of children who went through the school over the weekend.

City West master plan

MR CORBELL (Minister for Health and Minister for Planning) (12.57 am): Mr Speaker, I was very pleased to see that the government's and ACTPLA's City West master plan was highlighted in the latest edition of the *Urban Design Forum*, a little brochure that comes out every couple of months. The document, which is produced by Urban Design Forum Incorporated and distributed across Australia through the Planning Institute of Australia as well as the Australian Institute of Landscape Architects, highlights and gives some exposure to the government's City West master plan.

It is very pleasing to see that once again planning policy and planning projects in the ACT are getting some national attention. This document is read by planners, urban designers, architects and landscape architects across the country. The coverage is a fantastic credit to the quality of the City West master plan that the government released earlier this year.

So my congratulations go to the staff of the ACT Planning and Land Authority who have been involved in the development of the master plan. It is great to see that there has been

some exposure of their plan in this important journal and circular. I think it shows the renaissance in planning that we are seeking to endeavour to create here in the ACT and the fact that we are starting to meet with some success.

Secretariat staff
Tobacco

MS MacDONALD (12.58 am): Last night I rose to thank the committee staff that I have had dealings with in my first but hopefully not last term in the ACT Assembly. Tonight I would like to thank a few other people who work behind the scenes.

I would start by thanking the attendants who do a fantastic job—Lewis Akesson, Rod Campbell, Reg Walters, Peter Litchfield, Wayne Agnew, Peter Barry, Lainie Loewe and Richard Stalker. I would also like to thank former attendants Judy Munday and Brian Guest, who were also around during my time in the Assembly. I would like to thank the attendants for all the work that they do making sure that this place runs smoothly, both during sitting periods and at other times.

I would also like to pay tribute to the people in the Hansard booth and the Hansard staff upstairs who try to work out what we are mumbling about and produce transcripts of both sittings of the Assembly and committee meetings. I am sure that what they do is not always easy. So my thanks go to Russell Lutton, Pattie Tancred, Val Szychowska from the IT area, Ray Blundell, Roger Malot, Devika Nair, Bob Bolitho, Stephanie Haygarth, Luci Humphreys, David Keating, Bob Martin, Trevor McDonald, Malcolm McGregor, Carol Pope, Joy Reddey, Julia Smith, Marilyn Warner, Heather Willis and, of course, that person who just cannot seem to stay away from this place, Keith Ryder. He keeps coming back. Even though we keep saying goodbye to him, he cannot stay away. But it is good to see him around here.

On a slightly more serious note, Mr Speaker: I have talked in this place about the issue of tobacco addiction and the need to get people off cigarettes. I have talked about having lost my father at the age of 61 from a heart attack, which was not helped by his 40 a day habit. I was saddened tonight to hear that my father’s youngest brother, who started smoking shortly after my father did and only quit four years ago, has been diagnosed with inoperable cancer. I will just say that Neil MacDonald, my uncle, has made a great contribution to life and 64 years is not long enough.

I will continue to keep up the fight to get people off tobacco and to keep people safe from tobacco. This is just another personal note for me of the importance of continuing on that fight.

Question resolved in the affirmative.

The Assembly adjourned at 1.02 am (Thursday).

Schedules of amendments

Schedule 1

Residential Property (Awareness of Asbestos) Amendment Bill 2004

Amendments moved by the Minister for Industrial Relations

1
Title—

omit the title, substitute

An Act to amend the *Dangerous Substances Act 2004*, and for other purposes

2
Proposed new preamble

after the title, insert

Preamble

1 Substantial medical and scientific evidence indicates that exposure to asbestos fibres significantly increases the risk of contracting cancer and other debilitating or fatal diseases, including asbestosis.

2 Measures have been taken to remove loose asbestos from ACT houses. Measures have also been taken to reduce the risk of asbestos exposure for school children and to tell builders about the risks associated with asbestos.

3 Asbestos products were commonly used in private and public buildings for fireproofing, soundproofing, decoration, thermal insulation and other purposes.

4 When asbestos products deteriorate or become loose, damaged, or friable, they release asbestos fibres into the air. This may result in exposure of people to potentially hazardous levels of asbestos.

5 It is vital for the health and safety of the public to identify the location and condition of asbestos products that may be a risk for the public in order to begin to remove or control asbestos as needed and to ensure that, when repairs or renovations are undertaken, any asbestos products present are properly handled.

6 The Legislative Assembly declares that it is the public policy of the Territory to ensure that the removal of asbestos, and any work in relation to asbestos, is done properly to safeguard public health and safety.

3
Clauses 1 to 7
Page 2, line 1—

omit clauses 1 to 7, substitute

1 Name of Act

This Act is the *Dangerous Substances (Asbestos) Amendment Act 2004*.

2 Commencement

(1) This Act (other than section 5, section 6, section 7 and schedule 1) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

(2) Schedule 1 commences on 1 September 2004.

(3) Section 5 commences on a day fixed by the Minister by written notice.

Note 1 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 2 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

(4) Section 6 and section 7 commence on a day fixed by the Minister by written notice.

(5) If section 6 or section 7 has not commenced before 16 January 2006, it automatically commences on that day.

(6) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to section 6 or section 7.

3 Legislation amended

This Act amends the *Dangerous Substances Act 2004*.

Note This Act also amends the *Building Act 2004* and the *Building Regulations 2004* (see sch 1).

4 New chapter 3A

insert

Chapter 3A Asbestos

Part 3A.1 Important concepts

47A Meaning of *asbestos* and *asbestos product*

In this Act:

asbestos means the fibrous form of the mineral silicates belonging to the serpentine and amphibole groups of rock-forming minerals, including the following:

(a) actinolite;

(b) amosite (brown asbestos);

(c) anthophyllite;

(d) chrysotile (white asbestos);

(e) crocidolite (blue asbestos);

(f) tremolite;

and includes any asbestos product.

asbestos product means anything that contains asbestos.

Example of asbestos product

a material formed by mixing asbestos fibres with plaster, cellulose, clay or an adhesive product

Note An example is part of the Act, 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).

Part 3A.2 The task force

47B Establishment of task force

The Asbestos Assessment Task Force (the ***task force***) is established.

47C Members of task force

The task force has the following members:

(a) the chief executive of each administrative unit, or a representative of the chief executive;

(b) the general manager of the Australian Capital Territory Insurance Authority, or a representative of the general manager;

(c) anyone else appointed by the Minister.

Note 1 For the making of appointments (including acting appointments), see Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

47D Chairperson of task force

The Minister must appoint a member to be chairperson of the task force.

47E Role of task force

(1) The role of the task force is to analyse the extent and impact of asbestos in the ACT and prepare a report of the analysis.

(2) The analysis must—

(a) be based on empirical data; and

(b) include an assessment of risks of exposure to asbestos; and

(c) include strategies for the inspection, reduction and control required for managing risks identified; and

(d) identify high-risk areas; and

(e) for each high-risk area, identify strategies for increasing public awareness about risks associated with asbestos; and

(f) make recommendations about the regulations to be made for—

section 47J (4) (Liability of owners and occupiers to inform)

section 47K (4) (Liability of owners and occupiers to inspect).

(3) To get empirical data, the task force must arrange for the inspection of a representative sample of buildings.

(4) The task force may do anything else it considers appropriate to carry out the analysis, and may otherwise carry out the analysis as it considers appropriate.

47F Arrangements for use of inspectors etc

(1) The task force may arrange with the chief executive to use inspectors to assist the task force with the analysis.

(2) For the analysis, an inspector may—

(a) at any reasonable time, enter any premises; and

(b) examine anything at the premises; and

(c) take samples of anything at the premises that the inspector suspects on reasonable grounds may contain asbestos, without complying with part 6.7 (Taking and analysis of samples).

Note ***At*** premises includes in or on the premises (see dict).

(3) In exercising a function under subsection (2) (b) or (c), an inspector must comply with—

(a) any standards under the building code about the handling of asbestos; and

(b) any relevant rules or guidelines published by Standards Australia about the handling of asbestos.

(4) An inspector who enters premises under subsection (2) is taken to have entered the premises under chapter 7 (Enforcement powers) and to be exercising functions under that chapter.

Note The provisions of ch 7 that apply in relation to an inspector include the following:

s 143 (Production of identity card)

s 176 (Damage etc to be minimised)

s 177 (Compensation to be paid in certain circumstances).

47G Report of analysis

(1) The task force must give the report of the analysis to the Minister by 1 August 2005.

(2) The Minister must present the report to the Legislative Assembly within 5 sitting days after the day the Minister receives the report.

47H Expiry—pt 3A.2

This part expires on 31 August 2006.

Part 3A.3 Public education

47I Duty to publish educational material

The Minister must publish educational material to increase public awareness about risks associated with asbestos.

5 New part 3A.4

insert

Part 3A.4 Special duties of care for asbestos

47J Liability of owners and occupiers to inform

This section applies to an owner or occupier of premises if the owner or occupier knows, or ought reasonably to know, that there is asbestos at the premises.

(2) The owner or occupier has a duty of care to a person at risk to give the person, in writing, the required information about the asbestos.

Note If a form is approved under s 222 for this provision, the form must be used.

(3) This section does not affect—

(a) common law rules about the liability of owners or occupiers in relation to their premises; or

(b) any obligation that an owner or occupier of premises has under any other Territory law or contract; or

(c) any other duty of care; or

(d) any other liability, including any liability of manufacturers.

(4) In this section:

construction service—see the *Construction Occupations (Licensing) Act 2004*, section 6.

occupier, of premises, includes the lessor of premises let under a tenancy if the lessor—

(a) has an obligation to the tenant to maintain or repair the premises; or

(b) could exercise a right to enter the premises to carry out maintenance or repairs.

person at risk, for premises, means—

(a) a person doing relevant work at the premises; or

(b) a person who is, or is likely to be, a purchaser of the premises; or

(c) a person who is, or is likely to be, a tenant of the premises.

relevant work means—

(a) a construction service; or

(b) renovation work; or

(c) work prescribed under the regulations.

renovation work includes—

(a) the structural alteration of a building; and

(b) the installation or removal of a fixture; and

(c) work prescribed under the regulations.

required information, about asbestos, means—

(a) up-to-date information about the location and condition of the asbestos; and

(b) any other information prescribed under the regulations.

6 New section 47K

in part 3A.4, insert

47K Liability of owners and occupiers to inspect

(1) This section applies to an owner or occupier of premises if—

(a) the owner or occupier is engaging in activity at the premises that is a high-risk activity in relation to asbestos; and

(b) either of the following subparagraphs applies:

(i) the owner or occupier does not know whether there is asbestos at the premises;

(ii) the owner or occupier knows that there is asbestos at the premises but does not know the required information about the asbestos.

(2) The owner or occupier has a duty of care—

(a) if subsection (1) (b) (i) applies—to find out whether there is asbestos at the premises and, if there is asbestos at the premises, to find out the required information about the asbestos; or

(b) if subsection (1) (b) (ii) applies—to find out the required information about the asbestos.

(3) This section does not affect—

(a) common law rules about the liability of owners or occupiers in relation to their premises; or

(b) any obligation an owner or occupier of premises has under any other Territory law or contract; or

(c) any other duty of care; or

(d) any other liability, including any liability of manufacturers.

(4) In this section:

high-risk activity means an activity prescribed under the regulations.

required information—see section 47J (4).

7 New part 3A.5

insert

Part 3A.5 Other provisions about asbestos

47L Asbestos reports

(1) A seller of property commits an offence if the seller does not, before the day the property is first advertised or offered for sale or listed by an agent, obtain an inspection report (an ***asbestos report***) for the property that—

(a) is completed in accordance with the regulations; and

(b) contains the required information.

Maximum penalty: 10 penalty units.

(2) If the property is a residential property, the asbestos report may be included in a building and compliance inspection report from an inspection carried out not earlier than 3 months before the day the property was first advertised or offered for sale or listed by an agent.

(3) A seller of property commits an offence if an asbestos report for the property is not available for inspection to a prospective buyer (or an agent for a prospective buyer) during the time when an offer to buy the property may be made to the seller.

Maximum penalty: 10 penalty units.

(4) This section does not apply in relation to a sale of property if—

(a) the sale arises from the exercise of an option to buy the property and—

(i) the option was contained in a will or sublease; or

(ii) the period for exercise of the option was longer than 60 days; or

(b) the buyer is a related person of the seller.

(5) An offence against this section is a strict liability offence.

(6) In this section:

building and compliance inspection report—see the *Civil Law (Sale of Residential Property) Act 2003*, section 7.

property means—

(a) land on which there are (or there are under construction) premises; or

(b) a unit under the *Unit Titles Act 2001*; or

(c) a lot in a community title scheme under the *Community Title Act 2001*.

prospective buyer, of property, includes a prospective grantee of an option to buy the property.

related person—see the *Duties Act 1999*, dictionary.

required information, for property, means—

(a) up-to-date information about the location and condition of asbestos (if any) at the property; and

(b) any other information prescribed under the regulations.

residential property—see the *Civil Law (Sale of Residential Property) Act 2003*, section 8.

seller, of property, means a person who—

(a) has a legal or equitable interest in the property that the person is entitled to sell; and

(b) offers to sell, or invites an offer to buy, the interest.

Schedule 1 Other amendments

Part 1.1 Building Act 2004

[1.1] New section 42A

insert

42A Contravention of requirements for building work involving asbestos

(1) This section applies to specialist building work that involves the handling of asbestos or disturbance of loose asbestos.

(2) The person who carries out the building work commits an offence if the carrying out of the work contravenes section 42.

Maximum penalty: 50 penalty units.

(3) An offence against subsection (2) is a strict liability offence.

(4) The owner of the parcel of land where the building work is carried out commits an offence if—

(a) the work is carried out in contravention of section 42; and

(b) the owner knows that the work is carried out in contravention of that section.

Maximum penalty: 50 penalty units.

(5) The owner of the parcel of land where the building work is carried out commits an offence if—

(a) the work is carried out in contravention of section 42; and

(b) the owner is reckless about whether the work is carried out in contravention of that section.

Maximum penalty: 20 penalty units.

(6) This section expires on 1 September 2006.

Part 1.2 Building Regulations 2004

[1.2] New regulations 4A and 4B

insert

4A Meaning of *building work*—Act, s 6 (2) (a) and (b)

(1) ***Building work*** includes building work that involves the handling of asbestos or disturbance of loose asbestos.

(2) The handling of asbestos, or disturbance of loose asbestos, by an inspector, for the purpose of taking a sample under the *Dangerous Substances Act 2004*, chapter 3A (Asbestos) is not ***building work***.

Examples of handling of asbestos or disturbance of loose asbestos

1 removal of asbestos

2 cutting a hole in a sheet of asbestos

Note An example is part of the Act, 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).

(3) This regulation expires on 1 September 2006.

4B Meaning of *specialist building work*—Act, s 9 (b)

(1) ***Specialist building work*** includes building work that involves the handling of asbestos or disturbance of loose asbestos.

(2) For subregulation (1), the handling of asbestos does not include the handling of stable asbestos cement sheeting that forms part of a residential building.

(3) This regulation expires on 1 September 2006.

[1.3] New regulation 12A

insert

12A Building approval for asbestos removal—Act, s 26 (3)

(1) For an application in relation to building work that involves the removal of stable asbestos cement sheeting from a residential building, the application must describe the method proposed to be used to remove the sheeting from the building.

(2) For an application in relation to building work that involves the removal of asbestos (other than stable asbestos cement sheeting) from a residential building, the following information must be included:

(a) the method proposed to be used to remove the asbestos;

(b) the approximate quantity and kind of asbestos to be removed;

(c) the equipment proposed to be used to remove the asbestos, including any personal protective equipment;

(d) details of a program (prepared in accordance with the building code) for monitoring airborne asbestos.

(3) This regulation expires on 1 September 2006.

[1.4] New regulation 14A

insert

14A Requirements for plans for asbestos removal—Act, s 27 (1) (a)

(1) Plans that accompany an application that relates to building work involving the removal of stable asbestos cement sheeting must show the location of the sheeting.

(2) Plans that accompany an application that relates to building work involving the removal of asbestos (other than stable asbestos cement sheeting) from a residential building must include the following information:

(a) the location of the asbestos proposed to be removed;

(b) the boundary of the area where people removing the asbestos will be working;

(c) if asbestos removed from the building is to be stored on the parcel of land where the building is—where the asbestos is to be stored;

(d) if a decontamination facility, air filter or air supply equipment is proposed to be used during the building work on the parcel of land—where each is located.

(3) In this regulation:

air filter—see the building code.

air supply equipment—see the building code.

decontamination facility—see the building code.

(4) This regulation expires on 1 September 2006.

[1.5] New regulation 31

insert

31 Expiry of definition of *asbestos*

(1) The definition of ***asbestos*** in the dictionary expires on 1 September 2006.

(2) This regulation expires on 1 September 2006.

[1.6] Dictionary, new definition of *asbestos*

insert

asbestos—see the Dangerous Substances Act 2004, section 47A.

Schedule 2

Residential Property (Awareness of Asbestos) Amendment Bill 2004

Amendments moved by Mr Stefaniak to Ms Gallagher’s amendment

1
Amendment 3
Clause 2 (3), (4), (5) and (6)—

omit clause 2 (3), (4), (5) and (6), substitute

(3) Section 5, section 6 and section 7 commence on a day fixed by the Minister by written notice.

Note A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

(4) If section 5, section 6 or section 7 has not commenced before 16 January 2006, it automatically commences on that day.

(5) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to section 5, section 6 or section 7.

2
Amendment 3
Proposed new section 47G (2)—

omit proposed new section 47G (2), substitute

(2) The Minister must present to the Legislative Assembly, within 5 sitting days after the day the Minister receives the report—

(a) the report; and

(b) a draft of regulations proposed to be made by the Executive in response to—

(i) recommendations made by the task force under section 47E (2) (f); and

(ii) any other aspects of the task force's analysis.

Schedule 3

Residential Property (Awareness of Asbestos) Amendment Bill 2004

Amendments moved by Mrs Cross to Ms Gallagher's amendment

1
Amendment 3
Clause 4
Proposed new section 47C (2)

insert

(2) The *Legislation Act 2001*, division 19.3.3 (Appointments—Assembly consultation) applies to every appointment under subsection (1) (c).

Note 1 Appointments to which the Legislation Act, div 19.3.3. applies require consultation with an Assembly committee and are disallowable.

Note 2 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

2
Amendment 3
Clause 4
Proposed new section 47C, note 3

omit note 3

3
Amendment 3
Clause 5
Proposed new section 47J (4), definition of *renovation work*

omit the definition, substitute

renovation work includes—

(a) the structural or non-structural alteration of a building; and

(b) repairs to a building; and

(c) the installation or removal of a fixture.

4
Amendment 3
Clause 6
Proposed new section 47K (4)

omit proposed new section 47K (4), substitute

(4) The Minister may, in writing, declare premises to be high-risk premises.

(5) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(6) In this section:

high-risk activity means renovation work to premises that are high-risk premises.

high-risk premises means premises—

(a) that contain a building the construction of which was started before 1 January 1988; or

(b) declared under subsection (4) to be high-risk premises.

renovation work includes—

(a) the structural or non-structural alteration of a building; and

(b) repairs to a building; and

(c) the installation or removal of a fixture.

required information—see section 47J (4).

Schedule 4

Residential Property (Awareness of Asbestos) Amendment Bill 2004

<u>Amendment moved by Ms Dundas to Mrs Cross' amendment to Ms Gallagher's amendment</u>

1
Amendment 3 (Mrs Cross) to Amendment 3 (Ms Gallagher)
Clause 5
Proposed new section 47J (4), definition of *renovation work*

insert

(d) work prescribed under the regulations.

Schedule 5

Water and Sewerage Amendment Bill 2004

Amendments moved by the Minister for Planning

1
Clause 4
Proposed new section 17A heading
Page 3, line 6—

omit the heading, substitute

17A Water supply and sanitary plumbing work

2
Clause 4
Proposed new section 17A (1) (a)
Page 3, line 8—

after

plumbing work

insert

or sanitary plumbing work

3
Clause 6
Proposed new regulation 16A heading
Page 4, line 7—

omit the heading, substitute

16A Water efficiency requirements—water supply and sanitary plumbing work—Act, s 17A

4
Clause 6
Proposed new regulation 16A (1)
Page 4, line 9—

omit proposed new regulation 16A (1), substitute

(1) The following requirements are prescribed:

(a) for domestic water supply plumbing work involving the installation of, or work on, a shower—the shower head must have a maximum flow capacity of not more than 9 litres per minute;

(b) for domestic water supply plumbing work involving the installation of, or work on, a tap for a kitchen or laundry sink or any other basin inside a building—the outlet of the tap must have a maximum flow capacity of not more than 9 litres per minute;

(c) for domestic sanitary plumbing work involving the installation of, or work on, a sink—a garbage disposal unit must not be connected to the sink or an outlet from the sink.

(1A) The maximum flow capacity mentioned in subregulation (1) must be worked out using AS/NZS 6400 as in force from time to time.

(1B) Subregulation (1) (b) does not apply to domestic water supply plumbing work involving the installation of, or work on, a tap for a kitchen or laundry sink or any other basin inside a building if—

(a) the tap is in part of the building used, or for use, mainly for business; or

(b) the usual pressure of water that is, or is to be, supplied to the building is less than 50kPa.

Example

a home on a farm supplied with bore water at a pressure less than 50kPa

Note An example is part of the Act, 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).

(1C) In this regulation:

domestic—water supply plumbing work or sanitary plumbing work is ***domestic*** if it is work in relation to premises used, or for use, for residential purposes.

(1D) Subregulation (1) (b) does not apply to domestic water supply plumbing work carried out before 1 July 2005 if—

(a) the tap is fitted with another device (a ***secondary device***) that reduces the flow capacity of the tap for a kitchen or laundry sink or any other basin; or

(b) a compatible secondary device for the tap is not reasonably available in the ACT.

Example of secondary device

a valve in addition to the valve forming part of the tap

Note An example is part of the Act, 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).

(1E) For this regulation, a secondary device is not ***compatible*** if use of the device with a tap would void the tap manufacturer's warranty.

(1F) Subregulation (1E) does not limit when a secondary device is not compatible.

(1G) Subregulations (1D), (1E), (1F) and this subregulation expire on 1 July 2005.

5
Clause 6
Proposed new regulation 16A (2)
Page 5, line 8—

omit

subregulation (1) (a) (ii)

substitute

subregulation (1A)

Schedule 6

Water and Sewerage Amendment Bill 2004

Amendment moved by Mrs Cross

1
Proposed New Clause 4A
Page 3, line 15

insert

4A New Section 50

50 The Government shall supply, free of charge, the necessary secondary device as described in the *Water and Sewerage Regulations 2001*, to those households that wish to install such devices.