DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

WEEKLY HANSARD

26 AUGUST

2004

Thursday, 26 August 2004

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Thursday, 26 August 2004

The Assembly met at 10.30 am.

(Quorum formed.)

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

Planning and Environment—Standing Committee
Report 35
[Cognate motion:
Territory plan—variation No 241]

Debate resumed from 24 August 2004, on motion by **Ms Dundas**:

> That the Assembly takes note of the paper.

Motion (by **Mrs Dunne**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent notice of the day No 2, Assembly business, relating to the rejection of Variation No 241 to the Territory Plan, being called on forthwith.

MR SPEAKER: I remind members that in debating order of the day No 1, Assembly business, relating to report 35 of the Standing Committee on Planning and Environment, they can also comment on notice of the day No 2, Assembly business, relating to the rejection of variation No 241 to the territory plan.

MR CORBELL (Minister for Health and Minister for Planning) (10.35): Mr Speaker, I had not intended to respond to report 35 of the Standing Committee on Planning and Environment, relating to variation No 241 to the territory plan, simply because I outlined the government's response to that committee report, which endorsed the variation, after question time yesterday when I tabled the final variation itself.

Let me just deal quickly with the issue of the disallowance motion that Mrs Dunne has foreshadowed that she proposes to move. I will start simply by outlining again to members what variation No 241 deals with. It 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 of section 21 Bruce with a 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 buffers areas land use policy, and it replaces the residential land use policy over the remainder of blocks 1 and 3 of section 21 Bruce with an urban open space land use policy. All these changes relate to the realignment of Jaeger Circuit, are minor, and will all facilitate the development of an aged care facility on land the majority of which is already subject to the community facility land use policy. The other changes expanding the amount of land available for conservation and recreation purposes.

The Standing Committee on Planning and Environment recommended in report 35, which was tabled earlier this week, that the variation proceed. As I have indicated, I tabled the final document on 25 August. Mrs Dunne has indicated that she wants to see the variation determined within the life of the Assembly. That is also the preference of the government, which is why the government worked to table the variation as soon as possible after the committee reported.

This variation removes any possible ambiguities over the land use for an important aged care facility for the community and for the proponents, the Little Company of Mary. Accordingly, the government will not be supporting the disallowance motion and will be taking all steps to facilitate the passage of the variation today.

MRS DUNNE (10.38): I thank members for their indulgence on this matter, which is an important one. We do not normally handle disallowances and draft variations in this way but, because this is the last sitting day, this issue must be resolved today, otherwise it will sit around until the Assembly is reconvened and possibly into the new year. Members of the Liberal opposition have been very critical of the delays in facilitating the development of the aged care facility by the Little Company of Mary on this site at Bruce and wish to do everything they can to expedite the matter.

The motion that I will move today is for the disallowance of variation No 241 to the territory plan. Although I shall be moving the motion, I will be voting against it, as will the Liberal opposition. It is a procedural matter to bring finality to the variation of the territory plan and allow for development on the site. There is a range of approval processes that must be gone through then by the government. The clear wish of the opposition is that these should be done as expeditiously as possible, within the constraints of the law, so that the people of the ACT, particularly the people of Belconnen, can obtain this much needed aged care facility as soon as possible. I hope that members will do the right thing and vote against the disallowance.

MS TUCKER (10.40): All I want to do is to put on the record that the Greens have not had time to look at this matter. I appreciate that this is the last sitting day. This report only came in last week, as I understand it, and obviously there has not been time for us to engage the community about what has come out of it.

MS DUNDAS (10.40), in reply: Mr Speaker, I want to respond briefly to the comments of the Minister for Planning when he tabled variation No 241 to the territory plan. I will not be supporting the disallowance motion. I am happy for variation No 241 to proceed.

The committee made three recommendations in its report on draft variation No 241. The first was that the variation to the territory plan proceed, which is what we are debating today. The second recommendation related to emergency access to Gossan Hill and along the existing Haydon Drive. The government has said that that will be caught up in how the development is proceeded with. The committee noted that and is glad that the government is aware of this issue and that the lease and development conditions for the site will take into account the need for fire management in this area.

The committee’s third recommendation was in relation to future developments and the government following a more desirable process of dealing with detailed land use issues

at an early stage in the development of a proposal so that we do not have Assembly committees operating almost as a de facto rubber stamp for plans that have been dealt with or been discussed for quite an amount of time. The government has agreed that it is a desirable practice to have the variations being discussed at an early stage of the process.

However, it noted that this variation arose at the end of the planning process. Considering that the discussion about this block of land has been around longer than the life of this Assembly—it was actually discussed by the Fourth Assembly's planning committee—I was a bit surprised to see the argument put forward that it thought that a territory plan variation was needed only at the end of the process.

I think that a message that government needs to heed and that has to be taken up by the next Assembly is that the draft variation process worked sometimes and did not work sometimes in the Fifth Assembly, that in some cases we have been looking at a variation almost as a rubber stamp—when all the planning has happened, when blocks of land have been sold, when leases have been signed and when there have been ideas about what is going to happen on a site. The committee has not had the opportunity to contribute to that process.

We have also seen the reverse happen and the committee has been able to come in at the early stages to work through fundamental land planning issues and make positive contributions to how the city will look and how planning will take place. I hope that government will be able to find a way of ensuring that committees are involved at an early stage in the future, that their role in looking at the overall territory plan and the planning process will be able to be supported and continue in the way that it should be and not seen merely as a rubber stamp.

With that being said, I am happy to see variation No 241 to the territory plan proceed. I note that the last stage has been done in quite a quick manner, but that was something that we saw as necessary to happen so that the aged care facility could be dealt with in a very rapid way. I will be opposing Mrs Dunne's motion.

Question resolved in the affirmative.

Territory plan—variation No 241

Motion (by **Mrs Dunne**) negatived:

> That this Assembly, in accordance with section 29 of the *Land (Planning and Environment) Act 1991*, rejects variation No 241 to the Territory Plan—Aged care facility, additional urban open space and expansion of Gossan Hill Nature Park, South Bruce.

Suspension of standing and temporary orders

Motion (by **Ms Tucker**) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent notice No 1, Assembly business, relating to the *Gaming Machine Regulations 2004*, being called on forthwith.

Gaming Machine Regulations 2004

MS TUCKER (10.45): I move:

That this Assembly resolve to amend the Gaming Machine Regulations 2004 as set out in the following schedule:

Schedule Amendments of Gaming Machine Regulations 2004

1
Proposed new regulation 2 –

omit

Regulation 2

substitute

(1) These regulations (other than regulation 75A) commence on the day the Act, section 178 (Regulation-making power) commences;

(2) Regulation 75A commences 12 months after the day the Act, section 178 (Regulation-making power) commences.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75(1))

2
Proposed new regulation 36 (5) (b) (iA) –

insert

(iA) how to set limits under regulation 38 on the use of player accounts, in a way that is easy to understand and promotes the setting of those limits as a general consumer protection measure.

3
Regulation 38 (3) –

omit

Regulation 38(3)

substitute

(3) However, if the player changes a limit in a way that makes funds more readily available for gambling (for example, by increasing the amount that may be used during a period), the change does not take effect unless the player confirms the change by written notice given to the licensee at least 7 days after the day the player gave notice of the change under subregulation (2).

4
Proposed new regulation 75A –

insert

75A Credit limit on note acceptor

(1) A licensee commits an offence if the licensee, without reasonable excuse, operates a gaming machine with a note acceptor that accepts the introduction of notes at a time when there is more than $20 credit available for play on the gaming machine.

Maximum penalty: 5 penalty units.

I am proposing these amendments because there is the potential here to put in place a stronger system of consumer protection in gambling. As I said in the debate on the Gaming Machine Amendment Bill, having additional limits on what note acceptors will allow is likely to be a very useful measure. Whilst the government's regulations take a good step in prohibiting the use of $100 and $50 notes—the maximum note value that will be accepted is $20—there is nothing to prevent someone using $20, $10 or $5 notes to gamble away in one game much more than they would want to or that their household budget could afford were they not caught up in the gaming machine spirit.

The measure proposed in amendment No 4 follows the model used in Queensland in 2000 and 2001. It requires gaming machine operators to adjust their note acceptors in a way that means that they will not accept any more notes when the credit on the gaming machine is $20 or more. When Queensland did that, it resulted in a significant drop in revenue from gaming machines in clubs. The policy did not apply to gaming machines in casinos and hotels, which caused some consternation. After apparent lobbying on this point, the government decided to remove the cap from clubs.

This proposed change to the regulations would have a delayed commencement date to enable the technical modifications to be made. My amendment No 1 sets this delay at 12 months later than the commencement date for the remainder of the new regulations. That is important because some technical changes would be required. The Queensland Office of Gaming and Racing managed this transition in Queensland with advice on the technical requirements.

The amendment also has a defence of without reasonable excuse to allow for transitions or exemptions to be worked out if absolutely necessary. There was not, as far as I have been able to tell by asking the Queensland office, a review of the effects of this cap on players. Monitoring the effects in the ACT should this change get the support of members today would be an important part of the change.

Some commentators in Queensland believe that the drop in revenue did not indicate a drop in problem gambling. However, this claim does not seem to be on the basis of any particular evidence. We do know that around one-third of gaming machine expenditure comes from people who can be identified as having problems with gambling. To be precise, in the 2001 ACT survey it was found that problem gamblers accounted for 37.3 per cent of gambling expenditure.

When gambling is a problem for a person it impacts on the rest of that person's life in a harmful way. That, in turn, creates problems, sometimes severe problems, for the person's family, friends and sometimes workplace. We have all heard of the cases where large amounts of money have been stolen from workplaces because of someone's gaming machine habits.

The Productivity Commission report referred to research with people who had had help with their problem gambling and asking them what would have helped. Some interruption to the gambling was cited. The forced slowing of the cash input to the gaming machines is one way of doing that, hence the cap.

My second amendment is a very sensible and, I hope, non-controversial addition to the list of notices that a gaming machine operator must provide when providing a player card to a gambler. This notice would point out the existence of the option of using the player card to set particular limits beyond $500 in a fortnight, which is quite high compared with many household incomes. The notice will present that as a general consumer protection mechanism. The point of this wording is that this should not be seen as something that only people with an identified problem could benefit from. It is about setting the parameters that make the gaming experience—which, after all, is about losing control for a time—less of a risk for the world outside the flashing lights.

The third amendment strengthens—again, I think in a sensible way—the existing cooling-off period for the extension of limits on player cards. In the regulations as presented, an increase in the limits would come into effect automatically seven days after the request was made in writing. Whilst this cooling-off period is important, I think that it would be improved by requiring a cooled off confirmation; so my amendment would mean that, instead of automatically coming into effect seven days later, the change would need to be reconfirmed in writing seven days or later after the first request was made. I hope that members will see that these amendments improve consumer protection, and support them.

MS DUNDAS (10.51): The Democrats are happy to support these amendments, given the time that we have been able to consider them. A couple of the amendments look at the gaming machine regulations and a few of them go to the issue of player cards. There are differing views on whether player cards are a good addition to the regulation of gaming machines, as potentially they allow gaming machine users to access large amounts of funds without having to physically handle these funds.

However, the use of player cards may also potentially allow gamblers to have greater control of the level of gambling they engage in and could provide greater records of gambling behaviour, which could be useful for research purposes as well as for identifying problem gamblers, although the last point needs to take into account the issue of the privacy of gaming machine users.

As I see it, Ms Tucker's amendment simply requires not only that the gambling provider must give notice to anyone who requests a player card, but also that they must give the customer information about how the limits are set. That amendment is quite simple, is not onerous on gaming providers and extends the harm minimisation principles of the regulations.

The third part of Ms Tucker's motion deals with the regulations in their current form that provide for a cooling-off period after a person applies for a higher fund limit for the person's player card. The cooling-off period is seven days. However, this cooling-off period does not have to be confirmed by the player; it would simply occur automatically. This amendment inserts an extra harm minimisation strategy by requiring an additional

step in applying for access to additional funds by requiring the customers to confirm their original decision before that extra access is granted. Again, this is a relatively simple amendment that is aimed at consumer protection. Hence, I am able to support it.

The other thing that Ms Tucker is trying to do this morning goes to the issue of note acceptors. During the debate on the Gaming Machine Act, the Assembly rejected the proposal that note acceptors be removed altogether. I think that that would be a far better way of controlling the problems associated with note acceptors. I remind the Assembly that note acceptors make it very easy for gamblers to spend extremely large amounts of money very quickly and someone who is affected by problem gambling can lose financially from this method by easily increasing their expenditure without necessarily having that physical reminder of what is actually happening.

I understand that this amendment is seeking to proscribe a requirement that has been in operation in Queensland by ensuring that notes can only be inserted when a machine is low in credit, so that gamblers will then have to insert money into the machine more slowly and will be less able to lose large amounts of money quickly. It has the added benefit of not interfering with the use of gaming machines by recreational gamblers. I support these amendments and I hope that the Assembly will see the benefit that they will provide in harm minimisation in relation to gaming machines in the territory.

MR STEFANIAK (10.54): The opposition will not be supporting these amendments. Over the past 3½ years—in fact, I think that it was something started by the previous government—there has been an extensive review undertaken of the gaming industry in the territory by the Gambling and Racing Commission. Late last year, I think, the current government came down with its recommendations after a lot of consultation. There were papers out for community consultation before that. After much debate—indeed, we have had several bills before the Assembly, including some private members bills from me as much as anyone else—the legislation was finally passed in May. I think that it is very important to give the legislation a chance to work, for starters.

It is crucial that this industry, which provides employment to thousands of Canberrans and provides cheap entertainment for probably hundreds of thousands of our citizens, be allowed to proceed with certainty. The gaming industry, particularly the clubs, which are almost invariably affected by changes, needs significant certainty in relation to where it goes from here. The industry was not particularly happy with a number of things passed by this Assembly in May when the revised act was actually passed. I think that the act is a very balanced approach to gaming in the territory. I think that everyone had a lot of input. Certainly, at the end of the day, I was quite comfortable with how it would work.

There were some things that the clubs certainly did not like. There were probably certain things that Ms Tucker and the people who speak to her did not particularly like, but the act does provide certainty and it provides certainty after close to a 3½—year period in which the whole issue was being looked at, and looked at very thoroughly. I think it is somewhat premature for these types of amendments, if anything else, to be brought before the Assembly and I do have some significant concerns in relation to a couple of them. I think that the act needs to be given time to work.

I note that research is being undertaken in relation to a number of these issues—amongst other things, the matter of note acceptors. Professor Jan McMillen's group at the ANU

has been undertaking a project on behalf of the ACT Gambling and Racing Commission concerning a number of these issues including, as I said, the matter of note acceptors.

The clubs also have to contend with the smoking legislation passed by this Assembly. If one message comes out strong and clear in terms of what ideally the clubs would like to see happen it is that they need certainty. They are in a difficult industry. A number of clubs have fallen over. Clubs provide about $15 million worth of community contributions, which is over and above what the statutory requirement of 7 per cent asks them to do. As I indicated, they employ thousands of Canberrans and provide entertainment for many more.

There are 400,000 members of Canberra's licensed clubs. A number of people—I must say that I am one of them—belong to a number of licensed clubs, hence that figure. It is important to ensure that the balanced approach that has been taken by this Assembly is given a chance to work, that the industry and everyone involved in this area is allowed to proceed with certainty and that the work being done by Professor McMillen's group is also allowed to proceed with certainty.

Mr Shonk of the Licensed Clubs Association wrote to me and my colleague Mr Smyth—I imagine that a similar letter was sent to a number of other members—as a matter of urgency concerning Ms Tucker's proposal. He stated that restricting note acceptors to one $20 note at a time would be disastrous for the club industry in the ACT. Ms Tucker and Ms Dundas talked about the situation in Queensland. Mr Shonk went on to say that it was tried in Queensland a couple of years ago and the government moved within three to four days to redress the situation because of the substantial and immediate impact it had on industry revenue.

Recently, the New South Wales government's Independent Pricing and Regulatory Tribunal, after a major and comprehensive review of a range of harm minimisation measures, noted that banning note acceptors could have very significant effects on the economics of the gaming industry, of which clubs are a part, but there was very little evidence regarding the effectiveness of the measure. In this context, the tribunal considered that research into limiting note acceptors to low denominations should be given greater priority than any research into banning note acceptors.

As a result of legislation passed by the Assembly, the acceptance of notes of a high denomination has been banned in the ACT. Significantly, the New South Wales body said that further research should be conducted to clarify the benefits to gamblers and the economic impacts on venues of modified note acceptors. Our decision has been to ban $100 and $50 notes. New South Wales, incidentally, has no restrictions at all and it does not appear that it will have any for the foreseeable future.

The clubs have indicated that they are very concerned about the issues raised by Ms Tucker and are worried about there being a significant and substantial reduction in their revenue coming about very soon after the imposition of a complete ban on smoking and are worried about the viability of many clubs in the industry being at severe risk for no really discernible benefit elsewhere. They have also pointed out that Professor Jan McMillen's group is looking at this issue and a number of other issues. I think that it should be given a chance to do so. I think that the legislation, which laboriously went

through this Assembly and went through a consultation process over 3½ years, should be given a chance to work. The opposition will be opposing Ms Tucker's proposal.

MRS CROSS (11.00): Mr Speaker, whilst I agree with the principle behind Ms Tucker's amendments to the gaming machine regulations, I will be supporting only amendments 2 and 3. Ms Tucker's amendments 2 and 3 relate to the use of player accounts and the limits on these accounts. Amendment 2 requires licensees to explain to individuals seeking to set up a player account how to set up limits on this account. This is certainly an important harm minimisation mechanism and thus shall have my support.

Similarly, amendment 3 requires the changing of account limits to be confirmed in writing seven days after the request for a limit change is made. That will stop individuals betting above their heads or chasing losses when they cannot afford it. Essentially, it means that players will actually have to want to change their limits, not just think that they do in the heat of the moment. This is another important harm minimisation measure and will again have my support.

I will not, however, be supporting amendments 1 and 4 because I believe that they are just not viable. To make it an offence for a club to operate a machine with a note acceptor that accepts cash when there is more than $20 worth of credit on the machine is draconian and not viable. Manufacturers of gaming machine products will not manufacture goods specifically to suit ACT laws as the ACT is just too small a jurisdiction. Similarly, changing every machine the clubs currently have within one year would be very costly and burdensome on the clubs. At this stage, there is no concrete evidence to support claims that that would reduce problem gambling. Once again, I shall be opposing Ms Tucker's amendments 1 and 4 but will be supporting amendments 2 and 3.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.02): The government will not be supporting any of the amendments. We have been through a fairly long and exhaustive process, commencing with the commission's report, followed by the government's tabling of its response. There was a high level of consultation all round in relation to that. That response was on the table for something like 12 months and the regulations have been derived from that response.

The Queensland experience that was brought up would be, from the industry's perspective, quite crippling. I am prompted to ask why someone does not move for the total outlawing of poker machines in the place. We would have to reorganise society, because there is such a strong orientation towards club life and club support for so much of our community. Canberra is the national capital and a relatively large city but, at the same time, it has characteristics that I think could only be found in New South Wales country towns in the way that club life and club support of sport and other activities and the provision of facilities are so integrated within our community.

The Queensland experience says: if you want to wreck the club industry, that is how you do it. As Mr Stefaniak rightly pointed out, for good and sound reasons smoking will be outlawed by the end of next year or 2006, and previous experience elsewhere indicates that the clubs will go through a tough adjustment period in relation to the banning of smoking. I think that we have done enough. I think that, as Mr Stefaniak said, we have

taken and worked out a balanced approach, an approach that will not cripple the club industry but will introduce a significant raft of harm minimisation measures.

It is naive of Ms Dundas to be saying that some of this change would not be onerous. It would help if she understood the club industry and addressed the question of whether we actually want to outlaw it and change the community structure or whether we want to take a balanced approach to living with gambling and making sure that the proceeds of a major slice of gambling in the territory are folded back into the community one way or another—through the club services and through the community contributions. Mr Stefaniak mentioned the community contributions. They are just the tip of the iceberg of what clubs spend in the provision of services.

Just go and ask some of the people who frequent, say, the Southern Cross Club. It provides all sorts of activities for people of all ages on a regular basis and, at the same time, provides a reasonable, economic catering service. It is part of our community. If you want to kill it, stand up and say so; otherwise, let's be reasonable and rational about how we treat the clubs.

MS TUCKER (11.06), in reply: I wish to respond to a couple of points that have been made, particularly about amendments 1 and 4. Mr Stefaniak spoke about what happened in Queensland. I discussed that in my presentation this morning and I am certainly well aware of what happened. I think that the bottom line here is that, if we were to have an impact on problem gambling, it is absolutely clear that the revenue of clubs would drop. That is the reality of the situation. The evidence is there to show how much of their revenue comes from problem gamblers.

You just cannot have it both ways and say, "We care about problem gambling, but we do not want to see a drop in the revenue of clubs." I think that the IPRT report erred on the side of caution to protect the clubs' revenue rather than on the side of caution for consumer protection. For the information of members who want to know about evidence, I will read from the report of the Productivity Commission on Australia's gambling industry. It states:

> It should not be assumed that all problem gamblers spend a large amount, or that heavy gamblers are problem gamblers. Indeed, the Commission's survey suggests that 60 per cent of gamblers outlaying more than $4,500 a year are not problem gamblers. Even so, the data suggests strongly that problem gamblers are much more prevalent amongst big spenders than among light spenders. The average expenditure per gambler tends to climb with a higher assessment of their gambling problem.
>
> Those with severe problems (as defined using the Dickerson approach described in chapter 6) account for the majority of spending by problem gamblers. For example, it is estimated that this group accounts for about one-third of spending on gaming machines and one-quarter of spending on racing.
>
> Other international studies have also found that problem gamblers account for a significant share of expenditure.

The report goes on to detail the data from other countries. As I have just said, in the 2001 ACT survey it was found that problem gamblers accounted for 37.3 per cent of gambling expenditure.

Mr Quinlan has said that these changes would destroy the clubs. The clubs have very high revenue at this point in time. They are not going to collapse. You could argue that in some ways they would have to provide services that were not quite so reliant on poker machines, but if the revenue came down across all the clubs the changes would have an equalising effect. They could still be offering services, maybe not quite to the degree that they do now, but it would also make more equal the relationship between the clubs and taverns in the ACT, which obviously have suffered a great deal as a result of the very uncompetitive prices that have flowed from the subsidisation of food and alcohol in clubs.

We are all very well aware of the concerns that the taverns and the hotels have expressed on that over the years. Whilst I have not supported the expansion of gambling machines to hotels and taverns, I have certainly had sympathy for the concerns they have raised about the difficulty they have in competing with the subsidised products provided by the clubs. As I said, this is about consumer protection as much as anything. I just think that it is pretty obvious from the research that has occurred that creating a break for gambling and putting limits on how much can be spent at any point in time are very significant measures for dealing with problem gambling.

The other irony of this matter is that the gambling industry has always said that gambling is for recreation, that it is about pleasure, and the problem gambling aspect of it is exaggerated by consumer protection advocates such as Lifeline and politicians such as Ms Dundas and I who have taken a strong consumer protection approach in this Assembly to gambling. If it is indeed just about having fun and recreation, there is absolutely no problem with gambling smaller amounts, but the reality is that that is not what we are talking about here. We are talking about trying to assist consumers in an environment that is very seductive in terms of people spending more than they can afford to spend. I am pleased at least to see support for amendments 2 and 3 regarding player cards. I thank members for their comments.

MR SPEAKER: Before I put the question, I wish to point out that Mrs Cross indicated that she wished to oppose some parts of this motion. She will not be able to do that, unless someone moves for the separation of various parts of the motion.

Motion (by **Ms Tucker**) put:

> That the question be divided.

The Assembly voted—

Ayes 3	Noes 14	
Mrs Cross	Mr Berry	Ms MacDonald
Ms Dundas	Mrs Burke	Mr Pratt
Ms Tucker	Mr Corbell	Mr Quinlan
	Mr Cornwell	Mr Smyth
	Mrs Dunne	Mr Stanhope
	Ms Gallagher	Mr Stefaniak
	Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Question put:

> That **Ms Tucker's** motion be agreed to.

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.

Education—Standing Committee
Report 5

MS MacDONALD (11.18): Mr Speaker, I present the following paper:

> Education—Standing Committee—Report 5—*Teaching in the ACT: Shaping the future*, dated 25 August 2004, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

MS MacDONALD: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS MacDONALD: I move:

> That the report be noted.

Mr Speaker, this is the fifth and final report of the Standing Committee on Education. I preface my speech by saying that parents, the community and, in turn, governments expect education systems to deliver what their children need—learning and establishing a strong foundation for the future. The same can be said for post-school learning through the CIT. Governments and others can provide the money for classrooms, chalkboards, books, computers, smartboards and other capital equipment, but teachers are the linchpin

between students and learning. That remains true in spite of teaching having moved a long way from being just chalk and talk, if it ever was just that.

There has been much discussion in the community of the pressure today on teachers and the education system, yet, perhaps the biggest pressure the system faces is in ensuring that there are adequate numbers of teachers with the requisite skills in the requisite subjects. With a large number of our teaching work force due to retire, we face not just the issue of replacement of the number retiring, but also the more pressing issue of a loss of years of cumulative knowledge and skill.

This report has attempted to look at these and related issues and make practical recommendations on ways in which to deal with them. I hope that all parties involved in the delivery of education in the territory will find this report useful. We have, without doubt, an excellent education system in the ACT, on a par with and exceeding the rest of the country. It is imperative that we all act to protect the future of our education system by making sure that we have the teachers there in the future; after all, we are talking about our learning future and the future learning of our children.

It was a great pleasure for the committee to conduct this inquiry into teacher numbers, recruitment and training. The committee started the inquiry at the beginning of the year, after resolving in December last year to conduct the inquiry. The committee has come up with 16 recommendations that range across a variety of areas. The committee received 21 submissions and had six public hearings and four site visits. The site visits were to the Gold Creek middle school in Nicholls, the Department of Education and Training's teaching and learning technologies resource centre in Stirling, which I have to say is an excellent centre, the Saints Peter and Paul Catholic primary school in Garran, and the Department of Education and Training's recruitment centre in Higgins.

The committee made 16 recommendations. The first recommendation reads:

> The Committee recommends that the Government work with the University of Canberra and the Australian Catholic University Signadou to develop data on graduate teacher satisfaction and participation in the teaching profession on completion of their studies over the longer term. The Committee further recommends that this data should capture issues relating to: managing student behaviour; collegial relationships; parent/teacher relationships; and lesson plans.

The second recommendation reads:

> The Committee recommends that the Government develop formal mechanisms to strengthen collaboration between the University of Canberra and the Australian Catholic University Signadou and schools, particularly in the area of pre-service training and field experience.

As to that recommendation, a relationship is already established between those two teacher training organisations and a number of schools, but we would like to see that more formalised. Recommendation 3 reads:

> The Committee recommends that the Government provide for increased numbers of appropriately skilled teachers and principals to be placed in education faculties as teacher educators for specified durations.

The committee thought that it was incredibly important to look at this area for passing on that knowledge to people coming into the education area who want to be teachers and making sure that they are capable of teaching well into the future.

The committee recommended that the Canberra Institute of Technology consider the need for mechanisms that analyse recruitment issues, course demand and student enrolment levels from an institution-wide perspective to ensure that appropriate work force management strategies are developed and implemented. The committee had some discussions with the CIT on this issue and formed the view that, whilst the faculties needed to have the flexibility to be able to say what their needs were, the institute overall needed to have a body overseeing the issues concerning their anticipated levels and how they were going according to course enrolments, because course enrolments change over time and the different faculties would not know the overall situation of the institute. That is how that recommendation came about.

Recommendation 5 reads:

> The Committee recommends that the Government work with the University of Canberra and the Australian Catholic University Signadou, to develop courses targeted at retraining teaching staff currently employed in the system in areas of Languages other than English, Information and Communication Technology, Science and Special Education.

The reason that that is so important is that that is where the area of need is greatest at the moment—not just in the ACT, but also across the country. A number of people said that we have plenty of teachers in the primary area and are able to fill those needs and we have teachers in lots of other areas, but we really need to make sure that we get trained people into the areas mentioned in the recommendation.

Recommendation 6 is about the government giving consideration to offering scholarships to undergraduate students in the areas of specialised subject shortage. That is the same as the issue I just talked about. Recommendation 7 is about the Department of Education and Training and the Catholic Education Office investigating the engaging of undergraduate science and maths teaching students to assist school students and teachers in secondary schools. That is to try to give those trainee teachers that experience, but also to help fill the gaps that we face in science and maths teaching in our high schools.

Recommendation 8 relates to the Department of Education and Training extending and marketing the accessibility of the teacher resources and professional development services available at the teaching and learning technology centre to all education sectors. The teaching and learning centre is located at the old Stirling campus of the Canberra College. The centre is not in a new building, but it has been made to look shiny and new. The centre is a fantastic resource. I know that a number of schools across the ACT already utilise the library and the other services within the centre, but I think that we need to make sure that everybody in the community is aware that that service is being provided.

The library within the teaching and learning centre has a delivery service and teachers do not need to go and visit the centre and do not need to worry about opening hours. They

can get there the resources they need if their school does not have them. If, say, a primary school is focusing on green insects out in the wild, a teacher can contact the teaching and learning centre or get on line to find out whether the centre's library has that information. The centre is well utilised for professional development. The committee would like to make sure that as many teachers as possible are able to utilise it.

Recommendation 9 relates to the Department of Education and Training investigating the provision of superannuation arrangements that will enable teachers and principals who wish to remain longer in the profession or to work part time to do so without financial detriment. Superannuation is a major issue for teachers of the age of 54 years and 11 months. How do we keep those people involved in the teaching system and therefore not lose their skills? The answer to that was not necessarily clear to the committee, but the committee believes that that must be looked at in relation to making it easier for teachers to keep their hand in.

Recommendation 10 is about the Department of Education and Training and the Catholic Education Office, in consultation with schools, compiling on a regular basis comprehensive data relating to teachers, teacher work force trends, and the reasons for separation from the profession. Surprisingly, that is not being done to a wide extent. The committee thinks that it is important to know why we are losing teachers from the profession and how we can encourage them to stay in it. The way to do that is to get the data.

Recommendation 11 reads:

> The Committee recommends that the Government work with the University of Canberra and Australian Catholic University Signadou to make the impact of different kinds of disabilities a key focus in the educational theory and practice components of teaching courses.

The committee did not have a specific reference concerning disabilities, but it received five submissions on this issue and heard that the increase in the diagnosis of children with autism spectrum disorders as well as other disabilities is having an impact on teachers and learning environments. We need to make sure that we are catering for that. I know that the Department of Education and Training and the Department of Disability, Housing and Community Services do what they can, but we need to make sure that we support the people who are teaching those students as well.

In recommendation 12 the committee recommended that the government provide teachers and support staff who currently teach students with disabilities with appropriate training in the specialist skills needed to work with such students through the development of a professional development module and that the government invest further in the recruitment of qualified teacher aides for deployment, as needed, in those schools with special needs students. That relates to what I was just saying.

The committee recommended in recommendation 13 that the government raise the profile of the teaching profession in the ACT through a positive media campaign in conjunction with key stakeholders. I acknowledge that that is not necessarily going to be an easy thing to do, but I think that it is absolutely vital that we put out the message that

teaching is a good career, that it is a good profession, that it is something that offers a future for people going into the work force or people seeking to change careers.

I think that often people get the impression from a lot of what they read in the newspapers that teaching must be a miserable career choice. I do not believe that that is the case. I know that people who are working in the profession, while they have complaints about things within their job, would not change what they are doing and do love it. I commend them for that and I think that that is a message that we need to get out to the community.

The committee recommended in recommendation 14 that the Department of Education and Training review the current induction and mentoring program for teachers, with a view to extending the program from two to five years. I think that it is very important to do that. The committee members heard anecdotally and saw in the figures that came to the committees that lots of teachers are leaving the profession within the first five years of having completed their university studies.

It seems like a waste of resources to have somebody study for four years to get a job in the profession and then leave after less than five years in the job. *(Extension of time granted.)* It is important to support new teachers. That is not always easily done. I think that the mentoring program that exists is a good one, but the committee would like to see it extended that little bit further to make sure that we are not losing the new blood that is coming in and that those people who are coming in are staying and developing their expertise so that they can go into the middle teaching roles and enhance their qualifications.

Recommendation 15 relates to the government establishing a teacher registration board as a matter of priority and making registration a compulsory requirement for all teachers in the ACT as soon as practicable. New South Wales is the only state and the ACT is the only territory that do not have a compulsory requirement concerning the registration of teachers. The committee did not focus on this area in a major way, but it did come up as an issue with a number of the people to whom the committee spoke in the course of the inquiry. For the sake of making sure that our school students are protected and for the sake of protecting the people within the profession, it is important to look at doing that.

In the final recommendation, No 16, the committee recommended that the Department of Education and Training monitor the work of the New South Wales Teachers Institute with regard to professional support and ongoing professional development of the teaching profession. I think that that is self-explanatory.

I might get a bit political here and say that the committee was bemused by the decision of the current federal government to provide money for a national centre for teaching excellence to be set up at the Australian National University. The reason it was bemused is that the Australian National University, as members would know, does not train teachers. How it would suddenly have the expertise to say what is excellence in teaching is a bit of a mystery. That is a bit of a barrier or a bit of hurdle that it will have to overcome in the first place, which is unfortunate. I am sure that there was more than one other applicant for that role and I know that what happened came as a surprise to some in the education community, but I welcome the fact that a centre for teacher excellence has been set up.

As I said in my preface, this report is about a very important issue. We need to ensure that our youth are being properly educated and that the people who teach them are equipped with the skills to do that. This report has looked into that.

I finish by thanking the members of the committee, Mr Pratt and Ms Dundas, for their input to this report and this inquiry and, as this is the committee's last report of this Assembly, I thank them for their efforts over the past three years. It has been good to work with them. I am happy to say that we have not had a dissenting report for any of our inquiries and we have in the main been in agreement on the issues, which has been refreshing.

I also thank David Skinner, the former secretary of the Standing Committee on Education, for his work until he changed roles in this place, and Ms Kerry McGlinn. I know that the inquiry has been a steep learning curve for her. She did not come into the chamber for the tabling of this report, which I thought she should do, but I can see her outside hiding behind the glass. I know that writing this report has been a learning process for her. I appreciate all the research and effort she put into writing the report. Today or tomorrow will be her final day in this place, unless things change, and I hope that she will get to come back to this place if that is what she wants to do. I commend the report to the Assembly.

MR PRATT (11.40): Mr Speaker, to pick up on Ms MacDonald's final comments, it is quite true to say that the committee has been in general agreement with its various inquiries. There have been differences in emphasis by the three of us, but all of the inquiries that we have run have been essential inquiries going to the heart of most important aspects of ACT education. Those issues have been handled in a multipartisan way. I think that that has been clearly reflected in the reports on the inquiries that we have done, particularly this one.

Teachers are the lifeblood of education. They are, rightly, the most costly and the most valuable asset in the education system. The management of our teacher asset is, therefore, one of the highest priorities in education and, I would put it to members, one of the highest priorities in government.

For some years, teachers across the country have wondered whether they are valued in society, or even held somewhere near the level of esteem that society once elevated them to. Teaching is a vocation. It is not just a job; it is a vocation. Blokes of my age can certainly remember when teachers were regarded as hallowed people rather than simply paid public servants. The committee was quite keen to find out, amongst many things, whether any of these elements of traditional teaching were still there, whether teachers aspire to teach as a way of life and not just as a job, and whether the community understands that and supports those aspirations.

What was most impressive to me during this inquiry was the level of dedication of the teachers and principals whom we spoke to in the hearings and met during visits. I thank them and I thank the departmental officials, the university authorities and education stakeholders involved in the inquiry for providing the committee with valuable information and quite clear, sometimes blunt, advice and for pointing out some quite creative ideas that we ought to be passing on to government.

I would like to emphasise to this place the value of a number of the recommendations. Ms MacDonald covered all of them, and covered them well. I would like to emphasise a couple of them. Recommendation 9 talks about making superannuation more flexible. I think that this is terribly important and deserving of serious consideration by both sides of the house so that we might more actively retain experienced teachers. Experienced teachers with years of work left in them are retiring early. If they do not want to retire at the age of 54 years and 11 months, why do we not try to make it easier for them remain?

Recommendation 10 talks about compiling comprehensive data relative to the reasons for separation so that the department will be better able to manage retention strategies. It is a good recommendation. It encourages government and it encourages the department to better analyse the reasons for separations—what is driving some teachers out of the system—and hone management strategies for the retention of those teachers.

Recommendation 12 deals with strengthening the capacity of schools to cope with managing students with special needs. I would encourage the government to look at the recruitment of non-qualified teachers aides. The area of education dealing with students with special needs is one of the more vulnerable areas and more must be done to relieve the burden on teachers. This recommendation goes to the heart of that.

Recommendation 14 relates to mentoring, for me one of the most important areas. I believe that it is critical to build in an extra capacity to lighten the burden on teachers, particularly younger teachers. There is a mentoring system in place. I must congratulate the department on ensuring that a system exists, but it does not seem to be applied so well across all schools, and mentoring is so important.

It is of critical importance in the areas of recruitment and retention to do something about the experienced teachers who are approaching the superannuation threshold and to do something with the level 1 teachers reaching the critical four and five-year mark. The inquiry has pretty much determined that that is where we are losing teachers. I think that our report has covered those critical areas quite well.

I believe that our principals and teachers are under great pressure at the moment, and perhaps have been for far too many years. I believe that support systems within education need to be significantly upgraded. The committee found in this inquiry evidence to support a broader anecdotal view that teachers are, firstly, struggling with a choked curriculum; secondly, not as well supported as they could be by mentoring programs, as I pointed out earlier; and, thirdly, not supported as well as they could be with respect to the challenges of student behaviour and student management.

The committee found in this inquiry that our teachers and principals are dedicated and do demonstrate quite impressive teaching techniques, ingenuity and innovation. Some of what we saw at the schools we visited was quite encouraging. Perhaps the three personal observations that I have listed as concerns—a choked curriculum, mentoring and managing student behaviour—are not conclusively proven in this report, but they are major concerns. There were strong indicators that these areas may be areas that need to be followed up. I believe that the government should do just that.

We need good teachers to do one of the most important jobs in the ACT—teaching, nurturing and developing the character of our young people. We must retain these good teachers. We must try to support them in their quest to make teaching a vocation and not simply a job. We must support them. We must equip them to cope with the stresses. I believe that this inquiry, which was well chaired by Ms MacDonald, has gone a long way towards pulling out some very interesting indicators that we in this place all need to take a close look at.

I thank the chair of the committee, Ms MacDonald, and my other colleague, Ms Dundas. I thank Ms McGlinn, who may be lurking behind the window over there. She worked quite smartly and worked with great industry to help us put this report together. Like Ms MacDonald, I commend this report to the Assembly.

MS DUNDAS (11.48): Mr Speaker, *Teaching in the ACT: Shaping the future*, the fifth report of the Standing Committee on Education, is the result of a wide-ranging inquiry that looked at what is happening to teaching in the ACT—how we are going with recruitment, how we are going with retention, what we are doing to enable our teachers to make sure that they are the best teachers that they can be, that they are focused on supporting the young people in our the schools.

We had the opportunity in the course of this inquiry to visit schools and talk with teachers and principals about how they were going and about what they needed to see happen in the future. That was very helpful. I thank all the people who participated in those visits for taking time out of their already busy days to allow us to view classes in action, to talk to new and continuing teachers and to mull over with some principals where things were happening in our schools.

Like other members of this committee, I would like to thank the secretary of the committee, Kerry McGlinn, for the work that she has done in pulling all of this evidence together and making this report one that is quite clear in its intention. I thank Ms MacDonald for her work as chair and Mr Pratt for his contributions to this inquiry. Of course, I thank the people who took the time to put in submissions. They were very detailed and very helpful. I think that we have been able, in a way that has not been done before, to consolidate what is actually happening round Australia in relation to teacher recruitment and how the ACT fits into that broader picture.

I would like to touch on some specific issues. The other members of the committee have already touched on the great bulk of the report, but I wish to refer to a few things that I thought were of particular interest. In terms of how we train our teachers and the work that they do in universities, we heard some interesting evidence in relation to the practical component of that teacher training. Training teachers go and spend some time in schools to see how things actually work on the ground.

Without doubt, everybody agrees that this is an incredibly important part of teacher training practices. However, there is some concern that maybe our training teachers are not getting enough of the practical component and that that needs to be expanded. An interesting thing that happens at the Australian Catholic University is that it makes it mandatory for training teachers to do community participation. As well as spending time in schools, they have to spend time with a community organisation.

More work is being done on looking at the balance between educational theory and teaching practice and how we can ensure that when our teachers do graduate, are successfully recruited and do move into the classroom, they are as prepared as they can be on that first day in the classroom to deal with students. I think that that is a very important component of the training that they get. There are some recommendations in this report about that practical component and how it could be expanded.

The committee looked at specific need in areas where there are identified shortages, such as maths, science, information and communication technology, special education, and languages other than English, and recommended that the government consider offering scholarships to undergraduate students in areas of specialised subject shortage so that we would be getting more teaching students in to address the need that we will have in the future.

I think that one of the very important things about this report is that it has been able to identify some of the needs that we will be faced with meeting in the future. One way that we can ensure that we get more teachers into the teaching profession and allow more teachers to stay in the teaching profession is by looking at the profile of teachers and how they are talked about in the community. That was touched upon by the Senate committee report entitled *A class act,* which indicated that teachers saw their status as low in comparison with that of other professionals with equivalent qualifications and that their status had declined over the past 20 years.

Teachers talked about this decline being linked to a range of things, including salary, career structures, workload, the crowded curriculum, student behaviour, and welfare programs. This evidence was something that we picked up in our inquiry and it echoed quite strongly what the Senate inquiry heard. We think that there is scope for a positive media campaign to remind teachers that we do support them, that we recognise the important work that they do and value it highly, and to let the community know that we do value teachers, that we want to see our teachers supported, well remunerated and actually being able to get on with the job that they do best, which is helping our children grow into the adults that we want them to be.

Another issue that we looked at was the separation rate, which links into the big picture. There has been a lot of focus recently in the debate about the number of teachers in the ACT and whether we are going to be well placed in the future concerning the retirement age of teachers and that bulk of teachers who are looking to retire. The committee heard evidence that many teachers are leaving the teaching profession in their first five years of teaching. Sometimes they come back a few years later, but sometimes they do not.

I think that more work needs to be done with those teachers who are leaving early, to find out why they are leaving early and what we can do to make them stay and to see teaching as a long-term profession, and what we can do to make sure that these trained professionals who have worked with students and young people are comfortable with coming back to the teaching profession. We have put forward a few recommendations in relation to that, especially in relation to the support that new teachers get in mentoring. As has been mentioned, we have recommended that the mentoring program be extended from two years to five years and that we look at why these new teachers are choosing to end their careers and leave the profession for good.

There is work to be done through our universities and through the department on looking at this problem to see what we can do to address it. Teachers spend a lot of time working to become teachers. Their degree is a four-year degree. Why are they leaving so soon after they have taken up the profession? What can we do to help them stay and do what they have trained to do?

Another issue that we picked up on was what is going on at the CIT, a slightly separate entity, as part of the teaching profile of the ACT. Whilst a lot of work has been done within the CIT to change the teaching profile, to move away from a casual work force to a more permanent work force, there is still work that needs to be done in relation to the CIT's recruitment practices. At the moment, they are devolved to each of the faculties to meet their immediate needs in relation to the courses they are presenting.

The committee believes that there is scope for a more centralised mechanism, especially as the CIT is moving away from a casual work force to a more permanent work force, and there is a need to find more permanent jobs for that casual work force to see how the faculties can work together and whether there is scope for centralised recruitment and being able to share teachers across different areas. I hope that the CIT will take that recommendation in the good faith with which it was presented and that the government will be able to work with the CIT on that issue.

Special education is another subject I want to touch on. It was not something that we were required to look at specifically, but independently a number of submitters raised as an important issue that teachers are not being given the support they need to work with young people with high needs and that we actually have working with special needs kids teachers who have not been properly trained to work with these young people. That has a negative impact on the teacher and it has a negative impact on the young person. If we support these teachers by enabling them to get the training they need so that they will be better equipped to deal with the special needs of these young people there will be a better outcome for all.

Training is available in the ACT to enable teachers to get the greater skills they need to work with a greater diversity of young people. That is something that I think the government needs to prioritise. I recognise that this report has come down on the last sitting day of the Fifth Assembly, but I urge the government to look specifically at the needs of special needs teachers and those teachers who are working with high needs kids to see what can be done to support them today and how these recommendations can be fast-tracked to give teachers more support in that area of need.

Again, I thank the community for its participation in this inquiry. I thank all the teachers and principals who worked on this inquiry as well. I hope that we will be able to do as the title says and help shape the future of teaching in the ACT with this report. I commend this report to the Assembly and to the government.

MR SPEAKER: Before proceeding further, I acknowledge and welcome the small group of students from MacKillop Catholic College who are with us today.

MS MacDONALD (11.59), in reply: I will be brief in my reply. I thank Mr Pratt and Ms Dundas for their comments, which show quite clearly that we were pretty much of

one mind on these issues. I think that just reinforces the importance of this report. In case I did not say it before, I would like to say that my thanks go very much to all the people who put in submissions and appeared before the committee and those who were so generous with their time at the site visits.

I refer to the people at Gold Creek, the staff of the department who showed the committee around the teaching and learning centre, Dennis Sleigh and the teaching staff at Saints Peter and Paul primary school, and the departmental officials who showed us around the teacher recruitment centre at Higgins. It was very good to be able to meet with the teachers who were involved in the interview process and see how it operates in practice. My thanks go to all those people who appeared before this committee and put so much of their time into this report.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 14

MR SMYTH (Leader of the Opposition) (12.00): I present the following paper:

> Public Accounts—Standing Committee—Report 14—*Review of Auditor-General's Report No 10 of 2003: Financial Audits with years ending to 30 June 2003*, dated 24 August 2004, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted

MR SMYTH: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR SMYTH: I move:

> That the report be noted.

The *Review of Auditor-General's Report No 10 of 2003* deals with the financial audits for the financial year 2002-03. As always with the Auditor-General, it is an interesting report which covers a lot of ground. The territory's consolidated financial statements in this year received a qualification, as they have done for some years. I know this has been a matter of ongoing interest for the Treasurer and I am sure it will be a matter of ongoing interest for the incoming Treasurer, whoever that may be.

The Auditor's report is quite detailed. It talks of the qualification; it looks at performance against budgets of various government entities; it looks at the under-expenditure against budgets, particularly capital works; and it talks of the compliance with the Financial Management Act. In its review of the report the committee has come up with seven

recommendations. The first recommendation addresses the underspend in capital works. The Auditor notes that the under-expenditure in the 2002-03 year was $58 million, or 37 per cent less than allocated. The figure of $58 million is the same amount that was under-expended in the capital works in 2001-02. When we get the capital works report some time today, it will be interesting to see if the trend has continued.

The Auditor commented on the trend. The committee was concerned that there seemed to be a trend of not completing capital works. Where the under-expenditures occurred in important areas like health, justice and education we had some concerns. We have recommended that the government inform the Assembly of what it has done to address the trend of underspending of capital works funding, just so we get a handle on what is happening in this very important area. It is important to the construction industry in terms of job flows and making sure we have an adequate work force. It is also much more important to the people of the ACT when you look at the list of projects that were delayed in that year. We will be interested in making sure that the government gets it right in the coming years.

The next area of interest was the territory's model of financial administration. In relation to that, the Auditor found that the territory's conceptual model for financial management has not been critically reviewed since it was put in place in 1996. The government has had an ongoing review of issues as they emerge. The Auditor-General was not in favour of the incremental review as he thought it might lead to missing certain issues—or a lack of continuity across the act. The committee agrees with the Auditor-General in that and, in recommendation 2, calls on the government to evaluate the territory's model of financial management, to make sure that our financial management is in the best interests of the people of the ACT.

The Auditor then talks of territory compliance with the Financial Management Act and points out some examples where he believes the FMA has not been complied with. To their credit, this was also included in the Auditor-General's Report No 7 of 2002 and in the Auditor-General's report of 2001. The government has confirmed that it will be taking corrective action on this issue. That of course will put this in the purview of the public accounts committee in the next Assembly and I am sure they will keep a similar watching brief on it.

The next area is one that has dogged probably every Assembly, every committee and every report ever put out in this place. With regard to the output performance measures, the Auditor-General found that there had been a significant reduction in the number of performance measures reported by agencies, which he thought was a positive development. He said, "However, scope exists to further reduce the number of reported measures without sacrificing the information needs of the Legislative Assembly and the community."

Again, this has been raised in a number of reports over time and the committee felt it was now appropriate that the government undertake a comprehensive review of these through consultation with the members of the Assembly, as well as the ACT community, so that we get an intelligent feel for what would be useful and what makes mistakes. There are a number of reporting indicators or performance measures in the budget where the measure is: "(1) provide advice". So, "We have provided 100 per cent of advice; therefore we have complied." I think it is important that we get them correct as well.

The next area the Auditor looked at was the tabling of audited financial statements. The Auditor-General found that there is no requirement for the financial statements of several entities that the government is responsible for to be tabled in the Legislative Assembly. The list of bodies included the ActewAGL joint venture, the Amaroo 3 joint venture, the Canberra Business Development Fund, CIT Solutions—and the list goes on. The Auditor felt that, given that there is a financial interest in all of these organisations, the Assembly should have this information provided to them.

The Auditor recommended that the annual reports of the territory entities be legally required to include the audited financial statements. The government disagreed with that, saying that the Australian accounting standards already have certain mandatory reporting requirements and that they are met. The committee in this case has sided with the Auditor-General and recommended that the audited financial statements of entities in which the territory has a controlling interest be legally required to be published in the relevant agency annual reports.

The next matter that the Auditor mentions that the committee has chosen to comment on are some inconsistencies in various departments. One is that ACTION may be in breach of its own act. We have recommended that the ACTION Authority Act be amended so that the ACTION authority's objectives are consistent with its operations. This centres on the fact that the Auditor-General found that ACTION's current assets are not sufficient to meet its current liabilities. As a result the Auditor-General recommended that the ACTION Authority Act be amended to remove the inconsistent legislative function requiring ACTION to seek to generate a profit. The government responded by saying that it is undertaking a review of the matter.

It is interesting that the committee commented on this issue in an inquiry the previous year. We have recommended this time that the ACTION Authority Act should be amended so that what ACTION does is consistent with its operations, or—I guess you could read conversely—if the government wishes to leave the act as it is, help ACTION to achieve what it is supposed to achieve under its act. The Auditor also looked at other areas—some of the departments and the Canberra Business Development Fund. I will not comment on all of those, but they are in the report.

One I will comment on is the Canberra Hospital. The Auditor found that the hospital did not manage its operations to budget, and also that a fair percentage of the capital works budget—$2.6 million of the $4.5 million allocated—had not been drawn down in the first six months of the financial year. It is interesting that the government did not provide comment about this in their submission. So the committee recommends that the government inform the Assembly of what it has done to address the failure of the Canberra Hospital to manage its operations to budget and the delays in the capital works spending. Other areas the Auditor commented on were the insurance authority, the Department of Justice and Community Safety, the Stadiums Authority and the superannuation unit. It is all there for members to read.

The issue of the superannuation unit has, again, been an ongoing quandary or argument between the Auditor-General and the Treasurer—and I think we are all well aware of the position of the Auditor. The Auditor-General has constantly advised that the accounting treatment adopted by the territory for the recognition of superannuation liability was not

in accordance with the requirement of Australian Accounting Standard 29. The government has said it will look at this. I think the Treasurer has recently taken it on board, so we will leave that one where it stands.

To summarise, the report looked at what was in the Auditor-General's report and we acknowledge the views he has presented. He has made certain suggestions to which the committee has agreed. In our recommendation 7 we suggest that the Assembly take note "particularly in relation to: agencies non-management of financial operations to budget and incursion of loss, and non-compliance with the Financial Management Act 1996" as important issues.

I would like to take this opportunity to thank the members of the committee, which comprised Ms Tucker, Ms MacDonald and me. It is quite interesting that, with all three of us being committee chairs, we all had competing interests for our time. All the same, we worked well together to achieve what we have achieved over the past three years. The committee was well supported by the secretariat, as always. We have had two significant secretaries to the committee during that time and I thank them both. There were a number of stand-in secretaries, and I thank them for their assistance in transition periods.

Stephanie Mikac, who is the current secretary, has served very well and grown into the job. I congratulate Stephanie on all the effort she has put in to making the committee look professional and get the reports out on time. On behalf of all committee members, I thank her for the way she has helped us in our endeavours and looked after the interests of the Standing Committee on Public Accounts for the Fifth Assembly.

Ms MacDONALD (12.12): I want to refer to a couple of issues in this report. The first one is the recommendation that, "The government critically evaluate the Territory's model of financial management including the conceptual basis for these arrangements." In the report we have talked about the Auditor-General saying that, "The Territory's conceptual model for financial management has not been critically reviewed since its introduction in 1996", and that, subsequently, "The Auditor-General recommended the evaluation of the Territory's conceptual model for financial management." We also say:

> The government has noted the Auditor-General's recommendation and stated that the Territory continually monitors developments in other jurisdictions with improvements to financial models. As there are no identified major problems with the operation of the Territory's current financial model, the present incremental approach to change is considered less risky and less costly than a larger scale approach to review.

We go on to say:

> The Auditor-General was not in favour of the incremental review as such an approach would make it … unlikely that major issues will be identified or addressed on a timely basis unless either a significant problem arises or a critical evaluation of the model is performed.

I raised that issue in a committee meeting. I have to say I was not successful in arguing the case on this. I point out that the Auditor-General did not find any faults that had occurred to the model up to that moment but was predicting that a problem may arise and

said that we should, therefore, do a major overview. I have a bit of an issue with the suggestion that we have to do a major overview when there have been no major faults with the model.

Mr Smyth has referred to the territory's compliance with the Financial Management Act 1996 as being a perennial issue. It is a perennial issue but to recommend that, "The Government undertake a comprehensive review of key performance measures through consultation with the Legislative Assembly and the ACT Community" does not suggest anything positive about what we should do. This issue keeps coming up but there is no suggestion of how to deal with it. I do not know that we needed to put that recommendation in—and I raised it as an issue in the committee. I would not say I was shouted down, but I agreed that I was not going to win on that issue.

I wanted to raise those issues and, as this is the last report of the public accounts committee to be tabled, I wanted to put on the record my thanks to Stephanie Mikac, the current secretary. I said this on Tuesday night in my thanks to all the committee secretaries. I have learnt a lot from Stephanie, and from this committee and from all my committees. I would not necessarily describe myself as being somebody who is really into looking at the numbers and hearing them sing, but I have become a bit more in tune with that whilst on the public accounts committee. It has been an interesting process. I would like to thank Stephanie and also my colleagues, Brendan Smyth, the chair of the committee, and Kerrie Tucker, the other committee member, for their efforts.

We have worked reasonably well together—it has been a good committee. Although there have been a few reports that I have wanted to tear my hair out over, we have managed to get through them, and I congratulate the committee for its work. As I came on to this committee later, I would also like to acknowledge the work Ms Gallagher put in while she was on the committee,

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Report 5

MR SPEAKER: I present the following report:

> Administration and Procedure—Standing Committee—Report 5—*Status of volunteers in members' offices*, dated 24 August 2004, together with a copy of the extracts of the relevant minutes of proceedings.

MS DUNDAS (12.18): I seek leave to move a motion authorising this report for publication.

Leave granted.

MS DUNDAS: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS DUNDAS: I move:

That the report be noted.

Just briefly, for the information of members, this is, I think, the third of the inquiries the administration and procedure committee has undertaken arising from the first privileges inquiry of the Fifth Assembly. This particular report into the status of volunteers raises some interesting questions about the status of volunteers in members' offices and how the work they are seen to be doing is judged not only by managers in our offices but also by insurance companies and by the secretariat support staff of this Assembly.

Even though this is the last sitting day of the Fifth Assembly and the ability of this government and this Assembly to do much with this report is limited, I recommend that all members of this place read it. There is some very important discussion in this report about the status of volunteers in members' offices that I think every member needs to be aware of. This relates specifically to how we engage volunteers and what we ask volunteers to do. There was a detailed submission from Volunteering ACT about the status of volunteers that has led to the presentation, with this report, of a draft agreement between members and volunteers to be entered into by both the volunteer and the member.

There is also some discussion in relation to how the cost of insuring volunteers in our offices is met. The committee recommends that each individual member be responsible for meeting the cost of insuring volunteers through their discretionary office allowance. It is not mentioned in the report but if members are using their discretionary office allowance for that purpose, then corporate services will be able to assist members in making sure that that insurance is adequate.

I commend this report to each individual member of this place. I hope they take the time to read it so they are aware of their responsibilities in relation to volunteers in their offices. In the next Assembly we can formalise some arrangement so everybody is covered, and thus continue to support volunteers in our offices.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Discussion paper 1

MR SPEAKER: I present the following report:

Administration and Procedure—Standing Committee—Discussion Paper 1—*Review of standing orders*, dated 25 August 2004, together with a copy of the extracts of the relevant minutes of proceedings.

MS DUNDAS (12.21): I seek leave to move a motion authorising the paper for publication.

Leave granted.

MS DUNDAS: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS DUNDAS: I move:

> That the report be noted.

Again, just briefly, for the information of members, the administration and procedure committee has for some time been looking at our standing orders. We have received a few comments and suggestions about what needs to happen to make our standing orders more workable. The committee has not made any decisions either way on any of these submissions, but we have provided a discussion paper for this Assembly—and, we hope, for the next Assembly—as a starting point for a comprehensive review and possible changes to the standing orders. It should be pointed out, however, that by putting this document forward we are just noting that these standing orders are worthy of discussion. We are not endorsing or recommending any of the changes; we are simply putting forward changes for discussion by members of both this Assembly and the next.

This discussion paper also addresses the issue of late night sittings, which was raised in the Assembly last week. As members know, on Wednesday 18 August the Assembly passed a resolution calling on the administration and procedure committee to inquire into this issue. It should be noted that this paper discusses an earlier start time of 10 am for the Assembly, as well as a later formal adjournment time of 6.30 pm. If these measures are adopted, the effect could be a reduction of the need for late night sittings to consider the Assembly's business. The committee believes it has undertaken its duties in relation to this particular motion of the Assembly. We hope this discussion paper will inform debate in the Sixth Assembly as to where we need to go in streamlining our standing orders.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Statement by chair

MR SMYTH (Leader of the Opposition): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the committee. The Standing Committee on Public Accounts has resolved not to provide further comment in relation to the following Auditor-General's reports:

- Auditor-General's Report No 5 of 2003: Lease of FAI House;
- Auditor-General's Report No 6 of 2003: Allegations of Financial Mismanagement—University of Canberra Union;
- Auditor-General's Report No 7 of 2003: Compliance Performance Audit—Recruitment Processes;

- Auditor-General's Report No 8 of 2003: Financial Incentive Package for Fujitsu Australia Ltd;
- Auditor-General's Report No 1 of 2004: Administration of Policing Services;
- Auditor-General's Report No 2 of 2004: Travel Arrangements and Expenses; and
- Auditor-General's Report No 3 of 2004: Revenue Estimates in Budget Papers 2002-03.

Suspension of standing and temporary orders

Motion (by **Mr Wood**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent the adjournment debate for today extending beyond the 30-minute time limit.

Day and hour of next sitting

Motion (by **Mr Wood**) agreed to:

> That the Assembly, at its rising, adjourn until a day and hour to be fixed by the Speaker either:
>
> (1) at the request of the Chief Minister; or
>
> (2) on receipt of a request in writing from an absolute majority of Members
>
> and that date and time of meeting shall be notified by the Speaker to each Member in writing.

Leave of absence for members

Motion (by **Mr Wood**) agreed to:

> That leave of absence from 27 August to 15 October 2004 inclusive be given to all Members.

Suspension of standing and temporary orders

Motion (by **Mr Wood**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent a motion being moved to rescind the resolution of the Assembly of Tuesday, 17 August 2004 relating to the agreement to the Residential Tenancies Amendment Bill 2004, as amended, and clause 30, as amended, and to resume consideration at clause 30 of the Bill in detail stage forthwith.

Residential Tenancies Amendment Bill 2004
Rescission and reconsideration

Motion (by **Mr Wood**) agreed to:

(1) the resolution of the Assembly of Tuesday, 17 August 2004, relating to the agreement to the Residential Tenancies Amendment Bill 2004, as amended, and clause 30, as amended, be rescinded;

(2) clause 30 of the Bill be reconsidered in the detail stage, pursuant to standing order 187; and

(3) reconsideration of clause 30 of the Bill in detail stage commence forthwith.

Residential Tenancies Amendment Bill 2004
Detail stage

Clause 30.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (12.29): I move amendment No 3 circulated in my name *[see schedule 1 at page 4466]*.

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

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice
Aged care accommodation—bed availability

MR CORNWELL: My question is to the Chief Minister, Mr Stanhope. It relates to the plethora of sites for aged care accommodation that you rattled off during yesterday's question time. These include sites at Belconnen, Gordon, Nicholls and Greenway. Additionally, you said you had approved the direct sale of blocks at Garran, Bruce, Monash, Weston and Hughes for aged care accommodation. Mr Jim Purcell, the executive director of the Council for the Ageing, said recently:

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

Chief Minister, rather than just continually rattle off a list of sites for aged care, could you please inform the Assembly and the people of Canberra when these beds will actually become operational?

MR STANHOPE: I thank the member for the question. Issues in relation to aged care, of course, are extremely important. As I indicated yesterday, the government has, in order to ensure that we do have in place a strategy that will work now and into the future, done some retrospective analysis of the provision of aged care beds and the direct granting of land. That retrospective analysis has covered the four years of the previous government. I propose to release that analysis shortly because it will show the most appalling record of the previous government in relation to the delivery of beds.

Mr Smyth: On a point of order: under standing order 118 (b) the minister is not allowed to debate the subject; he actually has to answer the question that was asked.

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

MR STANHOPE: Thank you very much, Mr Speaker. That analysis will show that the Liberal Party over four years did absolutely nothing. It delivered 21 beds in its four-year term.

Mr Smyth: On a point of order, Mr Speaker—

MR SPEAKER: I heard you, Mr Smyth. Come to the point of the question, please.

MR STANHOPE: It will show that the Liberal Party delivered 21 beds in a four-year term and gave absolutely no direct grants of land at all.

Mr Smyth: On a point of order, Mr Speaker: under standing order 118 (b), the Chief Minister cannot ignore your direction. He is debating the subject and should be directed and should comply with the direction.

MR STANHOPE: I was doing that. If you stop interfering and allow me to answer the question, I will.

MR SPEAKER: He has got five minutes to answer the question.

Mr Quinlan: The context of what's in the pipeline.

MR STANHOPE: I am providing context.

Mr Smyth: The question didn't ask about the former government; the question asked about his announcements.

MR SPEAKER: I think the Chief Minister is entitled to contextualise things. That has always been the case.

MR STANHOPE: And that is all I have been doing.

Mr Smyth: Under 118 (b), though, he is not allowed to argue the subject, which is what he is doing.

MR SPEAKER: Yes, and he has to come to the subject matter of the question.

MR STANHOPE: Thank you, Mr Speaker. Having undertaken that retrospective analysis, the details of which I will be releasing shortly, the government has put in place a whole new strategy to determine the needs now, the needs in the longer term and how we meet those needs. I am particularly proud of the advances we have made through the strategy, to meet the needs of an ageing community—something that we take particularly seriously.

It is true that over the last couple of months we have direct-granted or approved the direct grant of land that will actually achieve the prospects of an additional, I think, 350 or thereabouts beds and about 600 independent living units. I do not have the

detailed numbers with me now, but we have approved that. The planning is complete or complete to the point where, in relation to those pre-planned land releases that you've mentioned, there is now land available for sale in 2005 and 2006 that will accommodate 400 aged care beds and 600 aged care units.

That is not counting the approvals for direct grants, including the direct grant to Calvary for the Bruce site of 100 beds and 74 independent living units. It does not count the unique and trend-setting arrangement negotiated by the Land Development Agency with the Commonwealth in relation to the application of 100 aged care beds on section 87 of Belconnen. It is actually an arrangement that I think we should be particularly proud of, an arrangement in relation to section 87 at Lake Ginninderra. That will be the way of the future. I indicated yesterday when we discussed this issue that the Land Development Agency, I think, needs to be congratulated that the model that has now been negotiated will become the model for all jurisdictions around Australia—a direct relationship between states and territories, as the provider of the land and the facilitator of the construction of beds, and the Commonwealth, never forgetting, of course, that it is a Commonwealth responsibility to pay for and to fund aged care beds. It is a Commonwealth responsibility.

Mr Smyth: On a point of order, Mr Speaker: the question is quite specific. When will these beds actually become operational? He wasn't asked about us. He was asked when these beds will become operational. If he does not know the answer, he should just sit down.

MR SPEAKER: I hear your point, but you cannot answer questions about aged care beds without referring to the Commonwealth, I would not have thought.

MR STANHOPE: The beds are coming on stream; they are coming on stream incrementally. Many have come on over the course of the last year. There are many more that will be produced before the end of next year. All of those that were assigned up until July this year will be delivered before the end of next year. We are now in a position where there is no reason or expectation that there will be any delay after that.

MR SPEAKER: The minister's time has expired.

MR CORNWELL: When will the 200-plus aged care beds—I will do a deal with you—that have been waiting to become operational for over two years, the 200 beds that you people have ignored for over two years—actually become operational?

Mr Hargreaves: Mr Speaker, on a point of order: this is a preamble to a supplementary.

MR SPEAKER: No, it was a question.

MR STANHOPE: Many of those are already operational. The others will incrementally become operational before the end of next year.

It was a miserly number of beds that the Liberal Party federally did provide to the ACT. The problem that we have now is that the federal Liberal party, in its miserly attitude to the needs of an ageing community and the paltry number of beds it is delivering—

Mr Smyth: On a point of order, Mr Speaker: under 118 (b), the minister is debating again. He was asked when the 200 beds will become operational. If he does not know, will he just say so?

MR SPEAKER: Mr Smyth, the question was asked in relation to 200 beds and Mr Stanhope was answering in response to the question. You cannot answer questions about aged care, I would not have thought, without mentioning the Commonwealth.

Mr Cornwell: You can in this case, because they've been sitting on these 200-odd.

MR STANHOPE: We are not sitting on any beds.

Mr Hargreaves: On a point of order, Mr Speaker: the Chief Minister has been answering the question, but there is such a cacophony of sound over there that they could not possibly hear his answer. I ask you to congratulate Mr Stefaniak, the only person over there who isn't—

MR SPEAKER: Sit down, Mr Hargreaves.

MR STANHOPE: Let me just conclude with the remark that we have in place now a detailed strategy that is working to deliver, in a timely and an orderly fashion, all beds that have been provided to the ACT by the Commonwealth. We have not received enough beds from the Commonwealth. It is an indictment of the Liberal Party federally that they will not provide us with sufficient beds to meet our need. We have more land—development ready, approved, available and in the process of either having been granted or being granted to private sector providers—than we have beds, by far.

Mrs Dunne: Calvary isn't; there's no approved DA.

MR STANHOPE: We are waiting for Calvary to lodge its DA. You need to understand this. It is all right to cackle and to laugh. There is no decision of the ACT government impacting on the delay that is being experienced in relation to Calvary. I need to say this; you need to understand it. Calvary needs to accept responsibility for that.

Mr Smyth: It's Calvary's fault?

Mrs Burke: Blame the community again.

MR STANHOPE: It is Calvary's fault. We are waiting for Calvary. It is Calvary's fault—absolutely and totally. It is their responsibility.

Mr Hargreaves: Mr Speaker, warn somebody.

MR SPEAKER: Order!

MR STANHOPE: It is Calvary's responsibility—absolutely and solely. The ACT government has been waiting patiently for the Little Company of Mary to make its decision. We do not know why they've delayed to the extent that they have. We understand now that they're in a position where they can, having agreed to proceed with

the development, lodge a development application, but they have chosen not to at this stage. We know they will.

We cannot drive their timelines; it is in their hands. They're dealing with probably—I would expect—a range of financial issues in relation to the decision to go ahead with the construction and lodge the development application. It has got nothing to do with us. We are waiting and working with Calvary in relation to the delivery of the aged care facility at Bruce. Of course, it will be delivered. It will be delivered by the Little Company of Mary. The land has been provided; the land has been approved for direct grant. Calvary have now accepted that particular offer. The matter is wholly and solely within their hands.

We have made a very significant contribution to the Bruce development. I do not know the real dollar worth of that, but—

Mr Corbell: It's over $1 million.

MR STANHOPE: It is well in excess of $1 million of direct assistance by this government to Calvary in relation to the Bruce site. We are waiting now for Calvary to arrange its affairs and get on with the delivery of those beds.

Canberra—governance

MR HARGREAVES: My question is directed to the retiring minister for lots and lots of things in his capacity as Minister for Urban Services, Minister for Arts and Heritage, Minister for Police and Emergency Services, and Minister for Disability, Housing and Community Services.

MR SPEAKER: You mean Mr Wood!

MR HARGREAVES: Indeed I do. Will the venerable member please inform the Assembly of the progress of governance in his portfolios over the last 15 years.

MR WOOD: I certainly can. It will be brief. The last sitting day of this Assembly is beginning to sound like the last day of school. Mr Speaker, you, among others, would remember that, in large measure, we were not wanted for some good reasons. Over a period of 70 years Canberra had grown from wide open sheep runs to scattered dusty suburbs and then, by 1989, to a city of some 280,000 people with generously provided facilities and with a low cost of living compared to the states.

That is the background. That was necessarily so. The Commonwealth had to provide the resources and the facilities to attract all those public servants to this place from comfortable Sydney and Melbourne. Those officers were then keen to look after the city they lived in. Canberra had it very good. Canberrans knew that. So they said, "Why change it?" "But," said the Commonwealth, "you've grown up. You'll now pay your way. You're on your own."

Most of the members here would remember all that. We got self-government so that we Canberrans would make those hard decisions about containing expenditure and increasing revenue. That sounds like Ted Quinlan. Not surprisingly, many ACT voters

preferred the benevolent dictatorship of the Commonwealth. They gave us five members committed, not to self-government, but to anti-self-government. But, as we recall, they quickly capitulated even Dennis Stevenson.

In the face of that resistance and extreme difficulty, I report good progress to Mr Hargreaves. Self-government is a success, not without a large number of bumps, bruises and broken limbs along the way. Richard Madden was the first Under Treasurer. Wayne Berry, and I think Bill Stefaniak—not in the same cabinets—would remember the downward graph that he presented at budget time. "This is where we are folks," he would say. "This is where we have to get to." The only cabinet decisions in those times were where we would cut.

In the early Follett government, for example, ministers were allowed just one initiative, and that was a luxury. The consideration that ministers now give to the preparation of the budget is a good indication of the progress of self-government. Yes, Ted, we have to watch expenditures, but there is growth. Budget cabinets spend a very long time debating the merits of the many sound initiatives that emerge from budget cabinet.

Canberra today is a prosperous, bustling city, generally strong in all areas, whether it is business activity, culture, education, health or sport—you name it. Self-government, with the work of this Assembly and its members, and with the dedication and competence of the great government services behind it, has been important in sustaining that good condition.

Finally—I am not sure whether as an encouragement or as a warning to members—let me say that nostalgia sets in. I look back to those early days with fond memories.

Mental health

MR SMYTH: Mr Speaker, it might be worth while to acknowledge that Minister Wood's family is in the gallery to see his last question time and none of us can survive without the support of our families. Well done, Mr Wood and family!

My question is to the Minister for Health. Yesterday, Dr Sev Ozdowski, the Australian Human Rights Commissioner, said in an address to the National Press Club:

> In the treatment of mental illness, it is the state government services that are failing in the delivery of proper care. The reports coming from our current consultations are horrifying. In Canberra, we were told about a young man with a history of depression and openly suicidal who jumped from a sixth floor balcony only two days after being refused admission to the psychiatric unit following a second suicide attempt.

Minister, why did the psychiatric unit refuse admission to an openly suicidal man who had just attempted to commit suicide?

MR CORBELL: I am not aware of the details of that case, but I am happy to provide the information to members. I think it is worth making the point that it is the responsibility of state and territory governments to deliver mental health services. So it is not surprising that the Human Rights Commissioner says that states are failing, because we are collectively the deliverer of those services.

That said, the government has clearly acknowledged that it needed to boost mental health funding and this government has delivered on that. This government has increased mental health funding to a new high of $117 per head of population. It is up from the $80-odd that we were left by the Liberal Party. The government has increased mental health funding. We are doing the work in focusing on improving facilities at the psychiatric services unit. We have expanded community outreach programs. We have provided new programs, such as the cottage day program for adolescents.

We are working hand in hand with doctors and nurses to improve our mental health services, but it is always an area where there is tragedy from time to time. If Mr Smyth is interested in the particular circumstances of this tragic event, I am prepared to provide him with a briefing. I am not sure when it occurred. Certainly, it did not occur recently, because I would have been advised of it. It sound like Dr Sev Ozdowski is referring to an event some time ago. I will provide the details to Mr Smyth.

MR SMYTH: I have a supplementary question, Mr Speaker. I thank the minister for offering to provide that information. I would be very interested in it. Could the minister include in the briefing information on whether there have been any other mental health clients who have committed suicide in the past three years and who had been refused assistance by ACT mental health services prior to committing suicide?

MR CORBELL: It is a fairly complex question, but I will do my best to provide that information.

Health system

MRS DUNNE: My question to the Minister for Health relates to a document entitled *State of the ACT Health System*. This four-page full-colour document, which is chock-a-block with what could be described as government propaganda, has been delivered to residents of Evatt and therefore, presumably, throughout the rest of Canberra. Minister, how much did this four-page piece of Labor propaganda cost to develop, print and deliver?

MR CORBELL: Mr Speaker, I am advised that this document, which is an excellent summary of all the issues affecting health services in the ACT, both good and bad, cost approximately $15,000 to print and deliver. It is far from a glossy document. In fact, it tells the Canberra community the full story about what is happening in our health services. For example, not only does it acknowledge that we are performing very well in relation to health teaching and research and an increasing use of outpatient services, but it also acknowledges that we have longer waiting times than other jurisdictions in relation to elective surgery and it acknowledges the number of beds operational and not yet operational in aged care. So if this were a propaganda document you would not have the bad news in there.

The government has been committed to making sure that Canberrans get the full advice on what is occurring in their health system and that is what this document provides.

MRS DUNNE: Mr Speaker, I ask a supplementary question. Minister, why are the ACT taxpayers paying the $15,000 for the distribution of this document rather than ACT Labor?

MR CORBELL: It is a government document, Mr Speaker.

Department of Education and Training

MRS BURKE: Mr Speaker, my question is to the Minister for Education and Training. On 22 October 2003 a senior officer in your department was made aware of serious allegations of maladministration in your department. Your then chief executive was told of them in November 2003. On 4 August 2004 you stated:

> The department knows that, where there are incidents that should be brought to my attention, they are brought to my attention.

Why is it that you have claimed repeatedly that you knew nothing about these serious allegations before August 2004, when your department was told in October 2003—

Mr Quinlan: Mr Speaker, I wish to raise a point of order. This question has been asked before, on numerous occasions. I ask that you rule it out of order.

MR SPEAKER: I do not think so.

MRS BURKE: I will repeat that. Minister, why is it that you have claimed repeatedly that you knew nothing about these serious allegations before August 2004, when your department was told in October 2003, several months before a PID was made? How can this be the case, when you claim that your department knows to bring important issues to your attention?

MS GALLAGHER: Obviously, I have not made myself clear in probably the last 10 answers to the variations of this question. The department of education is very large, as everyone would know, with a large number of employees coming into contact with perhaps nearly every family in the ACT in some way. It is not unusual for departments to deal with complaints against services they offer and for those complaints not to be brought to the attention of the minister.

There is a complaints handling procedure within the department. There is a policy on the website. Everyone is aware of that and it certainly does not include a role for the minister. Nor does it mean that every complaint brought to the attention of the department is brought to my attention. Between my office and the department we have a process in place where they are aware of issues that need to be brought to my attention. If issues are brought to my attention from outside the department, then I would bring them to the attention of the department.

I have not seen any documents that Mrs Burke keeps referring to—correspondence from 22 October and correspondence in November 2003 between bureaucrats and, obviously, a complainant. It seems to me that, if those were documents that led to a public interest disclosure, at the time they were brought to the attention of the department they were

obviously a complaint against the department, or a range of allegations against the department, which had then, I presume from Mrs Burke's questioning over the past two weeks, led to a public interest disclosure.

When I was briefed by the department on, I think, 26 July that there was a public interest disclosure—in fact, I think from that brief there were two public interest disclosures—the advice in that brief was that, as there is no role for the minister in a public interest disclosure, it was quite appropriate that the public interest disclosure not be brought to my attention.

Mrs Burke: You knew of its existence, though.

MS GALLAGHER: We can go through public interest disclosure AO1. There are guidelines on everyone's computer, if they want to have a look at it. You can read the law; there is a very easy-step diagram with little arrows—step one; going to step two; going to step three. If you look at it, you will see that there is no role for the minister to be involved in this. When a public interest disclosure is made to the department the department cannot, and should not, brief their minister on the allegations of that public interest disclosure. The department has acted in accordance with the legislation as required. It would have been highly inappropriate of them to have brought those allegations and that matter to my attention—one, because I have no role; and, two, if they had brought them to my attention, then it could have been perceived that I was getting involved in something that I could not be involved in.

Let us hope that this answers all the questions once and for all. I doubt it. We might get another person jumping up. I am waiting for the shadow education spokesperson to ask me a question around this. On reflection—I have gone through the question times for this year—I have not had one question from him; not one. There are four members of the opposition who are competing to be shadow education spokesperson: there is Mrs Burke, Mr Cornwell, Mr Stefaniak and Mrs Dunne—all on about three or four questions apiece and none from the shadow education spokesperson. But we might get one from you. I look forward to it.

There it is: public interest AO1—no role for the minister; the department did not need to tell me about it; they did not tell me about it. This investigation just has to be allowed to run its course without constant interference from the opposition.

MRS BURKE: Mr Speaker, I have a supplementary question. Minister, given that you knew of the existence of the PID, which of your statements of 3 and 4 August 2004, in this place, was correct and which one is incorrect—that you knew absolutely nothing about this matter, or that your department has kept you fully informed of important issues? Which is it?

MR SPEAKER: That sounds a lot like yesterday's question.

MS GALLAGHER: Yes, it is a lot like yesterday's question, and I think every question time in August. Both those statements are correct. As usual, the opposition selectively read from the *Hansard* about my answers.

Mrs Burke: And you selectively answer!

MS GALLAGHER: I have gone back and had a look, just to make sure, because I do not want to be tripped up by the opposition. I would not want to give them that on the last sitting day! The question asked of me alluded to a specific allegation—and asked was I aware of a public interest disclosure on that matter.

Mrs Burke: The knowledge of it.

MS GALLAGHER: My answer was correct. I was not aware of that matter.

Mrs Burke: Not of the matter; the knowledge of it.

MS GALLAGHER: Yes, I am extremely happy with the way my department keeps me informed of all matters to do with education in the ACT. In the last month the opposition have focused on a very tiny area of the education department. They cannot put their minds to the whole education portfolio; they are focusing on one area. My department keeps me briefed on a whole range of matters, Mrs Burke.

Mrs Burke: Why didn't you know, then?

MS GALLAGHER: It is a very busy department servicing probably every family in the ACT, in one way or another. I am constantly briefed on them. The standard of advice coming from that area is of the highest quality; we have excellent relationships with them. So all of my answers in relation to this matter have been correct.

Mr Stanhope: I wish to raise a point of order, Mr Speaker. Mrs Burke, in her question today, quoted from documents that were quite obviously illegally obtained by her. I just wonder whether you might—

Mr Smyth: That is an imputation, Mr Speaker. He should either move a substantive motion or he should withdraw.

Mr Stanhope: No. Mrs Burke is quoting from documents that were not authorised for release to the opposition. They are government documents which were not authorised for release to her. Under the Crimes Act these documents were quite obviously illegally obtained. They were not authorised for release to the opposition.

MR SPEAKER: Chief Minister, come to your point of order.

Mr Stanhope: My point of order is whether it is appropriate for documents that the opposition has illegally obtained to be utilised within the parliament.

MR SPEAKER: Order! I rule on standing orders, not on the law.

Mr Smyth: Mr Speaker, I wish to raise a point of order. There is an imputation that they were illegally obtained. The minister should either substantiate that or withdraw.

MR SPEAKER: I did not hear an imputation that anybody in here had illegally—

Mr Smyth: He said that the opposition has illegally obtained them.

MR SPEAKER: No. I was listening very closely. He said, "Mrs Burke is in possession of documents"—or words to that effect—"that were illegally obtained."

Mrs Burke: Prove it, Mr Stanhope!

MR SPEAKER: I don't think he said that—

Mr Pratt: No. He does not have to prove anything.

MR SPEAKER: Do you want a ruling on this point of order or not—or do we just move on? If you want a ruling on it, it would be nice if you just simmered down a little bit. No, I do not think there was an imputation against Mrs Burke. It was not direct enough for me to form that conclusion.

Arts portfolio

MS MacDONALD: My question is to Mr Wood, on the last sitting day of his 15 years in this place, as minister for the arts—and, I would say, the person who has made the most contribution to that portfolio in this place. Minister, can you inform the Assembly of the progress in the area of the arts since self-government?

MR WOOD: I would be delighted to. Some members thought I might give a full resume in that earlier question, but I will pick out just one area for a little more detail. The very first thing I was involved in, which I instigated as chair of a committee in this Assembly, was the Select Committee on Cultural Activities and Facilities. That was the basis for a lot of later activity.

A little while later, when I was Minister for Arts and Heritage, there was the new heritage legislation and the formation of the Heritage Council to replace a lower level of committee. There was the very significant appointment of the Cultural Council, replacing the former Arts Development Board, to expand the focus from arts grants to arts and cultural development.

The ANCA studios in Dickson were completed. We released a new strategy, 'Sharing the vision'. That came through work with the Cultural Council. We expanded the role of community festivals—something I have done again on becoming minister once more. We greatly enhanced ACT literary awards, and we began funding Canberra Arts Marketing. We also supported the creation of the National Festival of Australian Theatre, although that died some years later.

Significantly, one of the greatest battles I had was to capture the casino premium, in the face of persistent efforts from the rest of the place to keep it away from the arts. But we did capture that. That enabled work on the Street Theatre, the Tuggeranong Arts Centre and the Canberra Museum and Gallery. They were nicely completed by my successors for a time—although without that casino premium I do not know if they would have happened.

From November 2001, we restored funding of $800,000 to the ANU Institute of the Arts, the other half of the money that was taken from them. We provided consistent and

substantial increases to the grants funding, and I will announce the grants for 2005 tomorrow. There have been additional arts program initiatives to support: major arts organisations, managing arts facilities, public art, establishing the ACT Poetry Award and support for the Canberra Art Prize. We have also matched Commonwealth funding.

Significantly, we have developed an arts facilities strategy, and we have provided ongoing budget funding for facilities, which was not in position before. That is very important. We have given extra funding and repairs to various arts facilities: Theatre 3 and Manuka Arts Centre, who are working very well now, with ArtSound to go in there and Photo Access in there already.

There have been feasibility studies, with other groups, for the City West performing arts precinct and Belconnen arts. With the Chief Minister, we kicked that off. I will be announcing more about that shortly. We gave funding in 2004-05 for a forward design. We have targeted significantly more money for a public art program and the development of a discussion paper on public art policy. That is going to be released tomorrow.

Of course, we have carried on the commitment to the glassworks project in Kingston and the Civic Library—a big process. We did not start those, but we have carried them on. I might say that it is never easy to get these through to fruition. You always have to go in and battle for them, but we have been able to do that. This is important activity, but the most important activity is what all our very many thousands of artists and performers do with all these facilities—how they utilise them and how Canberra citizens attend them and enjoy what they see there.

It has been a long and interesting program, and in more recent years I have been delighted with the very strong support that the Chief Minister has given to arts events. I now look forward to reaping some of those awards, as I will probably have a little more time to see what is on offer.

Public interest disclosure

MR STEFANIAK: My question is to the Minister for Education and Training. Minister, I refer to your response to a question from me on Tuesday. You stated that your adviser had received advice from the CPSU on Tuesday, 20 July this year about serious allegations of corruption and maladministration. That included 12 pages of, apparently, 43 pages of documents outlining these claims in detail. Your adviser did not ask your department for advice on these very serious allegations until Friday, 23 July, resulting in your being briefed on 26 July. Why did your senior adviser wait for three days before he sought advice from your department about this matter and why didn't he tell you about such a serious issue as soon as he became aware of it? Did your adviser read the 12 pages? Finally, was anyone else in the government made aware of the content of those 12 pages?

MS GALLAGHER: You just cannot get off the subject. There has been this huge conspiracy! The serious issue here is that there have been very serious allegations made in a public interest disclosure process. That is the subject matter that has been greatly discussed across this chamber in question time for the last three sitting weeks or so. My adviser did receive a fax.

I do not know if that fax is subject to what you guys have got and what you have been talking about, nor do I know if it is subject to the public interest disclosure that is being investigated by the department. I certainly did not say that there were 12 pages of a fax outlining claims in detail. That, again, is a little bit of a flamboyant addition by the opposition to flesh out their point and try to make it a bit more interesting from my point of view, which is incorrect.

We get a number of complaints in my office. Ministers' offices are very busy offices, unlike those of the opposition, I imagine. We deal with a whole range of issues. I have a very large portfolio area. I have one senior adviser. That senior adviser has to be across all areas of that portfolio. I imagine he was busy. I do not think that it is unreasonable in the day-to-day dealings of a very busy minister's office to have a CPSU organiser ring up and say, "There is someone out there that has gone and had a chat to Jacqui Burke about a whole range of things. We will try to send you a fax, but I am having problems sending a fax."

A fax was sent. I have not read the fax, but my understanding is that the fax did not outline allegations against the department. There was a whole range of other matters canvassed in that. Then he sought advice in the appropriate fashion. He was made aware that it could have been a matter subject to public interest disclosure and that I would be briefed at the next opportunity, which I was on the Monday. At the briefing it was said, "Yes, there is a matter before the department and a number of other departments"—I think Totalcare and Procurement Solutions—"and it is not appropriate to brief you on this matter."

I do not know whether you want me to go backwards and forwards with it again. I have answered that. I think you have a problem with hearing the truth in answers; you just do not accept that what I am saying is the truth. You have been given a whole range of documents that, as usual, you accept to be the truth and for the last three weeks you have hurled very serious allegations into the public demain, allegations that should not be in the public domain, but you have chosen to make them extremely public, therefore, I believe, compromising the entire investigation. You attack a very worthy department and officers within that department who have not had any ability under any rules of natural justice to respond to some of the allegations that have been tossed around.

I cannot respond to them because of legal advice that says that it is a matter of public interest disclosure. How much more do you want me to answer in the way that I have been answering for the last three weeks? Leave it alone. It is a public interest disclosure. If there are problems at the end of it, I will report back to the Assembly and say what all the problems were, if they are substantiated, which at this point they have not been, and everyone will be the wiser for it. But your constant meddling and dripping of these allegations out into such a public domain are seriously compromising this investigation. You should be ashamed of yourselves.

Mrs Burke: I take a point of order, Mr Speaker, under standing order 55. A few minutes ago Mr Stanhope denied that he had said what he said. I quote from *Hansard*:

> Mrs Burke—

MR SPEAKER: Order!

Mrs Burke: He accused me, Mr Speaker, of illegally obtaining documents.

Mr Smyth: It is not from *Hansard*; it is from the tape.

Mrs Burke: Yes, from the tape. Personal reflections, standing order 55, Mr Speaker.

MR SPEAKER: Make your point.

Mrs Burke: Thank you very much. This is from a read back. Mr Stanhope said:

> Mrs Burke, in her question today—

MR SPEAKER: A read back from where?

Mrs Burke: From the tape of *Hansard*:

> Mrs Burke, in her question today, quoted from documents that were quite obviously illegally obtained by her.

I ask that he withdraw that right now, thank you.

MR SPEAKER: I did not hear him say "by her", but, if he did, I ask him to withdraw it.

Mr Stanhope: Mr Speaker, my position on the point of order is that the documents were not authorised for disclosure to the opposition. If documents that are the property of the ACT government have been provided to the opposition—

Mr Smyth: He cannot speak to it, Mr Speaker.

Mr Stanhope: I am speaking to the point of order.

MR SPEAKER: Mrs Burke has just read back what she has said is a true record from the tape. I will check that. In the meantime, I would like you to withdraw the imputation.

Mr Stanhope: I withdraw any imputation, Mr Speaker, but I call upon Mrs Burke to table all documents received by her from which she has been quoting so that I can refer them to the Australian Federal Police for investigation. I will have the Australian Federal Police call upon Mrs Burke to investigate the basis on which she received them.

MR STEFANIAK: I have a supplementary question, Mr Speaker. Minister, how do you explain Mr Quinlan's comments that the PID was "a spray" other than that either your office or your department provided advice about its contents to him? How did Mr Quinlan know that the PID was about a variety of issues rather than just one?

Mr Quinlan: Can I answer the supplementary question?

MR SPEAKER: No, it was put to the minister for education.

MS GALLAGHER: Mr Speaker, I cannot answer that question. It was about comments that Mr Quinlan made.

MR SPEAKER: You have to direct it to Mr Quinlan if you want to ask questions about Mr Quinlan.

Emergency services

MR PRATT: My question is to the Minister for Police and Emergency Services. Before I start to ask the question, could I say good luck in your retirement, Bill. Minister, you have said that $28 million has been allocated for emergency services over three years, including a capital injection of $23.5 million to upgrade communications. I understand that that capital injection included $10.5 million to fund 16 base radio stations, the minimum needed to urgently cover the ACT's emergency communications needs. Despite the $10.5 million being appropriated to provide 16 base radio stations, only five have been ordered and I understand only another five have been identified for future purchase. Minister, where has the unallocated $3.5 million gone to and what now is it earmarked for? Has it in fact been misspent on consultancy contract blowouts?

MR WOOD: Mr Speaker, I can say that it has not gone into my retirement fund. Mr Pratt, I will have a look at the bookkeeping or have someone do that for me, and I will get a report back to you.

I can assure you that things are going very well with the Emergency Services Authority. I think I spent some time yesterday talking about all the additional much needed resources that we have put into that organisation. I do not keep a person tab on the bookkeeping.

Public interest disclosure

MS TUCKER: My question is directed to the Chief Minister. It relates to the Public Interest Disclosure Act and comes from a slightly different perspective from that of the opposition. The PID Act makes requirements of the agency within which public interest disclosures are made. The other proper authorities identified in the Act are the Ombudsman and the Auditor-General.

Could the Chief Minister assure the Assembly that the current review will address concerns that, first, the powers, policies and resources of the Ombudsman and the Auditor-General—and the objects of their acts—are not sufficient to ensure a person making a disclosure will be protected from unlawful reprisal; and, secondly, PID investigations cannot be completed in a timely manner?

MR STANHOPE: I acknowledge Ms Tucker's very deep interest in and commitment to the public interest disclosure legislation—a commitment regrettably not shared by some other members in the Assembly. I will have to take detailed advice on the questions you ask. Informally—I will confirm it to you in writing—I say to you that I am, as a matter of principle, happy to make those undertakings to you in relation to that. I welcome the opportunity of taking some detailed advice from my advisers and will confirm it. Yes, I am happy to make that undertaking.

MS TUCKER: Mr Speaker, I have a supplementary question. I do not know whether the Chief Minister can answer this right now. What is your immediate response to the concern that whistleblowers cannot be offered interim protection from unlawful reprisal and can obtain relief only once the agencies can be assured they have a strong legal case?

MR STANHOPE: I will take detailed advice and respond to Ms Tucker in depth in relation to that. The ACT government and all agencies, as far as I am concerned, take the Public Interest Disclosure Act seriously and they take the rights and interests of employees who seek to utilise the Public Interest Disclosure Act seriously. I will take advice on the specifics of the question you ask.

I need to make the point that the ACT is blessed with a public service of genuine quality. It is a public service that can hold its head up high and with pride in relation to its operations, its commitment to its workers and employees, and a genuine commitment to the implementation of all policies and all legislation relevant to employees. It is always with concern that I feel, in the face of the question such as the one asked by Ms Tucker, that there is an implication that in some way our public service is failing; that in some way our managers in the public service—our senior executives—would not implement not just the letter of the law but also the spirit of the public interest disclosure legislation.

Perhaps we all need to make some greater commitment to the operation of the public interest disclosure that has been a feature of question time over the last month or so. There may be a case for some greater education within the community, particularly throughout the ACT public service, in relation to its operations.

For instance, it needs to be understood by those that would utilise the Public Interest Disclosure Act and seek to make what they regard as a public interest disclosure, that it does not give them cart blanche to spray over the whole of Canberra boxfuls or filing cabinet loads of government information or papers. It does not, of its own, give employees cart blanche to say, "I want to leak a whole range of documents for whatever reason, and I am simply going to leak them and then claim public interest disclosure to protect my unauthorised behaviour."

There is a feeling that concerns me, which is generated by some of the comment or reporting in relation to public interest disclosure, that if it is classified as a public interest disclosure, then any behaviour is permitted or OK. It is simply not the case; that is not how public interest disclosure operates. It does not give licence simply to leak a bucketful of papers to the opposition, for instance. Those are government documents, owned by the government.

It is not appropriate that government documents and information—I am referring to a recent case of notoriety—be simply sprayed around the community for anybody that cares to take a copy and then for that behaviour to be justified on the basis of it being a public interest disclosure, so the behaviour is warranted or justified. I make those comments apropos of the need for some greater education that would benefit each of us and, indeed, those people that would seek to utilise the legislation.

To the extent that there is an implication in Ms Tucker's question that our public service managers, department and authorities are to be found wanting in their respect for public

interest disclosure process, I have no evidence to substantiate that. I am prepared to stand by our public service. It is a public service of significant quality. We should be proud of it. We should support them and nurture them in the work that they do. I do.

School closures

MS DUNDAS: Mr Speaker, through you, my question is to the Minister for Education and Training. Following recent discussions that were had in the media and a flurry of press releases that abounded on the subject, is it the minister's intention to close schools, if re-elected? If so, which schools are being looked at in relation to closure?

MS GALLAGHER: I thank Ms Dundas for the question. I have to say that I think there was a bit of overzealous reporting of this issue in the *Canberra Times*. The interview was about small schools and the number of small schools in the ACT. The subject was brought up through this interview, which was about the decline in enrolments through transfers from government to non-government schools. Quite a big deal was made about that.

In actual fact, the most important part of that interview I gave to the journalist was missing. It actually talked about the very serious and significant decline in the student population that we are going to see every year for the next 20 to 30 years; we are going to go from a situation of around 40 per cent of our population being of school age down to about 16 per cent. That is going to have an impact on overall enrolments at every school, both non-government and government. That was the reason that enrolments in the government sector were projected to decline by around one per cent a year for the next five years.

We do have a number of very small schools—and they are listed in that census document—and projections by the government. It is not as simple as that. I guess the issue I put out there was that I thought there needed to be a conversation at some point about our schools and the role they play—not only the educational impact but the role they have in their community; we need to have that broad discussion with the community. The Education Act sets out a very clear process for the closure or amalgamation of any schools, which we have all signed up to this year.

The government has no plans to close any schools. In fact, the only situation I have dealt with in terms of closing schools was, as members would know, to do with the suspension or closure of some preschools, which I put off until the strategic plan is put out and we have some more community consultation.

There are some small schools out there. I think of Narrabundah school as an example of a small school. It would never be a viable candidate for closure. There is a whole range of other services coming into that school. It runs Kootara Well; it has a GP coming there; it has a breakfast program; it has families in great need of the support that that school provides; it has its library let out as a community access point for adults during the day. I was trying to say that you just cannot say that, because a school is small, that would automatically mean it is best to close it.

What needs to happen is that, as Canberra grows and ages, our demographics shift around Canberra. As we see now, Gungahlin is exploding; we are going to have a school

with 1,600 students; we have a preschool with 100 students. In Tuggeranong we are seeing big declines in population. As a community, I think we seriously need to have a chat about that. Of course, as soon as you say that we need to have a conversation, it gets misconstrued into "schools are going to be closed", which was not the subject of the discussion.

I think future legislative assemblies, governments and ministers will have to seriously look at the matter and have a conversation with the community. In short, we have no plans to close any schools. The Education Act sets out a very firm and rigorous process for that, if it were to occur, and how it could occur with community support. The government, of course, would abide by that. We are conscious of the fact that we have seen significant declines in our student population. That will affect not just the government school system; it will also affect the non-government system.

MS DUNDAS: I thank the minister for the very full answer. You mentioned that you have been looking at preschools and that there was a review undertaken into whether or not there was a need to close any preschools. Has that review been completed? Are we any closer to looking at the future of our preschools?

MS GALLAGHER: The review is under way; it has been undertaken all this year. I do not believe it will be ready for any decision prior to the caretaker provisions. In fact, from what I saw of the timetable, the community consultations on the overall strategic plan would finish in December this year. Usually the census and staffing allocation data are made available to the department and they are aware of it by about 24 September, from memory. Based on that, there would be no ability to close a preschool next year, due to the caretaker provisions. There is that timing and the timing of the new Assembly being elected. That work is being done and will be finished by December. The community consultations will certainly be finished by then.

Bushfires

MRS CROSS: My question is to the Chief Minister. Chief Minister, did you notice the camera flash off to your left when you were on the Red Hill lookout with a number of emergency services officials around 8.30 on the evening of January 17, 2003?

MR STANHOPE: I am sorry, Mr Speaker. I did not hear the question.

MR SPEAKER: Could you repeat the question, Mrs Cross.

MRS CROSS: With pleasure. Chief Minister, did you notice the camera flash off to your left when you were on Red Hill lookout with a number of emergency services officials around 8.30 on the evening of January 17, 2003?

MR STANHOPE: I was not on Red Hill on January 17 and I would love to see the photograph, Mr Speaker, so we can identify who it was and we can put to bed this absolute nonsense.

MR SPEAKER: Mrs Cross, a supplementary question?

MRS CROSS: Thank you, Mr Speaker. In that case I seek leave to table a statutory declaration, together with my copies of the record of a conversation with my office from which was extracted the paragraph I quoted in my speech on the motion of no confidence in the Chief Minister on 13 May this year. This record will provide the context in which the caller innocently made a statement I quoted, and that is that the Chief Minister was seen at the Red Hill lookout at around 8.30 pm on January 17.

Leave granted.

MR STANHOPE: I did not quite hear, Mr Speaker. Was the photograph tabled as well?

MR SPEAKER: I have not seen the documents, so I do not know. We will make sure you get a copy of them straight away.

MR STANHOPE: I would like to ensure that Mrs Cross tables the photograph, the photographic evidence, before the rising of the Assembly today—

MR SPEAKER: Well, I do not have any authority—

MR STANHOPE: which would reveal the lie contained in this statement.

MR SPEAKER: I cannot require Mrs Cross to table anything. She has sought leave and tabled some documents, Chief Minister.

January 2003 bushfires—tabling of photograph

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.31): Mr Speaker, I seek leave to move a motion requesting Mrs Cross to table by the rising of the Assembly today, the photograph which she has alleged was taken of me on Red Hill on 17 January. Mr Speaker, no such photograph—

Mrs Cross: Point of order, Mr Speaker. The question to the Chief Minister was did he notice a camera flash off to his left when he was on Red Hill lookout?

MR SPEAKER: Order, Mrs Cross! I can only deal with one thing at a time.

Mrs Cross: Point of order, Mr Speaker. I seek clarification from you. I have tabled a statutory declaration in addition to the records of the notes that were taken between my office and a constituent's call to my office to confirm that the Chief Minister was seen at Red Hill lookout at 8.30 pm the night of the 17th.

MR SPEAKER: Order! Mrs Cross, resume your seat. Yes, you sought leave to do that, and leave was granted. The documents have been tabled and will be available to members in the Assembly. Chief Minister, I think you should seek leave again.

MR STANHOPE: Thank you, Mr Speaker. I seek leave to move a motion requiring Mrs Cross to table, before the rising of the house today, the photograph which she intimated in her question to me just now was taken of me on Red Hill on 17 January,

because there can be no photograph, and its non-existence will prove the lie of Mrs Cross's statement.

MR SPEAKER: Order! We will deal with the leave question first.

Leave granted.

MR STANHOPE: Mr Speaker, I move:

> That this Assembly requires Mrs Cross to table, by close of business today, the photograph she referred to in question time of the Chief Minister allegedly at Red Hill on 17 January 2003.

Mr Speaker, this is a scurrilous allegation that Mrs Cross has made, made previously and made publicly in relation to me. Over the last year I have been subjected to innumerable questions within this place and I have been subjected to outrageous, defamatory accusations in public, particularly on radio stations and I think perhaps television, in relation to my whereabouts on 17 January 2003.

Mrs Cross and members of the Liberal Party have asserted baldly on radio, and I believe elsewhere, that I was on Red Hill at 8.30, or thereabouts, on 17 January 2003. I was not. It is a lie. It is an outright, scurrilous, defamatory lie. I was not on Red Hill at any time on 17 January 2003; not at any time.

Mrs Cross: Your word against the constituent's.

MR STANHOPE: Not at any time. Anybody who suggests I was is mistaken. Anybody who continues to assert in the face of my adamant, honest statement that I was not impugns my honour and defames me. I was not at any stage on 17 January on Red Hill.

Mrs Cross has put about this defamatory statement over many months, and she has repeated it inside this place today. She did that today in the context of a question that suggested that she had photographic evidence of my presence on Red Hill on 17 January. No such photograph can possibly exist because I was not there, but Mrs Cross insists it does. She asserted it in question time today.

I ask that she table the photograph which she claims shows that I was on Red Hill in the presence of emergency service officials on 17 January. I was not. I would ask her to name those officials and I will gain their statutory declarations in relation to whether or not I was in their presence, and they will most certainly assert that I was not, because I was not. I was elsewhere in Canberra. I was not alone elsewhere in Canberra.

But I refuse, and I have refused—and it was the basis of my refusal in the debate on the motion moved by Mr Pratt yesterday—to have my privacy invaded in this way by this place, that I will submit myself to scurrilous motions demanding to know what I do in my private time and in my private life, where I go and at what times in my private life, whom I am with in my private life in my private time. I will not submit to that under any circumstance. I will not allow my right to my privacy to be trammelled in that way. I simply will not. I will not demean myself in that way, and I will not stand for this scurrilous, outrageous lie that has been perpetrated by Mrs Cross. It is an outrageous—

Mrs Cross: You are accusing a constituent of lying.

MR SPEAKER: Order!

MR STANHOPE: Yes. And I accuse you of lying as well, Mrs Cross.

Mrs Cross: Read the stat dec.

MR SPEAKER: Order!

Mrs Cross: Read the stat dec. I trust the constituent more than I trust you.

MR SPEAKER: Order!

MR STANHOPE: And I am more than happy to have this matter settled, Mrs Cross, in another forum.

MR SPEAKER: Order, Chief Minister! Withdraw that. We cannot accuse each other of lying, except by way of a substantive motion. Chief Minister, I think you should withdraw it now, because otherwise—

MR STANHOPE: I withdraw it.

MR SPEAKER: Thank you.

MR STANHOPE: I agree, Mr Speaker. I withdraw that.

Ms Dundas: Mr Speaker, can I ask that this be adjourned to a later hour today so that we can read the stat dec?

MR SPEAKER: You will have to move that way if that is what you want to happen. Chief Minister, would you mind circulating the motion. Could you get one of the attendants to sort it out for us. Going to your point, Ms Dundas: to adjourn—

Ms Dundas: I have sat down, Mr Speaker. Pretend I didn't stand.

MR CORBELL (Minister for Health and Minister for Planning) (3.39): Mr Speaker, the substance of this motion is quite simple. Mrs Cross made an allegation in question time today by using the words "Was the Chief Minister aware of a camera flash behind his shoulder when he was allegedly on Red Hill on the evening of 17th January?" The motion simply asks Mrs Cross to produce the photo that she alludes to in her question. It has nothing to do with a statutory declaration, which has already been tabled. It simply asks Mrs Cross—I think it requires Mrs Cross—to produce by the close of business today, when the Assembly adjourns for the day, the photo which she alluded to in her outrageous question.

It is that simple, Mr Speaker. If Mrs Cross is so convinced as to the veracity of the claims, as she apparently is, I think it is time for her to demonstrate that the claims are

accurate, and that she does so by tabling in this place the evidence that she alludes to as existing.

MS TUCKER (3.40): I was hoping Mrs Cross would respond to this.

Mrs Cross: I will wait for you.

MS TUCKER: I will vote accordingly, after having heard what Mrs Cross has to say. She is telling us now she will respond to this motion. At this point, all I have heard is that the question obviously implied that there was a photograph existing of Mr Stanhope on Red Hill. I think it is perfectly reasonable, considering the inferences that have been made by Mrs Cross, that she table that photograph. I will listen to any explanation that she may have.

MRS CROSS (3.41): Mr Speaker, it is clear to me that the Chief Minister is doing everything to avoid telling the truth, and the truth is—

MR SPEAKER: Order. Withdraw that, please. You can't impute—

MRS CROSS: What, "telling" or "truth"? Well, telling untruths, then.

MR SPEAKER: No. You can't impute—

MRS CROSS: "Being less than candid?"—can I say that?

MR SPEAKER: First of all you can withdraw the accusation that the Chief Minister is doing everything to avoid telling the truth.

MRS CROSS: I withdraw that, Mr Speaker. I would like to rephrase that and say: the Chief Minister appears to be doing everything to prevent us knowing what happened the night of 17 January.

I do have a comment to make about what he said. His privacy has not been invaded. He is Chief Minister of the Australian Capital Territory, he is accountable to the people of the ACT and during one of the greatest and worst disasters of this territory's history, this Chief Minister denied that he was anywhere for 48 hours related to the fires.

Constituents of mine told me, told my office, that he was seen on Red Hill lookout at 8.30 with, I believe it was, Mike Castle—it is in my speech of May—and other emergency services people. There were people who questioned the veracity of that statement. In May the media made a mockery of the genuineness of the Liberals' motion of no confidence against the Chief Minister.

Mr Wood: Where's the photograph?

MR SPEAKER: Order, Mr Wood! I would hate to see you miss the most exciting part of the day.

MRS CROSS: Mr Speaker, as I said in my speech in May—and I will say it again—the person who contacted my office back in May asking me not to support the Liberal's

motion of no confidence was actually an admirer of this Chief Minister. This woman rang me, rang my office, and said, "I don't want you to support this motion of no confidence against the Chief Minister. I don't want to see the Liberals back in government. And you can't support this motion after what the Liberals did to you."

However, in the course of the conversation—and it is in this statutory declaration—she very innocently said that she did see the Chief Minister with Mike Castle and other emergency services people at around 8.30 pm on Red Hill lookout the night of January 17. I have a duty not to disclose the identity of this person because they do not want to be identified, and I cannot identify them. But what I am prepared to say is the information that has been tabled here this afternoon is going to be passed on to the coroner for her information for this inquiry.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (3.44): Just very briefly, Mr Speaker. I believe that there is a possibility that there was someone on Red Hill at 8.30 on 17 January who thought they saw the Chief Minister. The Chief Minister has, of course, said he was not there and, therefore, the most simple explanation would be someone thought they saw the Chief Minister there.

But now, by the question that Mrs Cross asked, we are advised that there is photographic evidence. The Chief Minister has already advised this place that he was not on Red Hill, so this is a most serious of allegations and it therefore does require proof conclusive. That is all we ask—in fact, it is what this house must demand.

It cannot be accepted that one person who thought they saw the Chief Minister on Red Hill on the Friday was sure of the day, sure of the person. That is not enough. That would not stand up in court. But you have said, you advised this place by the inference that can be drawn from what you have asked, that there is photographic evidence. I think 8.30 would have been beyond sunset. I do not know how well lit all of Red Hill is, but there was a flash and therefore a photo was taken. Just table it; otherwise what you have put down here is one person saying they think they saw the Chief Minister on Red Hill. That is it.

Mrs Cross: They didn't think, they know.

MR QUINLAN: How do you—

Mrs Cross: You weren't there.

MR QUINLAN: Neither were you. That is the point.

MS DUNDAS (3.46): I have had a very brief time to review the statutory declaration. It covers a range of issues. I have no reason to doubt the validity of the statutory declaration but it is a recording of a conversation that one staff member in Helen Cross's office had with somebody else from the community.

Mr Wood: So?

MS DUNDAS: I cannot read most of the notes.

Mr Wood: So?

MS DUNDAS: I am getting to my point, Minister. I cannot read most of the notes. I have read through the typed material and it does not actually refer to a photo. But as the government has put forward, the question that Mrs Cross asked specifically did refer to a photo. I have no problem with supporting this motion that if there is a photo, it should be tabled.

MR SMYTH (Leader of the Opposition) (3.47): Mr Speaker, the opposition will not object to the motion, but Mrs Cross can only table that which she has in her possession. I do not believe that even the question or the stat dec actually says she has control of the photo or has the photo in her possession. So the motion can certainly be passed but the Assembly cannot force Mrs Cross to do something that is impossible if she does not have possession of the photo.

MRS CROSS (3.47): Mr Speaker, I seek leave to speak again.

Leave granted.

MRS CROSS: Mr Speaker, I can only table that which is in my possession. As Mr Smyth said, I cannot table anything that is not within my possession.

Ms Gallagher: So there is no photo?

Mr Hargreaves: So there is no photo?

MRS CROSS: No comment.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.48), in reply: Mr Speaker, I have perused the statutory declaration. The statutory declaration was made by David Anthony Cross and is a record of a telephone call from an anonymous constituent.

Mr Quinlan: Oh!

Ms MacDonald: Well that's totally believable!

MR STANHOPE: The constituent—

Mr Cornwell: Oh come on—you are always going on about privacy.

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

MR STANHOPE: The person who made this telephone call, a constituent, is not named. The statutory declaration was made by a member of staff of Mrs Cross, a David Anthony Cross. The statutory declaration does not contain any reference to a photograph or a photographic flash over my left shoulder. I do not know where the photograph comes from but, I must say, I still look forward to seeing the photograph, if it is in existence. It must have been provided, I think, by another constituent. The constituent, the subject of

the statutory declaration made by Mr Cross, is not named and does not offer to provide a photograph. I think that is interesting and informative in relation to this scurrilous debate.

It is interesting, Mr Speaker, that the statutory declaration refers to me being in the company of Mr Mike Castle. I am more than happy, for the information of members, to obtain from Mr Mike Castle a statutory declaration, from a named person, who was on Red Hill, according to the statutory declaration we have, at the alleged time. I am more than happy to provide for all members, if I can contact Mr Mike Castle today, noting that the statutory declaration does refer to Mr Mike Castle, a statutory declaration from him about whether or not I was on Red Hill on 17 January.

I pose the rhetorical question: I will table Mr Castle's statutory declaration at the same time that Mrs Cross tables the photograph and maybe the statutory declaration that I hope that I will be able to provide to the Assembly before we close today might allow each of us to make some judgments about Mrs Cross's behaviour today. But the motion should be supported so that Mr Mike Castle's statutory declaration perhaps can be tested against the photograph.

Question put:

That **Mr Stanhope's** motion be agreed to:

The Assembly voted—

Ayes 16		Noes 1
Mr Berry	Ms MacDonald	Mrs Cross
Mrs Burke	Mr Pratt	
Mr Corbell	Mr Quinlan	
Mr Cornwell	Mr Smyth	
Ms Dundas	Mr Stanhope	
Mrs Dunne	Mr Stefaniak	
Ms Gallagher	Ms Tucker	
Mr Hargreaves	Mr Wood	

Question so resolved in the affirmative.

Mr Stanhope: Mr Speaker, unless Mrs Cross has a supplementary question, I ask that further questions be put on the notice paper.

Personal explanations

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming): Mr Speaker, I would just like to clarify a matter under standing order 46. During question time, Mr Stefaniak, I think, asked the Minister for Education and Training what did I know that would allow me to describe the various complaints that were purported to be contained in the PID as "a spray". So let me tell the house what I know.

I know that over a period of a couple of days there have been a number of accusations relayed to the media. They included, as far as I am aware—and several were in the paper: a child missing from school; procurement or tendering irregularities; a child with special needs not being handled properly; work not being carried out up to standard or—

MR SPEAKER: Order, Mr Quinlan! This is not a personal explanation pursuant to—

MR QUINLAN: I am explaining that I used the term “a spray” because Mr Stefaniak’s question implied that I had detailed knowledge.

MR SPEAKER: Well, I think that is a pretty adventurous interpretation of the options available to you under standing order 46.

MR QUINLAN: I want to tell you where I got my detailed knowledge from, Mr Speaker.

Mr Stefaniak: On a point of order, Mr Speaker.

MR QUINLAN: You don’t want to hear this one, Billy, do you?

MR SPEAKER: That is not available to you under standing order 46, Mr Quinlan. You are debating the matter.

MRS BURKE: Mr Speaker, under standing order 46, I wish to make a personal explanation. In my earlier point of order seeking withdrawal by the Chief Minister of certain words in respect of me, I inadvertently said my advice about Mr Stanhope’s use of these words had been obtained from Hansard. Mr Speaker, this in fact is not correct and the information actually was obtained from the Liberal Party’s tape of question time. I do apologise to Hansard and to the Assembly.

Public interest disclosure

MRS BURKE: Mr Speaker, I seek leave to make a further statement.

Leave granted.

MRS BURKE: I must correct Mr Stanhope’s comments made in question time today. It is really important that I do this. For the Chief Minister’s information, the documents have existed long before the PID, as has been explained many times by me in this place and to the media. That is point one. The documents I have are private and not government documents, as you accused.

This whole issue, Chief Minister, has only occurred because the department was and is arrogant and unresponsive, and refused to treat the matter seriously for over two years. This is why it has led to this, and I object to the statements you have made.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming): Mr Speaker, I seek leave to make a statement.

Leave granted.

MR QUINLAN: I just want the house to be satisfied as to what I knew and the source of my information that led me to use the term “spray” or “scattergun”, both of which I have used. Let me say, Mr Speaker, that the information I have came to me through media representatives. Apparently, the information, the private information, was promulgated amongst the media—I do not know by whom. But it also appears from my discussions with various people within the media that the complainant had contacted a number of people in the media and given them chapter and verse; and, as I understand it—I am not sure—was chasing the media trying to push the case.

Even though he had a PID, a public interest disclosure—and it is a he; I picked that up in my interchanges with the media—and the government was hamstrung by that, the complainant was actually going to various media outlets with “the story”. I do not know whether he was receiving encouragement or not.

There was a number of complaints, unrelated incidents, over a couple of agencies at least, including Procurement Solutions, including the department of education. That led me to the, I think, quite natural conclusion that this was “a spray”.

Mrs Burke: You didn’t know that at that time.

MR SPEAKER: Order, Mrs Burke!

MR QUINLAN: I am telling you that is the conclusion I drew. I drew this conclusion from talking to media people in a very informal way and they described to some extent the exchanges they had with the complainant, without identifying them, to their credit. I drew the conclusion that there was a bit of “a spray”; that there was a scattergun range of complaints that this person had put forward.

One of the people that I had spoken to and got some feedback from—he was very discreet, as he should be—was Chris Uhlmann of the ABC. As you would know, he backed away from this subject the day after he had addressed it because in the meantime he had spoken to the complainant. He got on radio the morning after he had first broached the subject and used words that were code for, “I’m not touching this one until I find out a bit more.”

I have spoken to a number of people in the media from more than one radio outlet, the press and television. One of the television reporters had also been approached by the complainant. So I thought this is a bit of a spray. And maybe if I might just make a wild assumption, possibly that is why some of the people down the chain from the Minister for Education and Training did not take it all that seriously immediately. They said, “All right, we’ll look at it but it looks like this guy has rolled up a whole unrelated set of complaints over a number of agencies and bundled them into a series of complaints.”

From this side of the house I can appreciate why people in the department, people in the minister’s office, were not dropping tools immediately they heard about some of this material and saying, “Clear the decks, put it all aside, we’ll address this straightaway.”

They said, “All right, we have got somebody who has a complaint. Got to treat them right. Righto, put it into process. Off you go. What are we doing now?”

I think that reconciles the different positions. I am sorry, it takes away a lot of the excitement but I think it reconciles the position that we all find ourselves in. So I am quite happy to stand here and say I have a voice to at least one representative of the media. After he gave me a fair amount of information in relation to this, I said, “Well, mate, that is a bit of a spray, isn’t it?” and he said, “Yes.” I think he quoted me in the paper and I am happy to stand by it.

Schools—bullying

MRS DUNNE: Mr Speaker, I seek leave to make a statement.

Leave granted.

MRS DUNNE: Yesterday, at the end of question time, Ms Gallagher provided supplementary information in answer to a question that I raised last week on 19 August about workplace bullying at a government high school. In the answer, Ms Gallagher named the high school, which I had not done publicly. I had named it privately in discussion with Ms Gallagher and her staff, but I think it is inappropriate that the high school should be named in a public way because it makes it too easy for people to work out whom we are talking about.

In the supplementary information provided yesterday, Ms Gallagher said:

> 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 provider, Davidson Trahaire.

Ms Gallagher goes on to say other things, which I will come back to. I know that the minister’s office knows these things, because I have provided them with a fair deal of background. Also, I have offered to provide them with papers, and that offer has not been taken up.

Some things need to be put on the record. First, a department of education inquiry was conducted by a colleague and mentor of the senior teacher, and subsequently an arrangement was put in place as a result of the first complaint. That arrangement involved the person who complained against the bullying and harassing activity being moved out of the sphere of influence of the complained-against teacher.

Mr Speaker, I do not think that is satisfactory solution. If there is demonstrated bullying—and I will come back to that—I do not think the solution should be taking the bullied person out of the sphere of influence of the bully. That would not happen under the department of education’s playground and student bullying policy.

A number of other bullying incidents have taken place at the school. I am intimately aware of the case of another teacher being moved out of one faculty into another to be removed from the sphere of influence of the bullying teacher; a third teacher being so driven that she took leave without pay to avoid the bullying teacher; and there was another investigation as a result of a formal grievance complaint.

We need to take into account that, at least in the case of the teacher who took leave without pay, the departmental employee assistance program provider, Davidson Trahaire, stated that the stress experienced by this teacher, who had Comcare-approved leave, was caused by workplace bullying. Davidson Trahaire said that although they were asked to mediate between the two people, they could not and would not do so because they could not mediate with the bully. The department's OH&S section was provided with this information.

The teachers—in fact, there were three teachers—commenced grievance procedures over their treatment by the department of education. The first teacher—the one who was on leave without pay—lodged a grievance complaint about her treatment, and two other teachers lodged grievance complaints about the fact that although they were given assurances that this would not happen again, it did happen again. Their grievance was that they felt not that they had been bullied but they had been let down by the department of education.

During the grievance procedure, carried out by an independent person who I understand is a former employer of the department of education, a range of things did not happen. The department of education's OH&S section was not consulted. Also, the school's OH&S delegate was not able to participate in the grievance process because under departmental rules he cannot investigate the actions of a senior teacher—a teacher more senior to the departmental delegate.

The grievance procedures were entirely insufficient in the view of those people who made the grievance complaint on the basis that Davidson Trahaire was not consulted. Also the people who made the grievance complaint were not consulted, except on a very simple procedural matter. But the teacher complained about and the school concerned were consulted.

The senior teacher has been counselled about her bullying behaviour, which seems to recognise that there is a problem in the school. However, this style has led to continued bullying and, at least to my knowledge, there have been two confirmed cases of Comcare leave as a result of the bullying.

It seems to me that the department accepts that there is a problem and that there are adverse health outcomes—adverse health outcomes that certainly are the result of bullying. Bullying by children would not be tolerated in this school; it should not be tolerated in any workplace.

I ask the minister whether she is satisfied with the answer. I would like a response from the minister at some stage as to whether she is satisfied with the assurances that she gave me yesterday that all due process had been carried out and everything was done in the interests of natural justice of the parties.

The minister also said that she did not believe it was appropriate for matters of this kind to be raised in the Assembly. Unfortunately, I have to differ. This matter has been going on for close on two years and it is costing the department of education a substantial amount of money because it is having to pay Comcare in relation to these claims.

I noticed yesterday that the minister, in wrapping up the achievements of the government, said that the ACT government had actually had a reduction in its Comcare premiums. I would submit, Mr Speaker, that if we do not clean up what is happening in this school—and if it is happening in this school, it may be happening elsewhere—it is likely that that turnaround in our Comcare premiums will not be long lasting.

I would ask the minister to ensure that a full, independent and outside inquiry be undertaken, perhaps by WorkCover, into the conditions that are being experienced in the high school that I have raised with her, and that this issue be solved for the benefit of everyone—for the benefit of all the teachers involved, the supervising teachers and the junior teachers.

Answers to questions on notice

Mr Stanhope presented answers to the following questions:

> Youth legal service—Answer to question without notice asked of Mr Stanhope by Ms Dundas and taken on notice on 12 March 2003.
> ACT Public Service—Indigenous employees—Answer to question without notice asked of Mr Stanhope by Ms Dundas and taken on notice on 25 September 2002.
> Department of Justice and Community Safety—Premises—Answer to question without notice asked of Mr Stanhope by Mr Stefaniak and taken on notice on 19 August 2004.

Paper

Mr Stanhope presented the following paper:

> ACT Government Ministerial Delegation to China (13-18 March 2004) and the United Kingdom (19-27 March 2004)—Report.

Community advocacy agencies—statutory oversight
Paper and statement by minister

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

> The right system for rights protection—ACT Government position paper on the system of statutory oversight in the ACT and Review of Statutory Oversight and Community Advocacy Agencies—Government response, dated August 2004.

I seek leave to make a statement.

Leave granted.

MR STANHOPE: It is my pleasure to the table the government's position paper on the system of statutory oversight in the ACT entitled "The Right System for Rights Protection". The position paper includes the government response to the review of statutory oversight and community advocacy agencies and to the submission from the Disability Legislative Reform Working Group on the functions of a disability commissioner. Importantly, the position paper outlines the new structure for statutory oversight bodies that will be implemented in the ACT. In developing this new structure, the government reviewed a broad range of statutory oversight and community advocacy bodies. The position paper draws on key areas identified in the review of statutory oversight and community advocacy agencies, the ACT Health review and the board of inquiry into disability services. It was also informed by extensive community consultation.

We have sought to establish a new structure for statutory oversight in the ACT that will deliver better quality services to the community. The government commissioned the independent review of statutory oversight and community agencies in April 2003. The key consideration was to establish a structure that would be more efficient and flexible than current arrangements and one that will stand the test of time. The review report confirmed the need, also identified in the ACT Health review, to consolidate the existing complaints bodies, thereby ensuring an optimum system for consumers and citizens, as well as resource flexibility.

As the review noted, a series of small stand-alone agencies will not be able to undertake the challenging tasks expected of them. The new model will establish the Human Rights and Service Review Commission, which will comprise the Human Rights Commissioner, the Discrimination Commissioner, the Health Services Commissioner, the Disability Services Commissioner and a community services commissioner. The Disability Services Commissioner is a new position which implements the government's commitment in response to the board of inquiry into disability services. The establishment of a community services commissioner takes account of the views put to the government, most notably by the ACT Council of Social Service, that there is a need for independent oversight of a range of community services provided by both government and non-government agencies in the ACT.

The scope of the commissioner's oversight responsibilities will be subject to some further community consultation but will almost inevitably include public and community housing, homelessness services, emergency relief services, youth services, generalist community services and counselling and support services. The government considers that a structure, which encompasses the appointment of commissioners with specific responsibilities for particular issues, increases the transparency, accessibility and accountability of the statutory oversight system.

The commission will be headed by a president whose principal roles will be to receive complaints under all relevant legislation and to conciliate complaints where possible. The president will also be able to delegate the investigation of complaints to commissioners. Each commissioner will have statutory functions and powers relevant to their areas of responsibility to undertake monitoring, compliance and community education activities, as well as to investigate complaints.

The Human Rights and Service Review Commission will be established within the Attorney-General's portfolio. However, this will not prevent its commissioners from reporting or making recommendations directly to other ministers on matters of direct interest to their portfolios. Commissioners will be appointed for five-year terms on a full- or part-time basis. The model provides for the flexibility to introduce additional commissioners in the future such as, prospectively, an ACT Privacy Commissioner. It will also improve efficiency through the sharing of staff and administrative costs between officers, while recognising that each commissioner is likely to require specialist staff with expertise in his or her area of responsibility.

The government proposes to develop legislation enacting a Human Rights and Service Review Commission. It is my hope that this will be one of the tasks which both the department of justice and the Office of Parliamentary Counsel will be engaged in during the caretaker period. The legislative changes will establish a core set of consistent processes for handling complaints applying to all of the proposed commissioners. Consideration of an appropriate legislative model and drafting of new legislation and amendments to existing legislation will take a number of months to finalise.

In addition to looking at the statutory oversight system, the review considered a number of issues in relation to community advocacy. Overall, it found that the provision of community advocacy by non-government organisations is the best model for the ACT, noting the capacity of the territory's community organisations to operate such services effectively and efficiently. The government will ask the Joint Community Government Reference Group to consider the review's findings in relation to the availability of individual advocacy for those most at risk in the community. One of the roles of the group is also to provide advice on funding to the newly established Community Inclusion Board.

The health of a community can be measured by the extent to which it is prepared to care for and support all of its members. This, of course, is a key principle underlying policies and actions arising out of the Canberra social plan and the Canberra plan. Oversight bodies are established to improve government accountability, to protect and promote citizens' rights and to ensure that people have an opportunity to seek redress when they consider that a service provider has failed to meet its obligations.

I am very confident that the new structure I have outlined today will work for the future and engender the public trust and confidence that are essential to its success.

Paper

Mr Quinlan presented the following paper:

> Territory Owned Corporations Act, pursuant to section 19 (3)—Actew Corporation Ltd—Statement of Corporate Intent—2004-05 to 2007-08.

Caring for carers—a plan for action 2004-2007
Papers and statement by minister

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): I present the following paper:

Caring for carers in the ACT—A plan for action 2004-2007.

I seek leave to make a statement.

Leave granted.

MR WOOD: In December 2003 the government tabled a caring for carers policy, a whole-of-government commitment to recognising carers and supporting their needs. At this time, the government committed to developing a strategy to implement the policy. The government also committed, in the Canberra social plan, to ensuring both "the adoption of principles and objectives set out in the Caring for Carers Policy". The plan of action has been developed to deliver this commitment. The plan was developed as an whole-of-government project, managed by the Department of Disability, Housing and Community Services over the past four months. Carers, people who receive care, service providers and ACT and Commonwealth government agencies have had extensive input through a carers implementation partnership and broad community consultation.

Already this government has progressed a number of important initiatives to improve the recognition and support of carers. We have substantially increased access to flexible respite services, improved culturally appropriate information and support for carers, increased access to support and accommodation for people who require care and enhanced carer participation in policy and planning.

This plan builds on this important work and contains 34 new commitments. It will enable the government to increase access to information, training and social supports to assist carers; improve the accessibility and quality of respite, accommodation and supports for people in care relationships; work with professionals to improve identification, support and referral of carers through appropriate supports; work with employers and educators to help carers access and maintain work and study; improve the recognition and support of carers in the community; and improve the responsiveness of ACT government policy, programs and services.

Some of our new commitments will be pursued through new funding of $830,000 over the next four years. New funding is being made available in the form of grants to community organisations through the Carer Recognition Grants Program. It is expected that the successful applicants will be announced early next month. Other commitments will be managed through existing agency resources. All relevant ACT government agencies have demonstrated their active support of carers by committing to undertake some of the new commitments within their existing agency resources.

This plan is comprehensive, practical and supported across government. It meets an important commitment under the Canberra social plan. The action plan provides a solid basis on which the government can improve their recognition of and supports for carers.

Affordable Housing Taskforce—final report
Paper and statement by minister

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): For the information of members, I present the following paper:

> ACT Affordable Housing Taskforce—Final Report—"Strategies for Action"—Progress report, dated August 2004.

I ask leave to make a statement.

Leave granted.

MR WOOD: Today it is my great pleasure to table a report outlining government progress in implementing the recommendation of *Strategies for action*, the final report of the ACT Affordable Housing Taskforce. The ACT government has a commitment to understand and address need and disadvantage within our community while at the same time providing a framework for sustainable economic growth, including job growth. We are well aware of the issue of disparity between high and low-income Australians. This has been put starkly by Hugh Mackay, who said:

> We are in danger of swapping our long-held faith in egalitarianism for a tediously conventional three-class structure of social stratification based on nothing but money. While those at the top of the heap bray about economic growth and prosperity for all, the yawning gap between top and bottom continues to widen. Indeed, the growing disparity between our high- and low-income earners puts us among the least equitable countries in the OECD.

The Canberra plan, which includes the spatial plan, economic white paper and social plan, is the centrepiece of the government's efforts to articulate and communicate this direction. The need for affordable housing as part of a housing system that delivers choice to the community is a feature throughout these documents, and indeed "housing a future Canberra" is a key outcome of the social plan.

Housing is critically important for our overall economic and social wellbeing. It provides the basic foundation on which individuals and families build stable, healthy and productive lives. Safe, appropriate and affordable housing helps to provide dignity and the opportunity to develop a sense of belonging to a community. Without appropriate and affordable housing, communities are not sustainable. Most importantly, the government recognise that public housing has been and is a "cornerstone of the capital"—indeed a cornerstone of our community. It provides the basic building block on which Canberrans can reach their potential, make a contribution and share the benefits of our community.

Inadequate affordable housing has far-reaching economic and social impacts for both the individual households affected and the ACT community as a whole. Individual wellbeing is adversely affected, as is the economic performance and wellbeing of the community. Our capacity to address social needs is reduced. People on low incomes often struggle to access and stay in affordable housing either because their incomes are low or housing is

too expensive. Some households also have complex needs. The government is aware that declining affordability is a major issue and that interest in housing issues is at an unprecedented high.

Data points to a fairly grim situation for people on low and moderate incomes. The Affordable Housing Taskforce identified over 2,800 households in housing stress and it is considered that this figure will have increased. “Market facts” figures released by the Real Estate Institute of Australia show that over 12 months the second highest increase in the medium weekly rent of any jurisdiction for three-bedroom houses was recorded in the ACT. In comparison, rises in similar rents in most other capital cities were much lower. The low levels of vacancies in the private rental markets continue but are easing only slightly.

Recent increases in median house prices across Australia have seen affordability become a prominent economic and social issue. Median prices have increased rapidly over the last three years. The ACT median price in March 2004 was $370,000—an increase of 40 per cent in just one year. The rapid increase in prices has been accompanied by a large decline in affordability. In a climate where interest rates will only go up, it will not get better. Government has an integral role to act in these circumstances and, of course, the Commonwealth government has a significant role that it does not accept.

There has been a considerable increase in the number of people who are receiving Commonwealth rent assistance over the last decade because of this background, and that now amounts to $1.8 billion nationally. At the same time, expenditure under our housing agreements with the Commonwealth has declined. Major issues of the market and Commonwealth roles need to be worked through but the territory government also directly and indirectly influences housing demand. Through our planning system we influence the supply of housing. We are playing our part towards achieving a long-term sustainable and affordable sector in the territory, but there is no simple quick fix.

This government honoured a pre-election commitment immediately and established an affordable housing taskforce. As part of the first response of that task force, a number of initiatives were announced in the May 2003-04 budget to address recommendations, a very solid beginning step. Since that time, the government has made further progress, agreeing to 10 more recommendations of the task force, making a total of 33 agreed to, nine agreed to in principle and four to be noted.

We have made significant achievements in the last 12 months, including a capital injection of $33 million. We have released an asset management strategy, provided $1.4 million for the indigenous community and ensured that public housing can be accessed more easily by people who are homeless. We have been active in providing accommodation to old people and have expanded the existing rental bonds assistance scheme. All those initiatives and others are practical, meaningful and targeted to assist those most in need.

As to the future, further steps we are taking include targeted land releases. The Minister for Planning has announced further details about the government’s commitment to release affordable blocks of land to the public. A new initiative was announced in the 2004-05 budget that land for 100 dwellings would be identified and made available in greenfield land releases by the Land Development Agency.

The intention is to release these blocks to households on low and moderate incomes. Blocks will be made available in this financial year at Ginninderra Ridge and Wells Station Estates and Gungahlin Central. They will be released by way of ballot with entry restricted by household income. It will be necessary for those wanting to participate to provide evidence that they meet the eligibility criteria. The LDA is finalising the development conditions and will conduct the ballot towards the end of this year. Information on that will be provided shortly.

As to the procurement of ACT housing, for a number of reasons the current panel for pre-qualified home builders does not necessarily provide value for money when compared with going to the open market. The replacement of ACT housing properties lost in the bushfires demonstrated in a practical way that we could do things differently. Therefore, the government intends enabling ACT Housing, consistent with best value for money guidelines, to go to the open market for construction of stand-alone—I repeat the word "stand-alone"—public housing dwellings. The government withdrew $32 million quite safely from the ACT home loans portfolio last year. We will monitor that portfolio closely and are proposing that it be reviewed biannually. The availability of equity funds for distribution will be assessed.

I have rather shortened this statement as I have gone through. I encourage members—I do not think they will mind—to read it. The government has consulted, listened and done its research. It recognises the interdependencies of the housing market and the debilitating problems of homelessness. A number of carefully considered initiatives across government have been implemented to address an issue that encompasses different ministers' portfolios, funding programs, policies and interests. The government has recognised the fundamental importance of housing, including public housing, in improving wellbeing and has backed this up with a significant financial commitment to expand the valuable stock of public housing, social housing, in the ACT.

MR SPEAKER: Before you move on to your next paper, Mr Wood, I just want to go back to a point of order that was raised by Mrs Burke around question time. She quoted from a tape and I said that I would review the tape. It confirms the words which were repeated in the Assembly by Mrs Burke. I apologise for any inconvenience that my oversight on the question may have caused.

Review of housing market renters
Paper and statement by minister

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) (4.31) For the information of members, I present the following paper:

> Review of Housing ACT—Market renters, dated August 2004, prepared by the Department of Disability, Housing and Community Services.

I seek leave to incorporate my statement in *Hansard*.

Leave granted.

The incorporated document appears at attachment 1 on page 4464.

Papers

Mr Wood presented the following papers:

Ministerial Visit to the UK—Report—4-17 June 2004.

Cultural Facilities Corporation Act, pursuant to subsection 24 (8)—Cultural Facilities Corporation 2004-2005 Business Plan.

Subordinate legislation (including explanatory statements unless otherwise stated)
Legislation Act, pursuant to section 64—
Architects Act – Architects Board Appointment 2004 (No. 1)—Disallowable Instrument DI2004-179 (LR, 19 August 2004).
Cultural Facilities Corporation Act—Cultural Facilities Corporation (Designated Location) Declaration 2004 (No 1)—Disallowable Instrument DI2004-182 (LR, 19 August 2004).
Gaming Machine Act—Gaming Machine (Warning Notices) Determination 2004—Disallowable Instrument DI2004-184 (LR, 23 August 2004).

Land (Planning and Environment) Act—
Land (Planning and Environment) Lease Transfer Consent Determination 2000—Disallowable Instrument DI2004-188 (LR, 25 August 2004).
Land (Planning and Environment) Refund Authorisation Criteria Determination 2004 – Disallowable Instrument DI2004-187 (LR, 25 August 2004).
Stadiums Authority Act—Stadiums Authority Appointment 2004 (No 3)—Disallowable Instrument DI2004-189 (LR, 25 August 2004).

Review of Contestable Electricity Infrastructure Works
Ministerial statement

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming): I seek leave to make a ministerial statement with regard to contestability in the construction of electricity infrastructure work.

Leave granted.

MR QUINLAN: When I tabled the ICRC report "Review of Contestable Electricity Infrastructure Works" on 22 June 2004, I undertook to advise the Assembly of my decision on this report's recommendations at a later date. At the time I tabled the report, I spoke about some implications of the report for employees with much needed skills in ActewAGL and for the territory's ability to respond quickly to emergencies such as the bushfires of a couple of years ago. I was also concerned to ensure that the government made a balanced decision that took into account the costs and benefit to the community as a whole over the longer term. To assist in clarifying my ideas about the ICRC's recommendations, I asked my department to advise me on the report.

The regulatory approach of national competition policy is that the preferred board policy direction is for reliance on competitive markets to produce efficient outcomes, subject to the condition that there may be circumstances in which competition may not produce the optimum outcome for the community as a whole. The ICRC endorses this view, as does my department. My department's analysis broadly agreed with the ICRC view that there is no clearly discernible significant net public benefit in opening the greenfield electricity infrastructure market in the ACT to full competition. Indeed, the department identified additional technical regulatory costs associated with opening the market to competition. In the final analysis, I am not persuaded that there is an overwhelming argument for the benefits outweighing the costs for opening this market to competition.

Aside from the matter of the costs or benefits of the decision to make the market contestable, I recognise that ActewAGL is not in the same class of businesses in which the government has ownership interests to which the competitive neutrality obligations incontrovertibly apply. As such, ActewAGL's responsibility for competitive neutrality and a national competition policy or government outsourcing practice is not the same as for those other government business enterprises.

This government and previous governments of the ACT have met the national competition policy obligations by corporatising ACTEW and establishing independent regulatory arrangements in the territory under the Independent Competition and Regulatory Commission Act 1997 and the Utilities Act 2000. Consequently, there is no basis requiring that ActewAGL makes its work in greenfields infrastructure development contestable. I also note that ActewAGL currently contracts out a substantial amount of its greenfield work and this provides opportunities for the market to benchmark the charges that ActewAGL applies to its infrastructure works.

While I will not add any more governance costs to the community for private rather than public benefit, I am equally concerned to ensure that pressure is maintained for efficiency in ActewAGL's operation and the contribution it makes to the development of Canberra's service infrastructure. In this regard, the ICRC assures me that it has used and will appropriately use the necessary regulatory power to maintain effective oversight of the pricing of ActewAGL's infrastructure program. I am assured that the ICRC's regulatory approach is that ActewAGL's participation in this area receives appropriate oversight in the community interests. In this regard, I note the ICRC's oversight of both capital and operating expenditure under the price path set every five years. One of the most important risks to manage in any ACT government is to ensure that ActewAGL, as the incumbent electricity network service provider, has a base capacity to meet emergencies as they arise.

As I have noted when tabling the ICRC report, we recognise the magnificent effort that ActewAGL employees and management made in getting Canberra back to normal after the devastating January 2003 fires. Equally, I appreciate ActewAGL's responsiveness to other emergencies in relation to the security of their network and the certainty of supply of essential services such as the impact severe storms have on Canberra's electricity supply.

I would be concerned that if ActewAGL were forced to compete for its own work as the incumbent distribution network operator, it could be exposed to predatory competition

from players outside the ACT. ActewAGL is expected to have the operational capacity to respond to emergencies; therefore, any reduction in ActewAGL's response capacity has unacceptable implications for the standards of service we are prepared and have come to expect.

Having due regard to the recommendations in the ICRC's report and the advice provided by my own department, I have reached the conclusion that the present arrangements are in the community's best interests. In making this decision, I expect the ICRC to review its regulatory methodology to be sure that appropriate oversight and transparency is applied to electricity distribution network pricing as it relates to greenfields network infrastructure developments.

Accommodation for the ageing
Ministerial statement

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): I seek leave to make a ministerial statement concerning accommodation for the ageing.

Leave granted.

MR STANHOPE: In December last year I released "Building for our Ageing Community" which outlined this government's strategy for meeting the accommodation needs of our older citizens. Today I have pleasure in informing the Assembly about the significant progress that has been made since the strategy was introduced.

We all know that the provision of accommodation for our aged people is a complex issue. It is complex because it involves decisions by individuals about their own accommodation and care at an important time of their lives; it is complex because it requires the coordination of many aspects of government activity both at the Commonwealth level and at the territory level; and it is complex because of the number of people involved. The proportion of our population that is elderly is increasing and will keep doing so.

The government does appreciate the active interests of the Assembly's Standing Committee on Planning and Environment and its report "Long-term Planning for the Provision of Land for Aged Care Facilities in the ACT" which was tabled on Tuesday. It is pleasing to note that the recommendations in the committee's report have, by and large, endorsed the proactive approaches already taken by the government to accelerate land preparation and supply, as well as provide a dedicated case management service to proponents and engage directly with the Commonwealth in proposals for system reform and innovation. Providing an appropriate range of accommodation for an ageing population is, after all, a national challenge which is very much dependent on Commonwealth policies. The government will respond to the committee's recommendations in greater detail in due course.

The government has introduced eight distinct initiatives to improve the way that it responds to the accommodation needs of the aged. In outlining these initiatives in this statement, I do not for a moment suggest that these are the only ways in which our aged people can be helped to obtain appropriate accommodation. My government is

constantly looking for innovative ways and ideas that can improve our service to all of Canberra's residents, including the elderly.

The government is providing land for aged persons accommodation. Under the "Building for our Ageing Community" strategy, the government is currently offering generous concessions on the market value of land to not-for-profit providers of aged care accommodation which, in the nine months since the commencement of the "Building for our Ageing Community" strategy, has totalled approximately $3.7 million. These incentives provide a crucial capacity for many community sector agencies in developing aged care accommodation options.

Even since the release of the strategy, lease offers have been made to Southern Cross Care, Mirinjani at Weston and the Little Company of Mary at Bruce. In total these projects will provide over 200 beds and 89 independent living units. In addition, planning and consultation for additional sites in Greenway, Nicholls and Gordon is well under way. The government intends for these sites, subject to territory plan variation and Commonwealth bed allocations, to be available in 2005-06. However, the Commonwealth has indicated that there will be a significant shortfall of beds allocated compared to the land that will actually become available.

We will be lobbying the Commonwealth government to increase the number of bed allocations for the ACT to meet demands and to take advantage of the sites that will be ready to be developed for older persons accommodation. Our government has also given approval for the direct grant of sites in Hughes and Monash, subject to the final planning requirements. The proponents for these two sites will be in a position to apply to the Commonwealth for bed allocations in the current aged care assessment round.

In relation to the Belconnen site at block 6 of section 87, as a result of extensive negotiations with the government, the Commonwealth has allocated 100 beds for the site. The sale process has already commenced in parallel with the Commonwealth bed allocation. The successful tenderer will be able to proceed at a very early point with the development application process and construction. Therefore, we expect 100 beds and approximately 150 independent living units to be operational in approximately two years. This is a pilot scheme never before tried in Australia and will result in an innovative development on an attractive site for which the people of the ACT will be justifiably proud.

Other sites in the suburbs of Kaleen, Lyneham, Chapman and Weston are currently being assessed to determine their suitability to meet the accommodation needs of older people. These measures indicate that we are well advanced in developing a land bank of pre-planned aged persons accommodation sites. The government's land bank, combined with the expansion and redevelopment plans of service providers, will ensure that whatever number of beds is allocated land is available to house them. In this respect, the Commonwealth has announced that the provisional allocation of beds for the next three years will be 210, 85 and 75; hence, the aged persons accommodation sites that I have listed will be able to take far more than the available bed allocations announced by the Commonwealth.

Individual service providers have also told the government that they will be expanding and refurbishing their existing facilities and will be seeking extra beds. Releasing the

Belconnen, Greenway, Nicholls, Gordon, Hughes and Monash blocks in combination with the needs of service providers on their own land will result in sufficient land to accommodate all allocated beds for at least the next five or six years.

Our land bank will cater not only for aged care accommodation in the form of nursing homes and hostels but also for independent living units and supportive housing models. This reflects my government's awareness that a variety of appropriate accommodation must be provided. We are simplifying the planning process to improve certainty and time frames for approval. This will provide real benefits for those who are delivering aged care accommodation. The government recognises that providing certainty for service providers in regard to the planning and development system will enable proponents to undertake more effective business planning. This will improve the viability of some providers and encourage others to enter into the market for the development of aged persons accommodation.

The provision of aged care accommodation in the territory is being driven from the Chief Minister's Department with strong and active input from ACT Health, Treasury, the ACT Planning and Land Authority, the Land Development Agency, the Department of Urban Services and the Department of Disability, Housing and Community Services. An interdepartmental committee of senior executives from these agencies was established last year to develop and drive the implementation of this whole-of-government strategy.

We are improving our knowledge of aged care accommodation demand, particularly through the Land Development Agency, which has been collecting commercial data to strengthen our understanding of market demand. We need to fully understand the demand for high and low-care beds, community aged care and extended aged care at home packages, as well as assisted living and other forms of ageing in-place accommodation.

My government has allocated ongoing funding for a residential aged care nurse to provide better links between hospitals and nursing homes and therefore make it easier for people to find nursing home places. Importantly, the government has also introduced a case management service for aged care projects, a first in the territory to draw together government and non-government inputs. The case manager, based in the Chief Minister's Department, acts as a single point of contact for developers and service providers and thereby provides a responsive service for viable aged care proposals. The case manager has been able to assist applicants with the land release and development application processes and has established valuable relationships between service providers, the construction industry and government, a service that has been widely recognised by the industry, with improved cooperation of the Commonwealth government, which is a key player in the provision of aged accommodation.

In "Building for our Ageing Community", the government undertook to develop a more proactive relationship with the Commonwealth government concerning their aged care accommodation policies. The recent Commonwealth budget included two major policy changes that were the result of work between the Commonwealth and the states and territories, including the ACT, to identify the gaps in previous Commonwealth policy. The first major policy change at the Commonwealth level is to increase the ratio of residential aged care places allocated from 100 per 1,000 people over 70 to 108 per 1,000 people over 70. The second major policy change was to introduce a national program of

transitional care to assist people moving between the hospital and aged care sectors. The ACT government welcomes both these changes.

The ACT government has also secured Commonwealth funding for a new sub-acute facility and 100 beds allocated to the site of section 87 Belconnen. The new 60 bed sub-acute care facility, specifically designed to meet both rehabilitation and older persons special needs when moving from hospital to home, has been made possible by a combination of Commonwealth funding—$5.2 million under the Commonwealth's pathways home program—and ACT government funding, recurrent funds that will reach $9.7 million in 2007-08. Significantly, the ACT was the first state or territory to secure such funding from the Commonwealth under this program. Planning of the facility to be located at Calvary Hospital is under way and will commence operation in 2006.

The government is imposing new requirements in relation to adaptable building standards to enable aged persons to occupy new buildings. We recognise that the accommodation needs of many older people can be met through the provision of adaptable and accessible housing and that many older people wish to retain their independence by remaining in their own home or by obtaining other suitable accommodation in the community.

The government, through the Land Development Agency, is imposing a requirement in certain residential development sites that 10 per cent of units be built to adaptable and accessible standards. While not immediately available for residential care, these units do afford the opportunity for residential care to be delivered to such premises in a more appropriate environment than might be offered in standard residential dwellings. The government has also increased the amount of affordable housing, some of which will be occupied by our aged persons.

Members of the Assembly are aware of the priority the government has given to ensuring that Canberrans in need have access to low cost accommodation. This is vital not only for the elderly in our community but also for the young or disabled or those who, in any way, are disadvantaged. Housing ACT is a working example of the government's commitment to older people, with over 10 per cent of properties designated for older people.

We are facilitating the provision of supportive housing in ensuring that land designated as community facility can be utilised for aged persons accommodation. Variation to the territory plan No 200 facilitates the development of supportive housing and amalgamated blocks in suburban areas. Applications for supportive housing are being monitored to ensure that the supply of sites is being adjusted when appropriate. The government introduced the concept of supportive housing on community facilities land in 2002 to ensure the ongoing availability of dwellings associated with support services.

The supportive housing approach has recently been reviewed and a further variation to the territory plan No 229 has been released and has interim effect. It is proposed that the definition be amended to clarify this use with regard to ownership and service provisions. These changes will ensure that supportive housing remains in the ownership of one entity and that supportive arrangements are more likely to continue. The proposed variation also includes adaptive housing to specifically recognise aged and disability housing assistance. This will allow the ACT government and other providers of housing

for the economically disadvantaged to put supportive housing proposals together on residential and commercial sites.

We are considering loans and recurrent funding for aged persons accommodation. The government is currently working on some further options to assist or offer incentive to the providers of aged persons accommodation where that is necessary. Government support should be considered for aged care providers whether they are profit or non-profit. They come in a financial form such as loans or targeted financial assistance or in other ways. I have asked the senior executives interdepartmental committee to form a working group with the Council on the Ageing and a panel of service providers to allow them to directly contribute to further development of these options.

This list of initiatives by my government shows how we are addressing the many diverse aspects of the challenge of ensuring that our aged people are housed in accommodation that suits their preferences and their needs. The government has made some very significant progress but it recognises that there is still a way to go. We continue to face considerable challenges. Some of these are specific to the ACT, some are challenges faced by all states and territories and some are specifically the result of Commonwealth government allocation policies.

In relation to Commonwealth government action, while the government is pleased with the budget announcement that indicative numbers of new places will be announced three years in advance, it knows that, unless places are allocated in advance to particular service providers, there is still too much uncertainty to allow providers to undertake effective business planning. The ACT government will take this up with the Commonwealth in an attempt to obtain greater certainty for forward planning, but of course we all know that Commonwealth processes are beyond the ACT's direct control and reform of the national process will not be immediate.

The ACT government also appreciates the changing nature of what is seen as appropriate accommodation for aged people. Increasingly it appears that ageing in place is seen as the future of aged care. This often involves suitable non-institutional accommodation with services provided as required. So it is a step in the right direction to see that the Commonwealth has at least recognised this trend and accepted that the balance between residential and community care should be re-weighted to double the proportion of places offered in the community.

There has also been concern expressed about having a number of provisionally allocated beds that are yet to be made operational. In the ACT this number is currently 209. However, to suggest that this indicates a breakdown in the delivery of beds displays a complete lack of understanding of the provision of aged care accommodation and the Commonwealth government's current system. The Commonwealth typically allocates beds once a year and the service provider then has a nominal period of two years to operationalise the allocation. However, Australia-wide only 40 per cent of beds are operationalised within two years. There are a number of factors that contribute to that, which include the time it takes to design and construct large projects worth tens of millions of dollars. Design works and statutory approvals can and do take a year or more to arrange. Therefore, construction time alone can exceed the two years. Most service providers in the ACT are from the not-for-profit sector and are governed by boards who must consider any proposal requiring capital expenditure.

There are a number of instances of projects being delayed for some months while the board considers their position. The planning system Australia-wide has requirements and procedures for consultation and appeals. The project which is lodged with all necessary information and which attracts at least one objection then goes to appeal and may take many months for the DA to be approved. The land sale grant system rightly has its own set of legislative requirements, courtesy of the Assembly. Due process and consideration to community views must be taken before land can be sold.

The facts I have just mentioned, most of which are outside the control of any government, mean that beds will always take a certain time to build. However, if a year's allocation is operationalised each year and it takes two years to build the beds, there will always be of the order of 200 beds or more which are not yet operational at any one time. We do need to repeat and understand that, as there has been and I think continues to be a deal of misunderstanding.

Under the system as it currently operates, there will always be of the order of 200 beds or more which are under construction or in planning at any one time. The Commonwealth system creates that. In fact, it would probably be a cause of great alarm for people to understand the sector if there were no provisionally allocated beds. If that were the case, you would have to expect no beds to be able to come on line for the next two or three years. I think it is a shame that the opposition and others have not understood this basic fact of the operation of our existing scheme. I think it is fair to mention that representatives of the Commonwealth government, during the recent planning and environment committee hearings on the topic, acknowledge that the sector in the ACT is delivering more beds more effectively than almost any other jurisdiction in Australia.

There are just a few points to be made in concluding this statement. First, the ACT government appreciate the need to remain flexible and responsive to the changing market. We recognise that in the longer term there may be a decline in nursing home care, with a simultaneous increase in the provision of services to the home. The changes to the planning system that I have outlined recognise and respond to the growing trend towards ageing in place. In addition, we are encouraging and assisting private industry to develop innovative models for aged persons housing. This may result in the growth of a small multi-unit development service by community providers.

Second, in my statement to the Assembly on 11 December 2001 I committed the ACT government to meeting the needs of older Canberrans. I clearly indicated this government's intention to create an inclusive community where older people feel safe and valued and where adequate programs and services are available to meet their needs. The government's plan for older Canberrans was developed after extensive consultation with the community and includes a commitment to the provision of adequate housing and accommodation. In March this year, when I launched "Building our Community—the Canberra social plan", I reiterated the government's commitment to meeting the needs of older Canberrans and undertook to put in place innovative aged care and accommodation initiatives.

Finally, we have developed a strong and comprehensive program to support our elderly. We have introduced a number of successful and significant initiatives aimed particularly at meeting the needs of our ageing population. We continue to take a pro-active approach

to meeting their accommodation needs. But, of course, the task is not complete. This government and each of our successors will need to constantly monitor and respond to the challenge of ensuring that our aged people are housed in a way that reflects their dignity, standards and hopes.

Aboriginal and Torres Strait Islander affairs
Ministerial statement

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): Mr Speaker, I seek leave of the Assembly to make a ministerial statement concerning Aboriginal and Torres Strait Islander affairs.

Leave granted.

MR STANHOPE: I would like to take this opportunity to highlight the achievements—and proud achievements—of the government in relation to Aboriginal and Torres Strait Islander affairs. First, I will address the reasons why the quarterly reporting schedule we agreed to in 2001 has changed. At the time, quarterly reporting was the mechanism identified to provide information on developments in addressing the needs of Aboriginal and Torres Strait Islander people. However, whilst this was the proposed regime at the time, developments at the national level gathered momentum when a national reporting framework called *Overcoming Indigenous Disadvantage: key indicators 2003* was endorsed by the Council of Australian Governments. This has impacted on our reporting arrangements in the ACT.

Despite the establishment of that framework and the good work that is going on around the country, the journey towards reconciliation has, I think we all agree, hit a road block. In fact, it is ironic that here in the ACT, at a time when my government has committed itself to working even more closely with the United Ngunnawal Elders Council and the Ministerial Council for Aboriginal and Torres Strait Islander Affairs, the federal government has closed the door on the Aboriginal and Torres Strait Islander Commission. As if that was not bad enough, there has been no effort made to create a replacement body with elected representation. This denies the basic rights of the first people of this country to self-determination of their own affairs.

ATSIC certainly was not without its problems, but what message does the abolition of that organisation send to indigenous Australians? This action has set the clock back decades and has been a monumental setback for reconciliation in Australia. The demise of ATSIC without a replacement body denies indigenous Australians the fundamental right to decisions that directly affect their lives.

It is also ironic that the ATSIC decision came on the very day of the signing of the historic COAG Shared Responsibility Agreement between ATSIC, the ACT government, the ACT Aboriginal and Torres Strait Islander community and the Commonwealth government. Despite ATSIC's demise, my government will continue to embrace the spirit of the agreement we signed. This agreement will play a significant ongoing role in addressing the causes of social exclusion, disadvantage and community dysfunction.

As a starting point, all partners agree to work together and embark on comprehensive consultations with the community. The main aim was to identify and develop culturally

appropriate strategies to assist Aboriginal and Torres Strait Islander people to address trauma, regain confidence, build self-esteem and strengthen cultural identity. The deleterious effects of substance abuse, the many factors contributing to the overrepresentation of indigenous peoples in the criminal justice system and the many factors contributing to the disparity between the educational outcomes of indigenous people, particularly children and youth, were those of the wider community. Working groups consisting of community representatives and ACT and Australian government officials have been set up around these four key areas. Their job is to identify the major needs and issues of Aboriginal and Torres Strait Islander people, recognise exactly what services there are and what they are doing and then advise where there are gaps in service provision.

The government recognises the importance of giving communities the power to influence decisions that affect their lives and to work with governments in a collaborative way to achieve better outcomes. We have a proud record of cooperation, of listening and of acting in the best interests of indigenous Canberrans.

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 STANHOPE: Since taking office, the government has forged strong partnerships and plans to better facilitate and coordinate the delivery of services to Aboriginal and Torres Strait Islander people in the territory. The ACT Aboriginal and Torres Strait Islander Consultative Council has been a major partner in the process of building stronger relations with the indigenous community and enhancing indigenous government structures within the ACT. As I previously mentioned, this is at a time when the federal government has dismantled indigenous government structures at a national level.

The consultative council recently launched its strategic plan 2004-07. The strategic plan is designed to achieve equity and better access to services for Aboriginal and Torres Strait Islander people in the ACT. Its foundation is a strategic partnership with the ACT government and it links with other planning mechanisms and Aboriginal and Torres Strait Islander organisations in a combined effort to provide efficient and effective services to improve the wellbeing of Aboriginal and Torres Strait Islander people.

Soon after we took office we moved quickly to establish the United Ngunnawal Elders Council. It is another example of the government building partnerships and enhancing the government structures within the community. The establishment of the council greatly facilitates the delivery of services to the traditional owners and custodians of the ACT and ensures that priorities and service delivery are identified by council representatives and communicated directly to the government.

It is important for us all to feel a part of our community and to have a sense of belonging. In consultation with the Elders Council we now have "Welcome to Ngunnawal Country" signs at the main entrances to the territory. Elders on the council take turns in performing "Welcome to Country" ceremonies at official events and functions. My ministers and I make a point of acknowledging the Ngunnawal as the traditional custodians of the ACT in our public speeches.

We have also started a dual naming process where, if possible, we include the original Aboriginal name for geographical features of areas in the ACT, alongside the names given to them by earlier settlers. As opportunities arise, for instance, when we open a new feature, such as the new nature park in the Gungahlin district, we will use relevant Aboriginal names. For example, we named the new Gungahlin Nature Park "Goorooyaroo" and, in so doing, we have restored the original Aboriginal name for that area. We have put in place structures to ensure the involvement of local Aboriginal people in the management of Namadgi National Park. The agreement provides a framework for the negotiation of a more comprehensive arrangement in the future.

It is the territory's intention to put in place a symbolic Namadgi special Aboriginal lease to acknowledge the historic association of the Aboriginal parties to the region. Since last month, as a constant reminder of our commitment to reconciliation between indigenous and non-indigenous people, the Aboriginal, the Torres Strait Islander, ACT and Australian flags are flown side by side on London Circuit, outside this building. These are symbols of a more cohesive society and, importantly, a constant reminder of our commitment to reconciliation.

As I have said, engaging and communicating with the Aboriginal and Torres Strait Islander community in Canberra is the only way we can truly hope to address disadvantage and achieve reconciliation. To ensure a strong flow of information to Canberra's indigenous community, a Ngunnawal newsletter is widely distributed on a quarterly basis. Other key publications have also been produced this year, including the ACT directory of Aboriginal and Torres Strait Islander resources, a 2004 Aboriginal and Torres Strait Islander diary and a 2004 calendar that identifies the dates of Aboriginal and Torres Strait Islander events of significance.

I will now report on what the government has been doing in the ACT to develop a new reporting arrangement to comply with the national framework for overcoming indigenous disadvantage and improving service delivery to Aboriginal and Torres Strait Islander people. The major components of the new reporting arrangement will be the ACT Aboriginal and Torres Strait Islander partnership plan. This is a key commitment of "Building our community—the Canberra social plan" that we are presently developing. The partnership plan will be an integrated series of measures to address and report on indigenous outcomes in the ACT and will report against key indicators identified by COAG in a national framework. It will focus on strategic areas for action such as early childhood development, school attendance, teenage development, reducing abuse, supporting families and health and economic opportunities.

The 2004-05 budget delivers the broadest range of new initiatives for the ACT's Aboriginal and Torres Strait Islander community since the beginning of self-government. The budget demonstrated the government's ongoing determination in consultation with the community to develop and fund innovative and effective programs to support indigenous people in the ACT. The injection of $7.7 million over the next four years is specifically aimed at tackling the ongoing issues to reduce the level of indigenous disadvantaged in the community.

We will provide $685,000 towards indigenous employment opportunities by establishing indigenous traineeships within Environment ACT, $868,000 to expand Koori pre-school

programs to five sites and $1.24 million for indigenous student support aimed at assisting young Aboriginal and Torres Strait Islanders in Canberra to reach their potential. I am pleased to advise that the eighth report of this Assembly on indigenous education has indicated considerable improvement in student absenteeism for term 4 2003, kindergarten to year six and years seven to 10.

Through the implementation strategy developed in response to *The Territory As Parent*, also known as the Vardon report, the government has allocated an additional $465,000 in 2004-05 specifically for programs and services for Aboriginal and Torres Strait Islander children, young people and their families. This includes funding for cross-cultural awareness activities, the expansion of the indigenous unit in the Office for Children and for a council for young Aboriginal and Torres Strait Islander people; $1.42 million for a community managed Aboriginal justice centre to provide a one-stop shop for justice services; more than half a million dollars to employ outreach workers to work with Aboriginal and Torres Strait Islander people experiencing problems related to drugs and alcohol; $100,000 for a feasibility study to assess the viability of an ACT bush healing farm; $793,000 for the expansion of indigenous midwifery access, one of the key commitments of the Canberra social plan; and $830,000 on an ear health program for Aboriginal children.

In recognition of our cultural differences, the circle sentencing court, an initiative of the Aboriginal Justice Advisory Committee, is now operational. After the Australian government vacated the former site of the National Museum of Australia at Yarramundi Reach, the ACT government handed it over to the Burrangiri Association, the successful tenderer for the centre's management. Burrangiri officially re-opened the cultural centre during NAIDOC week this year. The cultural centre receives an annual operating budget of $120,000 and there is $1.5 million available for capital works in 2004-05.

In recent months I presented three cheques for the value of $73,000 under our Renew Community Facilities Program to the Billabong Aboriginal Corporation, the Aboriginal Corporation for Sporting and Recreation Activities at Boomanulla and the Gugan Gulwan Youth Aboriginal Corporation. We have allocated $100,000 to commission a public artwork acknowledging the traditional owners of the land. The artwork will be displayed in a prominent place in the territory. An advisory committee has been established and nominated a list of prominent indigenous artists who will be invited to submit expressions of interest. I take great pride in our ongoing commitment as a caring government to the thousands of indigenous people who live in Canberra. While there is still some way to go, I believe we are making good progress towards a more inclusive and supportive society.

A recent survey released by the Australian Bureau of Statistics showed that Aboriginal and Torres Strait Islanders living in Canberra had the highest level of participation in cultural events in Australia. Seventy-three per cent had attended a cultural activity within the previous 12 months. We followed up this survey with extensive research on issues facing indigenous Canberrans and all aspects of life, from family relationships and housing to health and justice. Earlier today I launched a study undertaken by the Chief Minister's Department called "A Social and Cultural Profile of Aboriginal and Torres Strait Islander people in Canberra". The findings of this study will provide us with valuable information to assist our policy development in the future.

That report will help Aboriginal and Torres Strait Islander people in Canberra in a number of ways. It will be given to all agencies and departments involved in policy and programs to provide a better understanding of the social and cultural circumstances of Aboriginal and Torres Strait Islander people in Canberra. On the other side of the coin, it gives the Aboriginal and Torres Strait Islander people in Canberra a tool to use for communicating with government agencies when pushing for existing and new programs and services for Aboriginal and Torres Strait Islander people.

While this survey shows that indigenous Canberrans are experiencing significant disadvantage, the ACT is doing better overall at addressing these issues than almost any other place in Australia. Although we are not in a position to turn back the clock on the social injustices of the past, the government considers it is our collective responsibility to ensure these injustices are dismantled during our time in this place. As part of this process, we are replacing old programs with new, introducing policies designed to ensure that Aboriginal and Torres Strait Islander people in the territory enjoy equitable access to service delivery in the future. The Aboriginal and Torres Strait Islander people in the territory would attest to the significant contribution that my government has made to addressing their needs and improving their condition. I believe it is quite a remarkable achievement in a short period of time.

Health portfolio
Discussion of matter of public importance

MR SPEAKER: I have received a letter from Mr Smyth proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The management of the health portfolio.

MR SMYTH (Leader of the Opposition) (5.10): Mr Speaker, the management of the health portfolio was a drum that the Labor Party beat hard in the lead-up to the last election, claiming that the hospital was in crisis and that they were going to fix it. The simple solution, the very simplistic solution, put forward by the health spokesman then, the now Chief Minister, was that he would simply drop $6 million into the mix and all would be well with the world; the $6 million dollars would buy equipment and provide extra nurses and something like 2,500 additional operations.

When the Labor Party came to office, the latest figures that were available on, the waiting list show that, in September 2001, 3,488 people were waiting for elective surgery in the ACT. Let’s just have that number in mind and work our way forward as to what has actually happened since Labor came to office. What has happened is that a great number of opportunities have been missed. It really gets down to: what did the ministers do to manage the health portfolio? In most cases the ministers did nothing or did nothing that was effective.

The first thing that the government did was to merge the hospital back into the health department. At the time, the government said that not only would this be good, not only would it make the system so much more effective, but in fact $200,000 of savings were forecast to come from the portfolio changes as a result of the Reid review. That was the claim by the then head of the health department, Dr Penny Gregory. We were actually

going to save money on the restructure. The question has to be asked: was that achieved? To which the answer is a very blunt no.

What happened? Well, let's read from the annual report the year after. The annual report and, indeed, the current minister, Mr Corbell, at that time were quite up front about the fact that the blow-out was a result of the departmental restructure. How much was the blow-out? It was $38 million following the restructure of the department of health and the hospital. I quote from the annual report of the year:

> Total expenditure including the extraordinary expenditure for the year ended 31 June 2003 was $510 million, which was $37.89 million higher than the amended budget of $472 million. This increase is mainly the result of expenditures. This largely represents planned expenditure of the Canberra Hospital and Community Care that was reported in the department's accounts following the restructure of Health mid-year.

The restructure led to the $38 million blow-out. Mr Corbell, in the report, goes on to say:

> Following the restructure of health and because of the limitations imposed through the Financial Management Act on changing departmental budgets, expenditures and revenues would be higher in the year's end accounts.

And that is it. What a difference a year makes. We were going to save $200,000 and have a better system. What did we end up with? A $38 million blow-out. It is not just the $38 million blow-out. You could almost accept the blow-out if it actually resulted in something, but what it resulted in was a blow-out in the hospital waiting list.

It results from a couple of things. First and foremost it is the $3½ million cut that the Chief Minister, the then health minister, applied to Calvary Hospital. He said, and I quote from the estimates hearings:

> Yes, there are resources issues and implications in relation to this. It's a tight budget. There's a whole range of things we would love to have done that we didn't. We made a range of painful cuts. These are matters for judgment, always.

But I have to ask: at that time—Mr Stefaniak, I am sure, will correct me—wasn't there money in the budget for concentration on a bill of rights and wasn't there money in the budget at that stage for an education inquiry that certainly affected at least a third of the health sector?

In regard to the management of the health portfolio, we actually managed to perform fewer operations in the first full year of the Labor government. It went from 14,168 cost-weighted separations in the 2001-02 budget, a budget we set in place, to 12,265 in the first full year of Labor in office—2,000 fewer surgeries. And there's the rub. The portfolio has been managed so badly, so poorly, that it was not even delivering what it used to deliver.

There is the restructure. Firstly: we are going to come to office; spend $6 million; we are going to fix it. It was going to be better. The restructure was an absolute disaster. We had the measure of the level of disaster in the Press Ganey results of those years. What Press Ganey said was that we were in the lowest 10 per cent of public hospitals in that class.

I notice that the minister, Mr Corbell, has not done a survey of customer satisfaction since that time. I think the next one is after the election. And you only do that when you know that the results are going to be as bad or worse than what you have currently got.

Press Ganey, which is the client—the Canberrans, the users—said, "The system fails us; we are no longer satisfied." But did the government do anything about it? No, they did not. We just continued on our merry way. We had our head in the sand and what we chose to do was attempt to ignore it.

But then we have a Productivity Commission report. I have talked about the government and the growing bureaucracy. The key thing from the Productivity Commission report was that administration costs increased by 51.1 per cent and were a key driver in the decline of cost effectiveness—the bureaucratic model; Labor at work. What we saw immediately upon the restructure was the appointment of two new deputy chief executives at a huge cost. We then saw reams and reams of paper on plans, strategic plans—all sorts of different plans—none of which had targets attached to them or none of which offered real hope for fixing the problem that was the health system and in particular the Canberra Hospital.

Then we saw the infamous health estimates cheat sheet, written by a former federal Labor staffer, appointed to the position without a merit process, and tacitly approved by senior health managers. We have seen the continuing politicisation of the health department with today's propaganda sheet, the state of the ACT health system. Disraeli said there were lies, damned lies and statistics, but under this government we now have lies, lies, damned lies, statistics and health statistics. Who can forget that the minister was censured by this place for continually misleading the Assembly on the mental health figures and other matters?

Just last night the minister came in here and said, "But we've done more surgery." He abandoned the real measure, the measure that everybody uses, the measure that is used consistently to compare from year to year—cost-weighted separations. No, we will just go and say, "We're doing more surgery." It is just not on. The proof will be that, on a month-to-month figure, this government is still doing less with regard to surgeries in the Canberra Hospital than was done under the previous government.

You can see a pattern emerging here, a sort of a sense of denial and a sense of poor management, and that goes straight back to the minister. It is the minister who is responsible and it is the minister who must make things work. The ministers, Minister Stanhope and Minister Corbell, must take the credit, I guess—although I doubt that it is credit—for seeing the waiting list move from 3,488 in September 2001—

Mr Stefaniak: Responsibility.

MR SMYTH: "Responsibility" is the word. I was looking for a different word, the dark side of credit. The debit, yes. Perhaps not.

Waiting lists have gone from 3,488 in September 2001 to 4,698 in July 2004—a 35 per cent increase. We have seen elective surgeries climb to more than half of them being overdue. We have seen the bypass come into the emergency wards, where we have seen one hospital closed at least 38 times. We are told by the minister that both hospitals

will not go on bypass. Well, they do not. That is because we stack ambulances in the forecourt of the hospital as mobile hospital wards. It is the issue of bed block that I think is synonymous during the last three years with the progress of the mismanagement of the health portfolio. We have to look at beds.

Let's look at the step-down facility. The government in the lead-up to the last election promised the step-down facility. We also promised a step-down facility and set the wheels in motion for it to happen. We promised it in March; money was in the budget in 2001. We are now in 2004. Do we have a step down facility? No, we do not.

The government promised to develop such a facility in the lead-up to the 2001 election. We have still got bed block and we do not have a step-down facility. We know, because we have asked at the last couple of estimates hearings how many patients at any one time contribute to bed block in the two public hospitals, and the consistent answer is somewhere between, say, 24 and 36. The number has not changed in over three years—extremely valuable beds that are not being used appropriately either in the context of management of our hospitals or in the context of managing the nursing home type patients.

We should have a sub-acute facility by now to provide alternative accommodation options for these patients as, first, they leave hospital or, secondly, they prepare to go either home or into other accommodation. The delay on this important project is a damning indictment of this government. Moreover, the delay has now led to the proposed facility having doubled in cost. The minister will get up and say that there are extra beds and extra facilities being provided. That is true, but it should have been built by now. What we have from this government is a glacial approach to the capital works program that the Auditor-General has commented on in two of his most recent reports over the last two years.

Where are we with it? Is there a plan? No. Is there a DA? No. Is there any construction? No, there is not. When will the sub-acute facility that was first mooted in March 2001 be finally opened? Hopefully, February 2006. We get to the stage where bed block becomes such an issue that this government even attempts to shut down RILU which has been described as the jewel in the crown of ACT rehabilitation. The government is in desperate straits; the health minister is off on leave; and the acting health minister is not interested because he is going off on superannuation, so he flicks it to the head of the department and says, "Give us an answer in three weeks."

Why did it take all the pressure from the community and the opposition and all the reports that have mounted up over the past three years—why did it take until the last three weeks of the Assembly sittings for the government to say we should do something? That will be to their eternal shame.

What is worse is the fact that they are so bereft of options to fix this problem that it is summarised in eight slides that were presented to clinicians on Monday, 23 August. The first of the slides says that there is some chance of bed block—and we all know about bed block; it is well reported in the *Canberra Times*—hundreds and hundreds of souls in both Calvary and Canberra hospitals waiting often for more than eight hours. We can see the growth of bed block, particularly in the Canberra Hospital. You cannot see the chart, Mr Temporary Deputy Speaker, but the trend line is up, up, up.

The options to address it are in the wards, in the emergency department, in the theatre or in the community. Well, that is a good start. But when you get to how they are going to address it in the ward, it says that they are going to reintroduce the discharge lounge. Why was the discharge lounge allowed to go in the first place? These are all options that are so obvious and so simple or should be put in place—

Mr Corbell: I think it occurred when Michael Moore was minister.

MR SMYTH: Well, I checked with Michael Moore and he does not have any memory of it closing.

Mr Corbell: How convenient.

MR SMYTH: I checked with Mr Moore. You ring Mr Moore, too, Minister, and he will tell you the same. What we have got is a whole list of suggestions that are tinkering. What do they give us? According to the minister, they give us five to 10 beds. The population grows at about 3,000 people a year—1 per cent—and 3,000 people equals four acute beds every year. Virtually these extra beds have already been eaten up in this party's time in office.

Then today we had the next step of the minister, freeing up hospital beds for emergency patients. What we are going to do is give out intermittent care service packages for eight to 12 weeks to help people go home. That is a good idea. But if they can go home, they are not a nursing home type patient. If they are going home, they are not going to clog up the hospital while they wait for a bed in a nursing home. It is interesting to read the only quote, the only independent validation, they could get. It is from Marc Budge, the Associate Professor of Geriatric Medicine. He says:

> The provision of intermittent care service represents a very welcome initiative which along with an urgent push for residential care beds for those awaiting and being offered permanent placement will significantly impact on the provision of appropriate care for older, frail Canberrans.

He does not mention that it is going to free up beds, and that is the problem. This government is ignoring the grim reality, the obvious reality, that without any extra beds and the extra staff to look after those patients or a change in the mix of staffing nothing will change.

MR TEMPORARY DEPUTY SPEAKER (Mr Hargreaves): The member's time has expired.

MR CORBELL (Minister for Health and Minister for Planning) (5.25): This is the third matter of public importance regarding the ACT health system raised by the opposition since May. It is of course understandable, given that health is such a large component of the ACT budget, that it should attract this level of scrutiny. Scrutiny is welcome; the government welcomes it and we are quite happy to engage in this type of debate.

However three MPIs in about three months about the same matter really does show, I think, the lengths to which the Leader of the Opposition is keen to flog this subject. But

I have to say that the opposition's approach in this matter is not merely repetitive; they are also pursuing, I think, quite a dangerous game. Mr Smyth says that he is not attacking our valued health staff—the dedicated nurses, doctors, allied health professionals and others out there every day who deliver high quality services to our community. He says that he recognises the value of the work they do.

Yet all he does is criticise the health system as inefficient, as unable to deliver the same level of outcomes that he claims his government did. In effect, he talks down public confidence in our health system. I think he has to be conscious of that very fine line he has to tread between scrutiny of government activity and degrading the public sector health system.

I note in Mr Smyth's most recent comments that he has also rebutted the most recent initiatives of the government to improve access to beds in our public hospitals by saying, "Without private sector involvement, nothing will change." That sounds to me like a forecast that Mr Smyth is going to announce a two-tiered health system for the ACT, one that involves more money going into the private sector and less money into the public sector. I will be very interested to see the Liberals' health policy when it is announced.

I understand that health is a vital topic in this place, and so it should be. It is vital to our community—and we all recognise that—but it is also my responsibility as minister to keep some perspective about what are the key issues and the major strategic developments required to improve our health system—a health system which, despite its pressures and despite its problems, is still one of the best health systems in the world. As a member of this Assembly, I recognise that it is in nobody's interests to scaremonger and undermine confidence in the system; instead we must be upfront and honest about its failings and work hard to address them.

Providing a high standard of health care is not an easy task. Members will be aware that nationally and internationally public health systems are under pressure. These pressures include critical workforce shortages, an ageing population, reduced economic activity, skyrocketing costs of both new technology and drugs and a significant increase in demand for public hospital services. In addition, Australia's public health care system suffers the neglect of a federal liberal government who were intent on destroying Medicare, strangling primary health care and creating a two-tiered health system. That we as a government can stand here and report on our achievements and our activities, I think, is a very important opportunity.

Before I outline some of the major achievements of the government in the health portfolio I would like to consider the issue of health system management which is really at the core of Mr Smyth's MPI. If we did nothing else—I will argue that we did—the one key change made by this government on coming into office was the abolition of the purchaser/provider system within health. While Mr Smyth is full of vim and vigour to decry the government's management approach, let's look back briefly on what occurred previously. Even by 1996, the application of a purchaser/provider system for health was widely regarded as inappropriate foolishness. But this did not stop the previous government. Even though systems around the world—in New Zealand, in the United Kingdom—all backed away at a million miles an hour from purchaser/provider, the Liberal Party barrelled forward.

So health was split into competing agencies. And talk about efficiency! We hear Mr Smyth talk about efficiency. They split health into competing agencies, and each entity had its own corporate services unit, its own finance unit, its own human resources unit and its own information technology unit, often working at cross-purposes. Mr Smyth says that he is the advocate of efficiency. I have never heard of a more stupid and inefficient program or structure than to suggest that in the ACT, a small jurisdiction with two public hospitals, a community health system and a mental health service, it should be all purchaser/provider.

Cooperation between agencies declined. Decisions were sometimes made by agencies in isolation from the bigger picture and about how best to deploy services right across the territory. The tail wagged the dog, and accountability for the health system was conveniently separated from the minister responsible by using a board. The last health minister in the Liberal government was able to use the cover of purchaser/provider to walk away from his responsibilities to manage the system as a whole. I am proud to say that Labor has abolished that system and we now have a unified health sector in the ACT: everyone pulling in the same direction.

I would like now to address the key issues that I believe the government has worked on in its term in office. As I reported previously to the Assembly, the ACT community has access to a very good public hospital system. In 2003-04, our public hospitals provided over 70,000 inpatient episodes. That is the highest number on record. We managed an 11 per cent increase in the number of outpatient occasions of service; again, the highest number on record. We oversaw an increase of 22 per cent, or a quarter increase, in the most serious types of emergency department presentations.

What is causing that? What is causing more and more seriously ill people to present at our emergency departments, so many more that we have seen close to a 25 per cent increase? The reason must be that they cannot see their GP early; they cannot get access to a GP when they need one; they let themselves get sicker; and it is only when things get desperate that they start presenting to our emergency departments. That is a real cause for concern, and it shows the folly of policies driven at a federal government level to undermine the primacy of primary care and the important role it plays in the community.

In relation to elective surgery, Mr Temporary Deputy Speaker: we 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 procedures in a year on record. We provided 17 per cent more radiation oncology outpatient occasions of service than in the previous year.

As we also reported previously, the facts are that this government has provided more elective surgery procedures in 2003-04 than in any other year on record. We set a target in the budget before last of an additional 600 elective surgery operations. So far we have provided more than an extra 900—900 more Canberrans than would have been able to get elective surgery before. Elective surgery initiatives announced over the last two ACT Labor budgets provide almost an additional $20 million for elective procedures over the next four years.

There are other initiatives. We are introducing a cancer clinical stream and a rehabilitation and aged care service clinical stream to improve coordination of patient care across the territory. ACT Health has engaged in joint planning with the Southern Area Health Service on all major health initiatives, with a single satellite dialysis service, a single cancer service and an upgrading of Southern Area's secondary level service being some of the recent initiatives under way. This, of course, all works towards the objective of reducing pressure on our tertiary hospital from the surrounding region. Work is well under way in relation to a sub-acute facility, to better manage the transition of our patients from hospital to home and better provide for patients with psychogeriatric conditions.

We are working closely with the ANU to build and develop a premier medical school that will train and attract high-quality medical resources for our community. I cannot, again, overstate the significance of that investment. Labor put the money in; Labor funded that agreement; Labor made that agreement happen. It is important for the ACT because those doctors who train here are more likely to stay here. And that is the challenge for our community as our GP workforce ages: more doctors train here, more doctors are likely to stay here.

One of the reasons we have had trouble attracting doctors to the ACT is that they do not know the ACT. They have trained in other capital cities; they like those capital cities; they do not want to go somewhere else. But if they develop their connections here, they are more likely to stay here. Those years of training are very important for making that connection.

We have also, of course, provided over $10 million to the University of Canberra to create a new school in relation to allied health training. Physiotherapists, occupational therapists and radiation therapists are all now possible because of our investment in the University of Canberra to again address a workforce shortage.

Of course the government is close to finalising agreement to establish our new after-hours GP services at both of our public hospitals, hand in hand with the Canberra after-hours local medical service and local GPs. We are working closely with the Commonwealth to expand our aged care bed stocks. I announced, even today, new measures designed to improve access to care for aged care type patients who are currently given no option but to stay in an acute care bed in a hospital. We now have provision, through new packages. for many of those people to be looked after in their own home or in a non-hospital setting, with intensive community nursing support and rehabilitation support, freeing up beds for our emergency department patients.

All these things, of course, do not for a moment seek to underplay the significance of the pressures we face. We have serious problems and we need serious solutions. We do not need glib throwaway lines about who is to blame, why it all went wrong and who should be punished. What we need are serious responses to what is a worldwide and certainly an Australia-wide problem when it comes to pressure on our emergency departments. That said, of course, it is worth recognising that we still have the best response times in all the clinical categories for triage in emergency departments in the country. The most recent Australian Institute of Health and Welfare report confirms that. But it is still not good enough. We need to do more and we will continue to do more.

The intermittent care service community-based packages which I announced today will improve quality of life for older persons until a new sub-acute facility at Calvary comes on line in 2006, with its 40 transitional rehabilitation care and 20 psychogeriatric beds. This jointly funded initiative of the Australian government and the ACT is another practical measure that will relieve stresses on our public hospitals. The new service will accommodate the wishes of many older persons to remain supported in their homes, to return home from hospital or to enter a residential aged care facility with a high level of physical functioning and improved confidence.

Other post-hospitalisation initiatives that the government has introduced include the ACT transitional care program at Morling Lodge, the transitional support program through community options and indeed our ACT convalescent service at Calvary Hospital.

I could go on, but the point I want to make to members today is: it is not just about pointing the finger and saying who is to blame; it is about saying who is going to engage in a constructive, proactive approach to addressing the pressures in our health system.

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

MS TUCKER (5.40): Yes, we do seem to have rather a lot of MPIs on health. I cannot say that I am hearing a lot different from the proposers of the MPIs. I have, I think, covered fairly comprehensively in past MPIs my concerns or the Greens' concerns about broader private health care in the ACT. When we see issues of unmet need we have always made the link between that analysis and the need for acute care beds in hospitals because, obviously, if you have good primary health care, then you are less likely to need the hospital beds. We have, as well, of course linked it with the question of aged care beds.

Today I thought I might actually get involved in what seems to be the constant debate about beds. Ever since I have been in this place I have heard this debate. When Labor was in opposition, they were saying what the Liberals are saying now. I have not engaged in it to any great degree because I quite frankly thought there was enough attention on it from the major parties and that I would focus on the areas of health that they seemed less interested in, which were mental health, disabilities and so on.

Just listening today, I thought I would have a look at the history of beds. I looked at the report of the Assembly Select Committee on Hospital Bed Numbers in 1991. I looked at what they were saying then and it really makes fascinating reading. I looked at the state of the environment report 2000 and it said that in the ACT there were 784 beds available in acute care public hospitals in 1996-97. People might have a different interpretation of these numbers—and I am happy to be enlightened—but this is what I have got from the reading I have done today in preparation for this. This fell to 768 in 1997-98. That was under the Liberals obviously.

The Australian Institute of Health and Welfare's Australian hospitals stats for 2002-03 show the number of public acute hospital beds as 682, which is 2.1 per thousand of the population; and 408 private, 1.3 per thousand.

The state of the environment report 2000 also said:

> This figure does not take into account Canberra's status as a major Regional health care provider. Accordingly, when we take into account that 26% of patients from council areas within the region are hospitalised in the ACT—the true availability of beds drops to as low as 1.53—if the whole population in the region is considered.

In the 1991 report, it was interesting to read, talking about the estimate that we needed to be looking at:

> It is possible also that these estimates do not take into account the use of ACT hospital facilities by NSW patients. If this is so, the estimates would significantly understate the demand for beds. In the short time available, the Committee has not been able to check this point.
>
> If the ACT Board of Health really is aiming for a figure of around 1000 public beds by the year 2000—

which is what they were being told at that point in time by the ACT Board of Health, 1,000 beds—

> the Committee expresses its bewilderment at how the current reduction in public bed numbers fits into an overall strategy for the decade of bringing public beds to about 1000.

The select committee on hospital beds in 1991 said:

> In 1989 the ACT had 914 available beds in its public hospitals and 169 in the private sector.

That is a total of 1,083. The report continues:

> By June 1991the number of public bed had dropped to 897 with no change to the number of private beds.
>
> By June 1992 the ACT Board of Health expects the number of public beds to be 'somewhere in the range of 836 to 804'.
>
> …
>
> The reduction in public beds is in part related to the closure of Royal Canberra Hospital and the building demands of work at Woden Valley Hospital. But the reduction cannot wholly be assigned to these circumstances.

That is what they say in the select committee. I found this really interesting too. It is interesting because it is a political debate; it is exactly the same in lots of ways:

> In declining to describe the bed reduction as 'exceptional or dramatic' but rather as 'significant but not entirely unexpected', the Chairman of the Board of Health stated …:
>
> > it is partly related to the fact that we're now moving to one principal hospital and you can manage a bigger hospital differently—and I do not mean differently just

> in terms of systems and so forth, but it really does give you a greater flexibility as to how you use it to respond to patient need because doing it in two hospitals clearly led to inefficiencies of use. I am not talking about money now, I am talking about the actual physical processes of using operating theatres and all of those sorts of things.

> The Committee considers the Board has been surprisingly reticent about the nature of the other reasons behind its reduction in public hospital beds.

> In terms of managing the 1991-92 recurrent budget for health, the Board outlined its options in a communication to the Minister in late September or October of this year.

Basically they go on to describe all these different options.

The submission from the ACT Board of Health at that point gave a figure of around 1,000 public hospital beds as a target for the year 2000 and the estimate of private beds would be between 174 and 269. That is a total of around 1,269.

Then we look at what we have now according to the Australian Institute of Health and Welfare for 2002-03, and that is 1,090. So if we remove 80 to reflect the impact of day surgery—and there may be other issues you have to remove; I do not know; this is basic sums that I can do—from the 1991 projection, it still leaves 1,189, which we are now 99 beds short of. Plus, if you actually have a look at the increase in the number of hobby farms around the ACT, I think the projections of the 1991 report—I do not know if there have been more projections done; I was not able to find that—would be really interesting to look at in comparison to what we now know to be the reality of the region that we are servicing.

In the 1999 report as well it was interesting to note that they did not talk a lot about population and what they were imagining it would increase to, except they were arguing actually about the population of the ACT at that point, but they were saying it was around 280,000. But they were expressing concerns about the capacity to understand the influence of regional patients and the acuteness of those patients. That, I know, has come up before in debates that we have had in the Assembly, which I have certainly engaged in and been aware of. The acuteness of New South Wales patients actually would make the needs of this hospital as a regional hospital more significant.

Now we have got extra pressure from private patients actually taking public hospital beds. Members would be aware that there has been quite a damning report put out not that long ago by the Australian Private Hospitals Association—I think I can find that quote—basically saying that the public hospitals were poaching private patients. The public patients have greater difficulty accessing the beds.

The point I want to make—and I am not going to go on because there are more figures—is that it is really quite fascinating reading this 1991 report and seeing the expectations that have clearly not been met. We have had this constant argument occurring between both sides of the house since I have been here.

I think I heard Dr Sherbon say that numbers are not really accurate now because we do things differently. But I would really like to see the analysis that proves that. I know we

have earlier discharge now, but we also know that acuteness is higher. We also know, as I said, that we have got these other factors—the pressures of the region, et cetera—and I wonder if maybe what we should be talking about is our capacity to fund the beds that we need. Maybe this is about the federal government and their capacity to support territories and states in actually how we provide beds as well as of course. I will go back to the point I started with—if we invested in prevention, that would be a key way that we could reduce the need for acute care in hospitals as well as accommodation for older people.

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

MR CORNWELL (5.50): I join this debate to discuss the matter of aged care, and I am delighted that the Chief Minister made a ministerial statement a little earlier on the matter, because it enables me to address some comments in there.

There is no doubt that this government is sensitive on the issue of aged care, as well they should be. It is interesting—and I believe more than a coincidence—that, in the dying days of this the Fifth Assembly, not even days but hours of this Fifth Assembly, they finally bring out a statement on aged care, presumably to avoid any close scrutiny or debate. I do not claim to be able to give it close scrutiny but I will certainly be happy to debate some of it.

Earlier today, during question time, I asked a question of the Chief Minister about various commitments that had been made by this government to the provision of land all over Canberra for aged care accommodation.

MR TEMPORARY DEPUTY SPEAKER: Excuse me, Mr Cornwell, if I could just draw your attention to relevance. The MPI is about the management of the health portfolio. I just give you a gentle reminder.

MR CORNWELL: Indeed, thank you. It is the management of the aged care aspect of the health portfolio that I am addressing, sir. I did not receive a satisfactory explanation as to when the beds for aged care would come on line in all of these aged care facilities that have been promised but not built. This has a very marked effect upon hospital bed numbers because we have got people stuck in them who should not really be there at all; they should be in nursing home accommodation or aged care facilities. This impacts very much and very directly on the main health portfolio.

I was interested to hear a criticism by the Chief Minister that in our time in government only some 21 beds were allocated for aged care facilities. I think a point that has been missed in this is that the real crisis in aged care had not developed in that time. It was something that was growing in that period, certainly, and it came to pass, however, in the period of this government.

The minister, granted, indicated that they were addressing the problem by providing transitional care beds, which will move people out of the hospitals, by facilitating the provision of supportive housing to ensure that community facilities can be used and by considering loans and recurrent funding for aged person's accommodation. These are good initiatives, and I do not have any problem about it.

But then we got on to an explanation as to why the allocation and opening of beds for aged care was delayed. One of the explanations was that the Commonwealth only allocates once per year. That, I think, is something that could be taken up and argued with the Commonwealth, whether it would be better to perhaps allocate it twice a year.

The Chief Minister has explained that there will always be in the order of 200 beds or more that are not yet operational. The explanation makes a great deal of sense. However, it does not apply to the ACT. The Chief Minister indicated that, Australia wide, only 40 per cent of beds are operationalised—that is a dreadful word, isn't it?—within two years. That is fine. The only problem is that here it is 18 per cent.

Mrs Dunne: Only 18 per cent?

MR CORNWELL: Yes, Mrs Dunne. Why? Because we had 255 beds two years ago. We now have 46 of those operational. There are still 209 on line to be used. Forty-six is only about double the number that we managed to put on line during our term of government, so I do not know that this Labor government has much to boast about in respect of what they have done in the provision of aged care beds. We have still got 209 to come on line.

I am sorry, but the Chief Minister in answering an interjection of mine, that this government was not sitting on any beds, is simply not correct. They are clearly sitting on 209 of them and have been for two years. We will need almost double the number of beds to be operationalised in the next two years just to catch up with the Australian average of 40 per cent.

Why have we got this problem? Well, the problem is very simple. Planning delays. I mentioned the other day, in relation to a development over in the old wool sheds at Barton, that they had received permission for that development within six months. Our planning authorities cannot seem to bring our planning arrangements on line in anything less than at least two years. The Assembly committee headed by Ms Dundas made some very sensible recommendations in the report brought down on Tuesday on ways and means to fast-track the aged care facilities.

Again, the government in the ministerial statement listed a number of reasons why there were delays in bringing beds on line. Design work, statutory approvals, can and do take a year or more to arrange, they argue—for design and construction projects worth tens of millions of dollars. I do not know that most of our developments here for aged care run to tens of millions of dollars, but I think they certainly run to millions. Nevertheless, I accept that that is an argument.

Service providers sometimes have to go to their boards, if any, to get further funding if the costs rise. There are certain planning proposals that have to be approved. All of these I do not argue with. The problem, however, is that if you have a slow, cumbersome set of planning proposals, then obviously you are going to delay the approval process and that will have a domino effect upon the organisations concerned.

Calvary Hospital was criticised this afternoon by the Chief Minister: it is their fault that delays are occurring at the moment in the development of the aged care facilities. The

fact of the matter remains, of course, that Calvary Hospital has been held up by the planning process for at least two years, maybe three. That inevitably must slow their own processes. So it is quite unreasonable to blame Calvary now for the delays that have been occasioned by the planning authority and therefore by this government.

Equally so, you can argue, yes, there will always be in the order of 200 beds or more not yet operational at any one time because of the reasons outlined by the Chief Minister in his statement. It takes you two years to build the beds. That is fine, provided, of course, that you have kept up with the provision of beds over those two years. If you falter, as this government has faltered, then you will fall behind; hence we do not have 40 per cent, the Australian average of beds, coming on line, in the ACT; we have 18 per cent. You have got 209 to go, and I sincerely hope that you get your skates on, because it will take at least another two, if not three, years before they become operational.

MS DUNDAS (6.00): From my records, this is the ninth MPI we have done on health or aged care in the last 12 months. Whilst I recognise that health is a very important matter to the community and to us here in the Assembly, the fact that we have had nine MPIs on this matter in the last 12 months and that nothing has changed seems to indicate that maybe this is not the right way of approaching this particular topic.

We have all put our views on the record as to what needs to be done in relation to the health portfolio and to the health care system. We have had the discussions, but perhaps we should have looked more at this as a motion or found some other way of trying to move this debate forward, as opposed to a circular debate where we just put issues out there and have the debate but do not necessarily see anything move. That being said, given this opportunity, we should again put out the issues that we think need to be addressed. Hopefully that will see the government move and work on a number of issues.

The context of this debate today is marked by the information contained in the *State of the ACT health system* report that the ACT government has sent to householders in the territory. In looking through it and from perusing past budgets, I agree that we have seen the biggest ever health budget—a lot of money is being targeted towards health—yet I am concerned that only a minimal amount of this spending is being targeted towards preventative health, and measures to stop our hospitals becoming clogged in the first place.

Waiting times and overcrowding grab the headlines—they are the issues that make the stories—and the government is looking proactive by trying to find solutions to these problems. However, it would be more cost effective to make sure that people do not end up in emergency departments in the first place. It would cost the government far less money to provide assistance to our GPs, rather than having people continually turning up at the emergency departments. It would be far more efficient if we put a greater focus on preventative health.

I have raised a number of questions in this place in relation to preventative health, especially in relation to sexually transmitted infections—what is going on there and how the government is working to help stem the rise of diseases such as Hepatitis C and HIV/AIDS. We have seen an increase in these diseases, which result in ongoing health issues, in the ACT over the last few years. The campaigns need to be working and the

resources need to be in place to support people so they do not get these ongoing diseases in the first place and do not need extra support from our health system.

In the *State of the ACT health system* report the government has mailed out, there are four dot points about promoting good health versus all the other dot points about what is happening in the hospital system and in mental health; and there is further discussion about community health. I think this shows that we need to step back, take a deep breath and see what more we can do in areas of preventative health to help divert people away from the emergency systems in our hospitals in the first place. That can be done through supporting GPs and ensuring that we have GPs who are willing to practise into the future.

I had an interesting discussion with a GP the other day. This doctor talked about the fact that people do not want to set up GP practices any more because they are far too expensive to run. The practices are not able to make a living sufficient to look after the doctor, maintain staff and cover the other costs of running an office, whilst trying to make sure that the practice can see patients. That was just one doctor's view, but I think there is work to be done towards the support of our GPs to reduce the pressure they currently face.

We could, of course, be using nurse practitioners. We have cleared the way, through legislation, for nurse practitioners to work with groups and take over simple tasks like writing medical certificates, taking pathology samples and providing referrals to specialists. The minister has spoken about nurse practitioners working in our hospitals as part of the package of solutions to the situation in hospitals at the moment, but that needs to be backed up by funding.

Although the legislation has been cleared for about a year, we have not seen the funding come through to put nurse practitioners on the books and get them operational. I believe that is something that needs to be addressed urgently. I have had calls to my office from people who are willing to be assessed as nurse practitioners, people who think they have the qualification as it stands. They just want to take on the role; they are willing to take on the responsibility, but things seem to be getting stuck.

We could have more discussions with pharmacists about the work they could do to reduce the burden on doctors. They could take over some of the responsibility for the authorisation of repeat prescriptions, and be the first point of contact when people have concerns about medication interactions. There is scope and the funding available for a pharmacist to prescribe as a trial, but I do not think the ACT government has started talking to the federal government about how we can make that work here in the ACT. We have seen extra federal funding targeted to support bulk-billing in Canberra but the ACT government could be doing more to encourage additional doctors to bulk-bill patients who cannot afford normal GP services. These are the patients who end up in emergency departments.

We could look at how many doctors are requiring a gap payment for consultations because they cannot afford to function on just the scheduled fee. There are a number of things the ACT government could do to entice non-practising GPs back into the work force. They could offer assistance with retraining and look at the costs of accommodation currently faced by groups, to see what could be done there.

Those are just a few things that could be addressed. We will wait to see how the issue of health care flows through to the election. I believe health care will always be an election issue and will always be an issue for debate in this Assembly. But if we can all focus on the idea of helping the people of the ACT live the healthiest lives they can and supporting them when they are in pain or when they are in need of health care services, then hopefully we can move this debate away from just words and take action so that we see both the health care and the health of Canberrans improve.

MR SPEAKER: This discussion is concluded.

Suspension of standing and temporary orders

Motion (by **Mrs Dunne**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent notice No 17, Private Members' business, relating to negotiations with the Coonan and Tully families, being called on forthwith.

Rural properties

MRS DUNNE (6.09): I move:

> That this Assembly:
>
> (1) recognises that the A.C.T. Government has been in negotiations since November 2003 with the Coonan and Tully families in relation to purchasing their rural properties and that no formal offer has yet been made; and
>
> (2) calls on the Government to provide a fair and equitable offer to the families before the Government's caretaker period commences in September 2004 and that this offer should:
>
> (a) provide the opportunity for these property owners to obtain reinstatement to another location and cover the full value of the lessee's interest in the property under their existing lease conditions as per the agreement in November 2003; and
>
> (b) ensure that the families can resume the lives as per their current conditions and so that they can maintain their current lifestyle and business opportunities.

I appreciate the indulgence of the Assembly and also the calling on of this matter at this time. This is a simple motion and I hope the discussion on it will be brief. The motion recognises that, back in October and November last year, this Assembly debated the future of the leases that belonged to these families. That was done in the form of the disallowance of a government proposal to change the lease to a 20-year lease. I sought the support of this place to prevent the government from doing this but, after negotiations, some members agreed to support the government in their proposal to change the lease on the condition that the government entered into negotiations with the families to allow them an orderly surrender of their lease and the capacity to move somewhere else and continue their businesses.

These families conduct a range of businesses—equestrian, feedlot and general grazing businesses. Both are situated in the Coppins Crossing area, which is where the government proposes to build a new town centre at some stage in the future. Since then very little has happened. There have been negotiations taking place since November. The families appointed someone to negotiate on their behalf in an attempt to take away any emotion and make it businesslike. But there have been backwards and forwards discussions; they have been on again and off again. Ms Tucker and her office and my office have been very vigilant on this matter and have kept in touch with both of the lessees in question and with the minister's office, basically trying to keep tabs on it and ensure that there has been progress.

There has been a bit of "on again/off again" progress. There was a flurry of activity earlier in the week. I had given warning to the minister's office that, if I was not satisfied that significant progress would be made, I would be moving a motion such as this during this week. Up until yesterday afternoon, I was assured that there would be an offer made to the families, or at least to one of the families, so that negotiations could get underway. As of nine o'clock last evening—and I have subsequently checked with the lessees today—that has not happened. My concern, and the concern of my colleagues, is that because this is the last sitting day, the government may hope that this whole problem will go away without the scrutiny of the Assembly.

The agreement to allow the changes to the leases was on the very strict condition that the government would deal in good faith. I am not saying the government is not dealing in good faith; I am saying that the government is dragging its heels. I know that there are difficult issues and we foreshadowed at the outset, when this was first debated, what those difficult issues are. Principally it is the esoteric question of "timber treatment".

For some time successive governments in the ACT have contended that "timber treatment" does not exist as a notion in the valuation of land. I have contended otherwise in discussions, both as an adviser and as a member in this place—both inside and outside of this chamber. The High Court rulings in the Oldfield case in the 1970s demonstrate quite clearly that, especially for people who hold 1956-type leases, it does exist and that the government should be negotiating on that basis. As I said back in October, if they do not do so they will end up in the courts, and they will lose because the precedent is there.

This motion is simple and straightforward. It requires the government to get on with the job that they undertook to do in good faith and complete the process before we go into the caretaker period. Even though this Assembly will rise today, the advice to this minister is that I will not take my eye off this matter.

MR CORBELL (Minister for Health and Minister for Planning) (6.14): I understand the sentiment of Mrs Dunne's motion; however, the government believes the motion is unnecessary. In some respects it is my view that it is not the role of the Assembly, and the Assembly is not the forum in which to guide the government around negotiations when it comes to the potential surrender of a lease. These are complex negotiations and I do not believe political debate in the Assembly is the way to achieve the best outcome. That said, the government will not oppose the motion tonight, but I want to reiterate to members that I do not believe this is the most appropriate way of pursuing this issue. The

government has been negotiating and continues to negotiate in good faith but, as Mrs Dunne points out, there is a range of very complex issues.

Just to recap for members' understanding, Messrs Coonan, Tully and Tanner hold rural leases that expire in December 2005. Their properties fall within the area identified for potential future urban development as part of the Canberra spatial plan. This area was identified for future urban development in the review undertaken following the January 2003 bushfires. Consequently, the maximum lease term for any subsequent further rural lease application in the area was reduced from 99 years to 20 years.

All three rural leaseholders are members of the Sustainable Rural Lands Group. This group has had objections to various aspects of the rural lease policy, dating back to February 2000, and consequent legislation changes in the Land (Planning and Environment) Act giving effect to the rural policy implemented by the previous government. Some of the other members of the group have since decided either to sell their properties on the open market or accept a further lease. The capacity to do this was assisted by changes made by the Assembly to the disallowable instrument governing grant of further rural leases. The changes include extending timeframes for eligibility to applicants applying for favourable payment formulas—below market rates. The new disallowable instrument was notified on 12 December last year.

Mr Coonan, Mr Tully and Mr Tanner have not applied for further rural leases and are currently negotiating with the ACT Planning and Land Authority about compensation for possibly surrendering their leases. Valuations have been obtained by the authority from two sources and were referred to the lessees' agents on 16 June this year for consideration. The valuation undertaking has been extremely complex and it should be borne in mind that it covered both the Coonan and Tully properties. Detailed work with regard to the lessee-owned improvements needed to be undertaken by the valuers in respect of each property. In addition, work needed to be undertaken with regard to comparative property values, in both the ACT and New South Wales. That work includes both recent and historic sales.

Mr Speaker, I have to correct the record. Having reflected on the most recent part of my speech, I do not believe that valuations have been provided to Mr Coonan and Mr Tully. I do not know why that is in my speech. The advice I have is that that is not correct. I apologise to members for that.

On 27 July this year, the agent for the rural lessees advised the authority that a valuation of Mr Coonan's property had been completed by their valuers. No valuation of the Tully property has been provided to the authority by representatives of Mr Tully. Further discussions were held with the territory's valuers and the Government Solicitor's Office on 10 August this year, with respect to the valuation provided by Mr Coonan's representatives for his property.

On 23 August the authority met with the agents for the Coonan family to discuss a number of issues arising out of the valuation. There are significant differences in the methodology used between the authority's valuers and the lessee's valuers in determining the value of the lessee's improvements, which includes a component for "timber treatment"—land clearing costs—which has also been the subject of legal advice from the Government Solicitor's Office.

It remains open for the Sustainable Rural Lands Group to commence litigation against the territory, if they so wish, given their strong views on a number of legal issues in the past. Therefore, the ongoing discussions and negotiations between the rural lessees and the authority, on behalf of the territory, have continued on a "without prejudice" basis only.

The territory needs to apply a consistent approach in the administration of rural leases. Any precedent set by the Sustainable Rural Lands Group may impact on dealings with other rural lessees with similar lease provisions. Most rural leases in the past were issued with provisions for the recovery of land for future urban development purposes and included specific compensation conditions.

The way in which these compensation conditions are administered would therefore have a significant impact on the territory's finances. The government and the ACT Planning and Land Authority seek, on every occasion, to administer the rural lease policy equitably. The government remains committed to these negotiations with these three members of the Sustainable Rural Lands Group and a considerable amount of time and energy has already been expended by ACTPLA in consultation with its valuers, the GSO and the agent for the three rural lessees.

Having considered the valuations, the authority will make a "without prejudice" offer to Mr Coonan prior to the commencement of the caretaker period. That offer will exceed the valuation figure for improvements already provided to Mr Coonan and will contain appropriate and generous provisions to permit the time of departure of Mr Coonan from his property. Mr Coonan and other Sustainable Rural Lands Group members can then better assess their position.

For the benefit of members I would like to outline the chronology of what has occurred since this matter was last debated in some substance in the Assembly in November last year. On 17 November last year a meeting was held between Mr Coonan and Mr Tully, representatives of the ACT Government Solicitor's Office, a representative from my office and a representative from Ms Tucker's office. That same day, a "without prejudice" letter was signed by Mr Savery, who was the chief planning executive, confirming discussions of the meeting—that, on a surrender of the lease, the lease conditions and legislative provisions would apply to the valuation and the lessees would provide a list of improvements.

On 2 December 2003 there was a meeting with Mr Coonan and Mr Tully, at which a draft list of improvements to their properties was discussed. On 17 December, ACTPLA representatives again met with Mr Coonan and Mr Tully, when further discussions occurred about the draft list of improvements. On 29 January this year, there was a meeting with Mr Andrew Higginson, an agent appointed by Mr Coonan and Mr Tully, when there was general discussion and preparation of a list of improvements on their properties.

On 11 February this year Mr Higginson emailed a response to the matters raised in that January meeting. Then on 18 February a follow-up meeting to review previous issues raised was undertaken and site meetings with the authority's valuers were arranged on the relevant properties on 3 and 5 March this year. On 1 March Mr Higginson provided

a list of improvements for valuers. On 8 March there was a meeting with valuers and the Government Solicitor's Office regarding the valuation methodology.

On 11 March this year the authority's valuers indicated that research to determine the valuations would take at least six weeks. The valuations for the two properties is complex, in view of the "timber treatment" issue and trying to compare the recent sales of rural properties in both the ACT and New South Wales, taking into consideration the differing factors between each property. So there was a significant lull while the authority's valuers did their work.

On 3 June this year the authority's valuers provided valuations for Mr Coonan and Mr Tully. Then on 27 July Mr Higginson provided a valuation for Mr Coonan and, subsequent to that, there was a meeting with the ACT Government Solicitor to resolve differences in valuations. On 10 August this year there was a further meeting between authority representatives with both valuers—both parties. On 23 August there was another meeting between Mr Higginson, representatives from the Government Solicitor's Office, the Planning and Land Authority, Ms Tucker's office and my office.

The government continues to engage in these negotiations in good faith. There has been a consistent round of meetings and discussions. The government remains committed to working in good faith on these complex issues and will continue to do so for as long as it takes to get an agreed outcome which not only protects the interests of Mr Coonan, Mr Tully and Mr Tanner, but also protects the interests of the territory.

MS TUCKER (6.24): We certainly supported this matter being brought on today. Members may recall that it was my vote with the government that defeated the disallowance of a variation to rural leases put by Mrs Dunne in December last year. That disallowance would have ensured that the two rural leaseholders in the Molonglo area of the territory would have regained the right to apply for a 99-year lease. The Greens took the view that the government's announced intention to develop the Molonglo area in the short to medium term was not consistent with the further issuing of 99-year leases on that land with the windfall gain that would occur when the land was resumed for development.

At the same time, however, we recognised that the lessees were disadvantaged, at the very least, with regard to their reasonable expectations by this change in leasing arrangements and that, given their long residence on this land and their contribution to the community, most recently during two bushfires, it was incumbent on the territory to ensure that the lessees had the option of either renewing their leases when they expired a couple of years later—which would be less than 21 years and so significantly less value than any longer lease—or be offered a reasonable sum to hand over their leases, fully recognising the value of the current leases and the improvements on them, as they argued was their right.

In discussions with the aggrieved leaseholders, one of my advisers offered to broker a discussion with government on the principles determining such a sum. That meeting took place in mid-November last year. At that meeting I understand there was general agreement to explore the surrender of the leases, incorporating compensation for the improvement provision in their existing 50-year leases, with evaluation principles to be

applied to determination and surrender if agreed as set out in section 174 (3) of the Land (Planning and Environment) Act 1991.

There was also an agreement that the lessees would provide, as soon as possible, a list of improvements and that the valuer proposed by government would be available to complete the work as quickly as possible. Discussions at the time articulated a valuation process that included one valuation commissioned by the lessees and two valuations from government. The tone of the discussions implied a fairly open process, conducted in good faith as quickly as possible. It was openly acknowledged at the meeting that the situation for the lessees was, and had been, very difficult and that all parties should make every effort to come to an agreement quickly and positively.

I have to say I am surprised and unhappy that the government has not yet made an offer to the lessees at the end of this Assembly term—nine months later. My office again became involved in the process in February this year, shortly after the lessees had furnished lists of improvements. The government's valuers then, together, visited the rural leases in early and mid-March. Through a representative the lessees raised concerns with me that they did not have access to the terms of reference given to the valuers and that the process was proving to be less open and transparent than they, and we, had imagined.

There was a follow-up meeting in mid-March between government officers, the lessees' representative, and advisers from the Minister for Planning and from my office. It was agreed at that meeting that, at the very least, the lessees would be furnished with a figure and a list of improvements that were factored into the government's valuations and that the lessees could then attach a second "basket" of items for government to consider in the discretion it has in this process, and that these figures would form the basis for negotiation.

A considerable period of time then elapsed before any valuation was completed. I raised the issue again in May, using the opportunity of another similar disallowance debate, in order to pressure the government and its valuers to get on with the job and so provide some reassurance to the lessees that there was some progress being made. After significant email and phone contact between my office, the minister's office and the lessees' representative, a figure was shown to the representative in late June. No other information was furnished with that figure. So the government's two valuations had become one, without the inclusion of any terms of reference, valuation principles or even a list of what was or was not valued.

I understand that legal advice from government was to not disclose any of this information, as no formal applications to surrender the leases had been made and government took the view that if the issue were to end up in the courts the valuation information would be disadvantageous to the territory. That valuation process took about 14 weeks. At the same time, the lessees produced a valuation of the larger property with terms of reference echoing the text of the November agreement, with a full breakdown of the improvements and their values. That document has been made available to my office and I believe it has also been made available to the minister's office. The valuation was about six times the size of the government's figure. I understand it is not produced as a starting point for negotiation but is a document that they believe is defensible in court.

Another meeting was held at the start of this week, where the lessees' representative offered to bring the valuer into a meeting with government and defend this valuation; to put all of their cards on the table; and the government would match them. It would seem, however, that there is very little likelihood that the government will either put a significant figure on the table, which would encourage a speedy resolution of the matter, or that the details of the government's offer and methodology could be open to debate or negotiation.

Sitting suspended from 6.30 to 8 pm.

MS TUCKER: To conclude my comments, it has been hard to maintain the belief that government has approached these negotiations with a determination to conclude them promptly and in good faith. There were issues with other leases at the end of last year that were concluded quickly, so I cannot accept that the process would, by necessity, take this long. I find it particularly difficult as I know the need for goodwill and prompt action was acknowledged at the start of this process.

In taking the position I did last year, I have put some of my credibility on the line for these families, as has Mr Corbell, through his office, in my view. We have said, through the negotiations to date, that a fair outcome is one that sits a little outside the usual arrangements, in that the entitlements that the government can, in accepting a surrender, incorporate other provisions or offers as it sees fit. This motion, which I will support, lays it out very clearly.

MS DUNDAS (8.02): This has been, I think, a quite interesting debate following the debates we had in October and November 2003. Tonight the minister has said that we need to apply a consistent approach as we look at rural lessees. I have read through the 2003 debates, and that was the argument we were all putting forward. The original disallowance motion was moved because there was concern that we were not applying a consistent approach. We were taking a few rural leases, pulling them out of the system and putting them in a different basket.

I think that, with this motion tonight, because that disallowance was unsuccessful, we have to take these special cases, look at them in a different light and ask the government—in a quite unusual motion, I will admit—to provide a fair and equitable offer to the families before the caretaker period begins, and work with the property owners to ensure they are able to resume their lives.

These people have been under a great deal of stress, not just through the negotiation of these leases but also for a number of years in relation to the bushfires. They had a great deal to do in preventing the bushfires getting any further, and that work needs to be acknowledged. They have also been under a lot of stress in relation to these leases. If there is some way that, through the Assembly putting this motion on the table, we can help these families to resume their lives and help them to gain a little bit of certainty and get things sorted, then it needs to be supported.

From looking back over the debates that occurred in 2003, there were assurances made. Those debates were about evaluation proceeding promptly, that resolution of disputes will be pursued as articulated in existing leases, and that there would be a reasonable and

flexible approach. It is coming up to a year since those commitments were made. "Prompt" and "flexible" may not be the best words to describe what has been happening, because we do have to have this discussion again.

I support Mrs Dunne's motion, even though it is quite unusual. I always want to get to the specific detail when looking at specific leases, but I think it is important that we are considering these as special cases, and that we call on the government to make sure there is a fair and equitable offer put to the families so this issue can be resolved as soon as possible.

MRS DUNNE (8.05) in reply: I thank members of this place for their support in this matter and for their indulgence for allowing it to come on in a slightly unusual way. Ms Dundas is right; it is an unusual matter. It was with some regret that I had to move the motion, and that members in this place have had to speak in such terms.

I welcome the comments from Ms Tucker, because I know that she and her staff have taken a very close interest in this matter. We are in this situation because—and this is not in any way to attribute blame—of the steps Ms Tucker and her staff took in November last year. They took a different approach from mine to solving the problem. If it works out, I suspect it will be better than my original approach.

The minister stood here and said that it is unnecessary to move this motion. I think the mere fact that we are here tonight—with the comments that have been made by members—shows that it is indeed a very necessary motion. In October and November last year commitments were made to make substantial progress by February or March of this year. I think members in this place have been very generous in letting this matter go on and give it as much time as possible. But when commitments are made and not kept, I think it is time to draw a line and say, "Enough is enough."

The minister has given a chronology of things that have happened, but there were inordinate delays at various stages. From time to time there was a huge level of frustration on the part of all concerned. This is no easy matter for members of the community, who have to put these things in the hands of professionals because they feel they cannot make progress on their own account. I think it is unreasonable that we should have come to this stage.

I go back to the point I made when this issue was first debated. The minister said—and it sounded pretty good, "We have to take care of the finances of the territory." These families are being displaced so this government can build a town centre on their land. If, in the process of doing that building, they cannot make enough money to give these people a decent send-off and let them go about their business elsewhere, there is something fundamentally flawed with the policy proposal put forward.

If a reasonable cost benefit analysis does not allow for a proper payout to rural lessees—not just what we think they deserve, but a real assessment of what it would cost to transfer their businesses somewhere else—then there is something wrong with the policy. If the minister has to be so tight-fisted and concerned about the finances of the territory that he cannot give a just compensation to these people, there is something wrong with the government's policy of building in the Molonglo Valley.

We all know that, if they succeed in building in the Molonglo Valley, this government and successive governments will make a motser in revenues. The payout to the rural lessees in the area will be an insignificant sum compared to the amount of money made by the sale of land, on the exchanges of property and on the stamp duty, et cetera. These are the issues we need to take into account. We have to have financial rectitude, but we also need to act with justice.

Motion agreed to.

Residential Tenancies Amendment Bill 2004
Detail stage

Clause 30

Debate resumed.

Amendment negatived.

MS TUCKER (8.11): I move amendment No 1 circulated in my name *[see schedule 2 at page 4466]*.

Do members want me to explain what is happening or is everyone happy with this?

MR SPEAKER: I think you should, for the record. This member would like to know.

MS TUCKER: This rescinding process is to correct a technical problem with my amendment to propose new clause 30, relating to section 102 of the act, which was passed with the support of the government and Ms Dundas last Tuesday. No one else spoke on that particular amendment and there was no division. Unfortunately, there was some confusion on the morning of last Tuesday, and my amendment was written in a way that incorrectly inserted the new subclause 3 within the existing subclause 2. I apologise to members for this oversight. This amendment today instead correctly inserts a new subclause 3 after subclause 2.

To recap the arguments briefly, my amendment, which is an alternative to the government's amendment No 3 to clause 30 of the bill, ensured that the tribunal could reconsider a termination and possession order that is subject to a condition precedent, defined at section 42 of the act—whether or not a notice had been issued under section 42 (1). This notice is the eviction notice served when the registrar has evidence that the condition has been breached. It only allows two days for appeal so, unfortunately, the crisis of receiving an eviction notice had to be reached before the tribunal could consider any changed circumstances.

The clause inserted by my amendment makes it clear that the tenant, realising that their circumstances had changed, could take the responsibility of bringing it to the attention of the tribunals as a motion to vary the order, given the changed circumstances, rather than as a consequence of the eviction order.

Amendment agreed to.

Clause 30, as amended, agreed to.

Bill, as amended, agreed to.

Supplementary answers to questions without notice
Gungahlin Drive extension
Kangaroos

MR STANHOPE: Mr Speaker, I table two answers to questions taken on notice, which I had intended to table after question time but neglected to.

> Gungahlin Drive Extension—Impact on Kaleen horse paddocks—Answer to question without notice asked of Mr Stanhope by Ms Dundas and taken on notice on 19 August 2004.
>
> Kangaroo cull—Googong—Answer to question without notice asked of Mr Stanhope by Ms Tucker and taken on notice on 24 August 2004.

Bushfires
Statement by Chief Minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): I also wish, Mr Speaker, to table a statutory declaration from Mr Mike Castle, but before doing so, I wish to seek leave to make a short statement in relation to that.

Leave granted.

MR STANHOPE: Mr Speaker, as members are aware, in question time today I was asked a question by Mrs Cross in relation to my alleged presence on Red Hill on 17 January. As the members would be aware, Mrs Cross tabled a statutory declaration that claimed that I was seen on Red Hill at about 8.30 on 17 January alighting from an Emergency Services vehicle with Mr Mike Castle and other members of the Emergency Services Bureau.

I undertook, during question time, to obtain from Mr Mike Castle a statutory declaration about those events. Mr Mike Castle kindly agreed to provide such a statutory declaration, and I now wish to table that, as I undertook to. I did undertake to table the statutory declaration, along with the photograph, which we expect Mrs Cross to table in relation to her allegations about my alleged presence on Red Hill. I await, as we all do, the tabling of that photograph.

I would like to take the opportunity of reading the statutory declaration from Mike Castle, head of the Emergency Services Bureau on 17 January and esteemed Canberran, somebody whom I believe everybody in this place knows and I am sure somebody whose integrity would not be gainsaid. This is Mr Mike Castle's statutory declaration.

> I, Michael John Castle of Canberra, do solemnly and sincerely declare:

1. I am informed that it is being asserted by a person unknown to me that at approximately 8.30 pm on the evening of 17 January 2003, I was seen in the company of the Chief Minister, Mr Jon Stanhope, and other Emergency Services personnel at Red Hill lookout, Canberra.

2. Early in the evening of 17 January 2003, I was in the Emergency Services Bureau Headquarters at Curtin when I was approached by the Chief Fire Control Officer, Mr Peter Lucas-Smith, who suggested that I accompany him on a visit to the Red Hill lookout to observe the bushfires which were then burning to the west of Canberra.

3. I agreed to go with Mr Lucas-Smith as Red Hill offered a good vantage point to observe the firefront. I had not been to Red Hill prior to that time on 17 January or, so far as I can recall, at any other time since the fires started on 8 January 2003.

4. As Mr Lucas-Smith and I were leaving the headquarters building to travel to Red Hill, we met the Fire Commissioner, Mr Ian Bennett, who decided to accompany us. The three of us then drove to Red Hill in Mr Lucas-Smith's vehicle, a Toyota Landcruiser. The vehicle did not have official markings or external emergency lights. No other staff accompanied us and we used only the single vehicle for the journey.

5. We arrived at Red Hill at some time between 8.00 and 8.30 pm. We parked in the car park below the restaurant and walked to the western side of the lookout area. There was a large number of sightseers there at the time and a steady stream of vehicles coming to and leaving from the car park. Mr Bennett was dressed in his Fire Brigade uniform and Mr Lucas-Smith and I were dressed in civilian clothes. The light at the time was poor as the sun had set and vehicles had their headlights on.

6. We remained at the lookout for approximately ten minutes observing the fires and then the three of us returned to Curtin.

7. The Chief Minister did not accompany us in Mr Lucas-Smith's vehicle on the journey to Red Hill. He was not in our company at the Red Hill lookout and I did not see him at the lookout. There were no other emergency services personnel with us at that time. The three of us travelled alone to and did not meet anyone else at the lookout and, as far as I can recall, we did not speak to anyone else whilst we were there.

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1959*, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Mike Castle

Declared at Canberra, the 26th day of August 2004.

Mr Speaker, I table that statutory declaration, as I undertook to. I will conclude this sorry episode by saying that in relation to this issue my alleged presence on Red Hill on 17 January is something which my opponents in this place, both in the Liberal Party and

Mrs Cross, have uttered time and again in the public domain, particularly on radio stations throughout Canberra. It has also been covered, I believe, on ABC television.

They are foul and vile defamations of me. They are lies; they are not true; they were never true. It is a very sorry example of the emotion that has been generated and the determination to seek petty political points against me in relation to the fire. It is a very sorry reflection on those who have engaged in these lies. I have denied them time and time again as not being the truth. For Mrs Cross to bring into this place on the last sitting day of this Assembly her tawdry little statutory declaration, her claims of the existence of photographs, is a sign of utter desperation, the most tawdry politics imaginable and something which we should reject absolutely as appropriate behaviour for this chamber.

I hope this is the end of the matter. If members in this place are not satisfied with Mr Mike Castle's statutory declaration, I am more than happy to receive similar declarations from Mr Peter Lucas-Smith, the rural fire controller at the time, and Mr Ian Bennett, the ACT Fire Commissioner at the time. This has been a most foul defamation of me, something that has caused me enormous personal pain. I have denied time and time again the allegations that have been made about me in relation to this. I hope this puts the matter to rest.

Crimes Amendment Bill 2004 (No 3)

Debate resumed from 19 August 2004, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

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

Civil Law (Wrongs) (Proportionate Liability and Professional Standards) Amendment Bill 2004

Debate resumed from 24 June 2004, on motion by Mr Stanhope:

> That this bill be agreed to in principle.

MR STEFANIAK (8.22): The opposition will be supporting this bill, which amends the Civil Law (Wrongs) Act 2002 to implement proportionate liability and professional standards in the ACT. It is a national scheme worked out by the Standing Committee of Attorneys General. It draws a lot from the New South Wales act, which has been in since 1994, followed by a West Australian one in 1997.

I am not going to regurgitate what the Chief Minister said. I will just say that we support this, and I may well have a few comments in the detail stage. The opposition will also be supporting the amendments moved by the Chief Minister, providing that those are the ones that were ticked off by the Law Society. I think I have been assured by his office that they were.

MS DUNDAS (8.22): Mr Speaker, the Democrats will be supporting this bill in principle. However, we have concerns about the second half of the bill, specifically the parts of the bill that relate to professional standards. This bill contains two different

issues, which appear to have been stitched together into a single piece of legislation. While there appears to be some justification for the new laws on proportionate liability, I am particularly concerned by the proposals for professional standards.

I will start by pointing out that this bill is another in a long line of bills that purport to deal with the insurance crisis. I honestly think that the government needs to go back and reconsider the real reasons that insurance premiums have risen over the past few years. There is a great deal of evidence that it is not related to the state of legislation in the territory or any other jurisdiction.

The real reason that insurance premiums have risen is to do with continued world instability and, in particular, large amounts of insurance that needed to be paid after September 11 2001, which meant that global capital reserves in the insurance industry were depleted. Global reinsurers have moved to increase their premiums in order to recoup these lost assets.

I would add that there has been a contributing factor in this country: the poor oversight by the APRA which, along with gross mismanagement, led to the collapse of HIH. The primary cause of the so-called "insurance crisis" was not overlitigation in Australia or any other country. It was not a lack of professional standards or any problem with our domestic law. By continually trying to erode the rights under domestic law, we are treating the symptoms of the problem rather than the causes.

That being said, it does appear that the worst of this insurance crisis is over. Premiums appear to have stabilised and, certainly, the profits of insurance companies in Australia have been at record highs in the last reporting season. It is also clear that the changes in insurance made in multiple jurisdictions over the past couple of years appear to have done little to lower premiums. I think the next government should take a pause in its pursuit of further tort law reform and reassess whether there will be any real impact of these reforms on insurance prices.

The first part of this bill is devoted to proportionate liability. The basic premise here is that an organisation should not be held responsible for all of the damages associated with liability if the fault was shared among multiple parties. Instead, the amount of damages would be divided among the different contributors to the problem, regardless of their ability to pay for those damages. This contrasts with the current statutory position where liability is joint and several, meaning that anyone who is found contributing to the damage would potentially be liable for the entire payout for damages.

This situation presents us with two conflicting sets of rights. On the one hand, it is understandable that defendants believe that they should not be liable for that part of the damage that they have not caused and should not have to pay for the harm caused by others simply because those people are harder to find or unable to pay. On the other hand, the plaintiffs would argue that, regardless of how many contributors there were to the damages, the fact remains that they have been left out of pocket and somebody who is at fault should pay for that. This bill tries to balance these two competing positions.

The important element of the section on proportionate liability is that it contains two important caveats. The first is that proportionate liability will not apply to personal injury claims, meaning that in cases where people have suffered physical and mental harm, they

will continue to have the best chances of being fully compensated for their injuries. That is appropriate, as it should not be up to the community to provide the financial support and care for that person when there is a contributory to the injury who has the capacity to pay.

The other important element is that consumer claims are also not subject to proportionate liability. This means that, if a person buys a product from someone and that product fails, causing economic damage, all contributors to that damage will continue to be subject to joint and several liability. I think there is a reasonable argument to support this part of the legislation, as there has been a serious attempt to strike a fair balance between the defendants and the plaintiffs. There is a clear indication that the concept of proportionate liability may have a meaningful effect on the insurance industry and that there is a solid body of case law establishing how proportionate liability is calculated.

However, the second half of the bill addresses the issue of professional standards. The Democrats have a number of concerns with the provisions regarding professional standards in this bill, and we will be opposing them in the detail stage. What the second half of this bill does is set up a system whereby professionals are protected from paying the full extent of the damages they cause.

While this scheme does not apply to personal injury claims, it will apply to all other instances of economic loss. This means that, if a professional is negligent or reckless and as a result causes economic damage to someone else, they will not be liable for the full cost of the damage. This is in contrast to proportionate liability where, although one person may not be liable for the full extent of the loss, the sum of all the defendants will be liable for the total amount of damage. There is not even a consumer protection clause in this section.

Under the professional standards part of this bill, suddenly plaintiffs may not be fully compensated for the damage that they have sustained. This section causes particular concern, as it will be those who have lost the most who suffer worst under this law. I think it is unfair and it is bad law to suddenly introduce a concept where people and corporations do not have to be fully responsible for their actions. Currently, if someone causes damage, they are liable for that damage—full stop. It is ridiculous to say that, if they cause a lot of damage, they are somehow less responsible. But that is what this bill puts forward.

The supposed trade-off for this erosion of plaintiffs' rights is that professionals will be required to carry professional indemnity insurance and they would have to implement risk management strategies. What this would entail is not clearly articulated in the bill, as it is left to a professional standards council to interpret what that actually means. Furthermore, there is absolutely no guarantee that this will result in any real reduction in insurance premiums.

Basically, it is a system whereby Australian governments are trying to signal to world financial markets that Australia is a great place to offer insurance because our insurance laws are so lax. The government is trying to signal that to insurance companies by saying that they can collect bumper premiums and pay out less in compensation if they offer insurance in the territory. However, there is no evidence that anyone will pay any attention to this attempt to influence world insurance markets. With this legislation we

may be reducing the rights of some ACT citizens for zero return. It is irresponsible legislation, and I urge the Assembly to not support the particular clauses in this bill that would make that a reality.

The government has not given sufficient weight to the effect that this legislation may have on the community and business sectors in the territory. The compensation cut-off may be as little as half a million dollars. This means that, even if unsound professional advice leads to millions of dollars of losses for an ACT business, that business will not be able to claim for those losses, which would potentially bankrupt it in the process.

Equally, if a person receives unsound financial advice in investing their superannuation, for example, they will not be able to retrieve the lost funds in their entirety and will have their future financial security threatened as a result. These changes to professional indemnity are unnecessary, they erode the rights of Canberra citizens and businesses and they are based on conjecture. This is not a stable basis for legislating in the territory, and that is why the Democrats will be opposing these sections in the detail stage.

MS TUCKER (8.30): This ongoing international tort law reform insurance support project is a strange game. It is all about making ourselves attractive to underwriters, as a territory and as a nation, so that insurance will be easier to get. As I understand it, the insurance industry in Australia, having got over the HIH disaster caused by incompetent management, is now doing extremely well. So, while insurance may still be hard to get, and expensive, the insurance businesses themselves are doing very well.

It is interesting that the whole underwriting business is so global and its caution in underwriting insurance has been so strongly accentuated by the losses inflicted on the global insurance business by the September 11 attacks on Washington and New York. While, on the one hand, Australia is projecting an image of deputy sheriff to the US on the world stage, we are also, through cutting back on both costs and entitlements, trying to project ourselves as an attractive, low-risk market to insurance actuaries.

It is time that we took a national look at no-fault insurance, which is predicated on providing protection for all. This bill is in fact two different schemes aimed at making insurance in the ACT more attractive. They reflect a national commitment to tort law reform, which is a project with uncertain benefits and has not been entirely uniform in its outcomes to date.

The ACT has been quite lucky, in that it has had a government fairly keen to protect the benefits and entitlements of individuals, as opposed to New South Wales and the Commonwealth, which have both appeared quite keen to head in the other direction. Also, the ACT is very small in the national setting, which has probably made it easier to take such a relatively liberal line. In that context, it does not appear that insurance is cheaper in Sydney than it is in Canberra.

Until now, the usual form to allocate liability when we are looking at an insurance issue has been on the principle of joint and several. Every party responsible can be held liable for all or some of it. In terms of the claimant, it means that the insured entity—and hence their insurance company—with the deepest pocket will pay the compensation. Then that entity or their insurance company could sue the other parties, or their insurance companies, to get back the correct proportion of payout.

The amendment in this bill will shift that arrangement to one of proportionate liability in instances of economic claims. In other words, the claimant will be able to claim only a proportion of the compensation for economic loss or property damage consistent with the finding of the court as to the proportion of liability. If it is half the fault of the car manufacturer and half the fault of the garage, you can get only 50 per cent of your property damage back from the manufacturer. If the garage has gone broke, the process for apportioning the liability will not be significantly more complex than it is at the moment, as under existing law the court nominally allocates liability in its process. The case law that has built up over the past 50 years or so will provide the guidance when we shift to proportionate liability.

The biggest impact of these amendments will be on large commercial claims for economic loss, where businesses and their insurers presently spend considerable resources in countersuing each other after the initial joint and several case has been settled. The key points to bear in mind are as follows.

First, the introduction of proportionate responsibility does not apply to personal injury; nor does it apply to consumer claims. Second, personal injury claimants do not fail to get the compensation and support that they need because one of the parties has no resources or insurance. Third, in regard to consumer claims, it is worth noting that Queensland tried to protect mum and dad investors by putting a threshold on the application of proportionate liability, but that system failed. I understand they are now looking at following the ACT's lead of using consumer claims, as defined in our Fair Trading Act, as the exemption.

The Greens have problems with the professional standards indemnity limitation scheme. I would like to say at the outset that we have no problem with professional standards and would expect that all professions have a code of conduct, and that their associations have disciplinary procedures, risk management strategies and education programs. However, I do not understand why we would absolve them or their insurers from liability under the laws of negligence, contract or misleading conduct.

Indeed, we should probably be appalled that it is considered standard practice across Australia to trade off economic liability against these practices. It reflects a view of society that is skewed by the dominance of corporate ideology, where ethics can be seen, in this case, as a tradable commodity. It is also undoubtedly the case that limiting the professional indemnity exposure of this scheme will result in some people or businesses not receiving adequate compensation for economic loss. For small businesses and for consumers, that could result in the loss of their house or their life savings.

We also know that we do not know what difference this will make. We are not sure that premiums will go down. Evidence is that they do not these days. In the context of the big world market, it is hard to see how this scheme will make a difference to the ACT and to Australia's attractiveness to the underwriting business. I will be opposing this section of the bill in the detail stage.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (8.36): Mr Speaker, this bill was presented to the Assembly on 24 June 2004. As members will recall, the bill will amend the Civil Law

(Wrongs) Act 2002 to implement proportionate liability and professional standards in the Australian Capital Territory. The bill represents a further measure to deal with the problems experienced by the insurance industry since 2001. A combination of international, domestic and structural factors came together to produce a severe increase in premiums for liability classes of insurance in Australia. The bill is part of a national initiative agreed to by the Standing Committee of Attorneys General in August 2003.

It may be of value to repeat, again, the main features of the legislation. Both initiatives in the bill target the problem of economic loss as a result of professional negligence and do not relate to claims arising from personal injury.

The bill will replace the use of the concept of joint and several liability with the concept of proportionate liability as a means for compensating claimants in legal claims for economic loss or property damage. Proportionate liability means that, in an action for damages for economic loss or damage to property where more than one person has caused the loss or damage, each defendant in the action is liable only to the extent of his or her responsibility for the loss or damage caused. The interests of consumers of goods and services for personal use will be protected by retaining the concept of joint and several liability in relation to consumer claims.

The bill will also introduce professional standards for industry associations. Professionals who participate in the scheme will be required to take measures such as obtaining professional indemnity insurance, undertaking continuing education, complying with codes of conduct and being subject to disciplinary procedures and risk management strategies. In return, the professionals will benefit from financial limits on liability for damages in relation to an action under the law of negligence, contract or misleading conduct for economic loss.

A professional standards council, whose members will be appointed from the ranks of key Australian professionals, will be established with the responsibility for overseeing the implementation of risk management strategies by professional groups in the Australian Capital Territory. Peak bodies representing accountants, lawyers, financial planners, architects and engineers strongly support the introduction of this legislation.

The legislation will not affect the consumer's ability to sue for personal injury or economic loss arising from personal injury. This bill will not compromise the rights of consumers. Consumers will still be able to be fully compensated for claims of professional negligence because professionals will not be able to cap their liability below $500,000. The majority, if not all, of consumer claims for economic loss suffered from negligent advice given by a professional person is unlikely to amount to more than the statutory cap of $500,000.

By definition, a consumer claim is a claim relating to the purchase of goods or services for personal, domestic or household use. It is unlikely that a consumer would purchase a service or a good for personal use valued at greater than $500,000. In the case of lawyers, for example, it is anticipated that the minimum cap will be $1.5 million. Liability caps are only expected to affect the interests of big business. Big businesses are the people who carry out transactions valued at $500,000 or greater.

This legislation will make sure that there is insurance coverage to apply to professional negligence cases taken by consumers that will give them access to full compensation for their loss. A consumer will no longer lose money through an action taken against a bankrupt professional because, if you are a member of a professional scheme, you must have insurance.

These schemes will ensure that professional people are in a position to purchase insurance, as the caps will have the effect of lowering the risk for insurers, resulting in lower premiums for professionals. In addition, the use of risk management mechanisms will further act to raise the standards of professional services, resulting in fewer consumer claims and lower insurance premiums.

The professional standards schemes will ensure that those professional people providing services to the ACT community will all now have professional indemnity insurance. They will be insured to fund compensation claims made by consumers who suffer economic loss as a result of professional negligence. I believe that these benefits, as far as the ACT community is concerned, are very worth while having.

Mr Speaker, I foreshadowed that I would be moving two government amendments to the bill to respond, most particularly, to representations that the government has received from the Law Society in relation to a particular aspect of the legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 to 7, by leave, taken together and agreed to.

Clause 8.

MS DUNDAS (8.41): I will be opposing this clause, and I will also be opposing clause 9, which deals with the new professional standards section of the bill. I made most of my comments on these issues in the in-principle stage but, to sum up again, for members' interest, these clauses set up a system whereby professionals can get out of paying for the damage that they cause. These clauses limit their liability to as little as half a million dollars, even if they cause damage that is many times greater. All they need to do in return is take up professional indemnity insurance and implement risk management strategies, which competent professionals should actually already be doing.

There is no certainty that the scheme will have any effect whatsoever on insurance premiums, while it will erode the legal rights of compensation for the people and businesses of the ACT. This legislation is irresponsible and is trading the rights of Canberrans in order to try and please insurance companies. That is why the Democrats will not be supporting clause 8 or clause 9.

MS TUCKER (8.43): The Greens concur with the Democrats on this; we will be opposing clauses 8 and 9. I am aware that this scheme applies only to an economic loss,

and that the cut-off threshold can be negotiated by the professional association. But economic loss is not simply an accounting construct. It is also, especially when we are talking about consumers, small businesses and microbusinesses, something very concrete and lasting. A householder may not recover from the loss of a house, and people developing a microbusiness can too easily lose all their savings on poor advice.

You cannot cut the exposure of professionals and their insurance companies without someone carrying the can. While bigger businesses may have sophisticated risk management systems and their own specific insurances in place, people at the other end of the scale, including consumers, would be vulnerable. Given that there is no evidence that these changes will affect the insurance industry's preparedness to offer affordable products, it seems very poor public policy, indeed, to trail along behind the rest of Australia, simply as a matter of course.

MR STEFANIAK (8.44): Thank you, Mr Speaker—and, Mrs Cross, if you want to speak you had better get in on clause 8. The opposition will not be supporting the crossbenchers, the Democrats and Greens, on this. We are supportive of the bill. I reiterate what I said briefly earlier: it is national legislation. It was agreed on after a lot of work by the Standing Committee of Attorneys General. We faced a real insurance crisis, and schemes like this are very important to implement right across the country, for consistency. This has been done elsewhere, and it is important for the ACT to do it.

It fits the need of the various professional groups who have been consulted. There is also flexibility in the scheme for people doing difficult matters to take out top-up insurance—even greater risk insurance—so that that can be covered. Surely, with something like that, the flexibility benefits everyone, including the actual consumer. We will be supporting the government on this. It is merely implementing national legislation.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (8.45): I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

MR STANHOPE: I move amendments Nos 1 and 2 circulated in my name together, and I table a supplementary explanatory statement *[see schedule 3 at page 4466]*.

As I indicated, the ACT Law Society has raised an objection to the strict liability nature of the offences in clauses 29 and 50 of the bill. These offences were made strict liability offences to encourage compliance, protect consumers and maintain the integrity of the scheme. For example, if a consumer is seeking advice in relation to a matter that involves an amount greater than the cap set on the professional's liability, failure to provide a copy of the scheme by the solicitor could prevent the consumer from taking other risk management strategies, like obtaining top-up insurance cover or requesting the solicitor to consider contracting out under clause 20 of the bill. Similarly, the strict liability offence in clause 50 was included to strengthen the ability of the professional standards council to carry out its functions and to prevent it from being sidelined by the powerful professional bodies.

In light of the Law Society's objection—or comments, Mr Speaker—on the basis that these offences are not yet strict liability offences in other jurisdictions, and in the context of complying with the nationally agreed model, I have proposed that the strict liability nature of these offences be removed. However, it is proposed that, having regard to how the scheme is embraced by members of the respective professional bodies in each jurisdiction, the government should monitor compliance with the scheme and revisit the issue, if need be, with the support of the Law Society.

These amendments reflect that background. Comments have been made to the government by the Law Society such that the government is inclined to accept the position put by the Law Society. If issues do emerge as the scheme evolves, it may become necessary to reassess the success, or otherwise, of the scheme and to consider the appropriateness of strictly regulating these types of offences. I commend these amendments to the Assembly.

Amendments agreed to.

Clause 8, as amended, agreed to.

Clause 9.

MS DUNDAS (8.48): Even though clause 8 has now been put into law, I still want to put on the record that the Democrats are not happy about this and we continue to oppose clause 9.

Clause 9 agreed to.

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

Bill, as amended, agreed to.

Auditor-General Amendment Bill 2004

Debate resumed from 14 May 2004, on motion by **Mr Stanhope:**

> That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (8.49): Mr Speaker, the opposition will be supporting the Auditor-General Amendment Bill 2004. The bill is essentially the government's response to comments made by the Auditor-General in recent times about a number of issues that had been affecting the operations of the auditor in the conduct of audits within the ACT.

In our system of government it is important that there be appropriate accountability for the use of public resources, including funds, and that the organisations involved in the use of these resources do so as efficiently and effectively as possible. It should be implicit in such a system of government that there is a process of evaluation and assessment of the utilisation of the community's resources, in addition to ensuring that there is appropriate responsibility and accountability for the use of public funds.

The bill clarifies the role of the auditor with respect to performance audits by ensuring that the auditor may conduct a single performance audit covering activities that are common to more than one agency. The bill also provides the auditor with an enhanced capacity to collect information during an audit process and to protect that information and the people who may have provided it. As would be expected, the Auditor-General supports the provisions contained in the bill.

An additional issue on which I wish to direct some comments is the ability of the auditor to audit what I shall call third party organisations; that is, organisations that receive public funds and then use those funds to provide services to the community. Each year the government provides considerable funds to community organisations and, as a member of the Assembly and as chairman of the public accounts committee, I believe that there is considerable merit in permitting the auditor to assess the efficacy of that expenditure.

The main reason that this matter has not been included in this amending legislation is that I understand considerable consultation is required before such an imposition should be placed on community organisations; that is, on organisations that in many instances are non-profit and that rely on volunteers for much of their work. There is an issue, for example, about whether the records held by these organisations might be in a form that is sufficient and suitable to be audited by the auditor. There is also the matter of the management processes that are being used by such an organisation. Again, these should be developed to a standard that makes them suitable to be audited.

In principle, I would suggest that, if an organisation has the substance to apply for public funds, that organisation should have the capacity to manage those funds using appropriate management, financial and other processes; hence, such organisations should be able to provide relevant information, including documentation, to the auditor. At the same time, I would anticipate that these organisations would undertake their own financial audits in the normal course. Given that this is the case, these organisations should have the necessary information at hand for any audit by the auditor.

The concern I have is that it may be a substantial impost on not-for-profit organisations to require them to undertake an annual financial audit and, separately, to subject them to an audit by the ACT Auditor-General. Ultimately a balance will need to be reached between enabling the Auditor-General to audit organisations that receive public funds from government departments and agencies and not imposing requirements that are too onerous for some organisations. I understand that consultation with community organisations is continuing and I look forward to considering proposals on this matter in due course. With those comments, Mr Speaker, the opposition will be supporting the Auditor-General Amendment Bill 2004.

MS DUNDAS (8.53): Mr Speaker, the Auditor-General does play a crucial role in our system of government. The scrutiny that the Auditor-General provides is essential to the transparency and accountability of the government of the day. The Auditor-General provides valuable advice to members of this place on the financial structures of government and this process strengthens our democratic system. I am happy to support this bill, as it will improve the Auditor-General’s access to information and assist the auditors to carry out their job.

Having consulted the Auditor-General, I would like to add that there are additional concerns that were raised in report No 9 of 2003 by the Auditor-General. These are also included in report 9 of the Standing Committee on Public Accounts. The auditor raised the issue of government outsourcing and the fact that the auditor does not currently have the ability to audit all government services provided outside government with public funds.

This is an area that is necessary for future reform, as it would be best to achieve a situation where the auditor has legislative access to audit all government contracts with outside service providers in both the private and the community sectors. I understand that some progress has been made in writing this condition into all new government contracts as a standard clause. That is a welcome step forward. However, the fact remains that some existing service providers are still shielded from this measure.

I recognise that some service providers, particularly in the community sector, do not have comprehensive accounting systems that would allow them to pass such an audit. Whilst I appreciate that those in this position should be allowed additional time to ensure that they can implement changes to allow them to be audited, this change should not be put off indefinitely.

At some point in the near future, the statutes should be amended so that the Auditor-General has the power to audit all government services provided outside government with public funds. That is the only way that the Assembly can be assured that there is accountability in the way that government services are provided and it should be an early priority of the next government and the next Assembly.

Some issues were raised by the scrutiny of bills committee in relation to this legislation. Members will note that I have circulated some amendments that go mainly to the issue of strict liability, which I will discuss in the detail stage. However, I want to make some comments upon some of the other issues that the scrutiny committee touched upon.

One was the displacement of the privilege against self-incrimination. I see this privilege more and more frequently in legislation. I think that we need to think carefully about when and why it is included. I am wary about its inclusion in this bill for a number of reasons. First, there is the general issue of whether it is appropriate for a democratic government to be legislating for what amounts to a forced confession under threat of penalty.

Secondly, this provision is usually inserted to allow government agencies to avert a potential threat to life or the environment, such as in the Dangerous Substances Act or the gene technology legislation. In this case, it is unlikely that the auditor will be using the provisions to avert or prevent a potential disaster, so the argument for displacing the privilege is, I think, weakened.

Thirdly, there is the possibility that these provisions may be inadvertently protecting people from criminal charges. If the auditor uses these powers to unveil possible criminal behaviour, it may be very difficult later to charge those individuals with the crimes that they have admitted to.

That being said, I am aware that, if a privilege is not able to be displaced, individuals may be able to use the privilege to conceal important information. In a sense, the Auditor-General is the pinnacle of our financial accountability system and it is important that the auditors are able to get true and accurate information. However, these powers must be used cautiously and only in exceptional circumstances.

I would like to make a quick comment on proposed new section 19A. This section goes to the issue of cabinet confidentiality. I understand that the changes to section 19 are simply technical and the amendments have no effect on the current operation of the act. However, the section should not be interpreted as support for the idea that cabinet confidentiality is absolute.

There is a reasonable argument that cabinet should be able to discuss issues in camera and in confidence and that it should be able to keep these discussions confidential so that it can have free and frank discussions about the issues facing government. But this protection should not cover a government in instances where the legality or ethics of cabinet have been called into question and the public has the right to an assurance that cabinet is operating in the best interests of the public and the broader community. Like other parts of this legislation, the ability of the Chief Minister to issue a certificate that certain documents must not be released must be used with extreme care and, I urge, as rarely as possible.

This bill takes a few steps to strengthen the powers of the Auditor-General and is a positive move for ACT governance, which is why I am supporting the bill as it stands.

MS TUCKER (8.58): The Greens will be supporting this bill. The bill implements some changes that were recommended by the previous Auditor-General, Mr Parkinson, on the basis of his experience in the job. Mr Parkinson presided over a couple of in-depth inquiries, including the performance audit of the redevelopment of Bruce Stadium in 2000. Findings of this 11-volume report led to the resignation of the then Chief Minister.

Some of the recommendations made by Mr Parkinson have not been picked up. One is the power to audit outsourced activities. This suggestion has not been picked up in this bill. It is about an important gap, one that has been filled in areas such as industrial relations and industrial accidents, but there are issues around making sure that appropriate arrangements are in place for the community sector before this is done.

The recommendation about the confidentiality of information provided to third parties in the course of an audit, except in the performance of a function of the Auditor-General, also has not been picked up. The suggestion concerning the power to receive information on oath is one that has been picked up in the bill before us today. Mr Parkinson noted that the Commonwealth Auditor-General and most state auditors-general have this power.

The power to compel people to give evidence, to attend and to stay attending is a strong power. The bill today removes the defence of self-incrimination from people being questioned in this way. However, it also provides a derivative immunity for the person making the disclosure. In the end, this means that the balance is on the side of getting the story out in the open via the Auditor-General, rather than ensuring prosecution of that

person's wrongdoing. This power does not rule out prosecution if other evidence is available. However, it is a consideration. I am happy that, in this case, the rights are protected and the public interest is covered, but it is a complex area to balance.

The suggestion concerning sensitive information has been picked up in the bill today and is an expansion of section 19, which lists the situations in which the Auditor-General can decide that it would not be in the public interest to include particular information in a report for the Legislative Assembly. Instead, the Auditor-General includes the information in separate reports to the public accounts committee.

This set of amendments to section 19 also moves the provision currently at section 19 (1) (b) that includes in the list of sensitive information that it is not in the public interest to disclose information that would disclose a deliberation of the executive, and a certificate under subsection (2) is in force in relation to the information. This certificate is a certificate issued by the Chief Minister stating that in the Chief Minister's opinion the inclusion of particular information in a report for the Legislative Assembly would disclose a deliberation or decision of the executive that would be contrary to the public interest.

The amendment in today's bill, in removing subsections 19 (1) (b) and 19 (2) from the list of sensitive information and giving them their own section, proposed new section 19A, highlights this power of the Chief Minister to decide whether the release of deliberations of the executive are in the public interest. This power has always been there and it is true that it has not been a problem, even through the Bruce Stadium inquiry, which was surrounded by calls for the Chief Minister to go.

The Chief Minister did not try to invoke a certificate claiming that disclosing the relevant cabinet documents would not be in the public interest. In that sense, it was a reassuring experience. There is also the back-up that the Chief Minister's decision would be legally challengeable. Again, this is an interesting and important balance in independence.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (9.01), in reply: This legislation is consistent with the government's desire to be an open and accountable government and with open and accountable governance, and the amendments will ensure that the Auditor-General has sufficient powers to carry out his or her duties effectively.

As I said in my introductory speech and as has been indicated by members tonight, these amendments are based on the suggestions put forward by the former Auditor-General, Mr John Parkinson. The Auditor-General's Office has indicated its strong and continuing support for the bill.

Following comments by the scrutiny of bills committee, I will be proposing a number of amendments during the detail stage of the debate on the bill. The amendments will clarify the effect of the bill and ensure that the bill operates as intended.

I am pleased to receive the support of members for this legislation and I seek continuing support to ensure that the Auditor-General has the necessary powers to continue to provide accurate, complete and useful information about the management of public sector resources.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 7, by leave, taken together and agreed to.

Clause 8.

MS DUNDAS (9.04): I seek leave to move together amendments 1 to 5 circulated in my name.

Leave granted.

MS DUNDAS: I move amendments 1 to 5 circulated in my name *[see schedule 4 at page 4467]*.

These amendments, along with my amendment No 7, remove the custodial sentences for strict liability offences in this legislation. We have had this debate numerous times and I had understood that the Assembly had agreed on many previous occasions that custodial sentences were generally not suitable to be associated with strict liability offences. It seems, however, that this message has not quite got through to government. I hope that members will support these amendments, as they have similar provisions in other bills, and we will be able to remove this prison component from the strict liability offences.

The scrutiny of bills committee has noted on a number of occasions that there were substantial rights objections to allowing for imprisonment in an offence without having to prove a fault element. We have had these provisions a number of times before in proposals in front of the Assembly, such as the Dangerous Substances Bill and the Occupational Health and Safety Bill, and in none of these cases were custodial sentences attached to provisions in relation to strict liability. The provisions of this bill are inconsistent with other laws in the territory. The amendments that I have moved this evening will align the provisions with what currently exists in other acts.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (9.05): Mr Speaker, the government will not support these amendments. The penalties proposed in the Auditor-General Amendment Bill are consistent with the penalties that currently exist under the Auditor-General Act 1996; they are essentially the same. Removal of imprisonment as part of the penalty, as the amendments propose, would be seen as a reduction of the existing investigative powers of the Auditor-General and I cannot understand why we would be seeking through these amendments to reduce the investigative powers of the Auditor-General. Under the proposed amendments of Ms Dundas, it seems that the government would achieve just that—a winding back of the Auditor-General's powers.

Retention of the imprisonment penalty with strict liability does reflect the importance of ensuring that the Auditor-General is able to carry out his or her duties effectively. It needs to be said, Mr Speaker, that there are appropriate defences in the legislation for the

relevant offences, including the defence of mistake of fact, which is contained in section 36 of the criminal code, as well as a range of other defences, such as intervening conduct or an event included within section 39 of the criminal code.

The position broadly of the government is that the retention of the imprisonment penalty, and it needs to be emphasised that we are talking about retaining an existing penalty, does reflect the importance of ensuring that the Auditor-General is able to carry out duties effectively. It would be seen as a reduction. The penalties are in any event consistent with penalties that we currently have and there is a range of appropriate defences.

MS TUCKER (9.07): Ms Dundas's amendments, as she explained, remove the possibility of a prison term being imposed for offences that are deemed to be strict liability. The Greens are sympathetic with that. It is in keeping with the Senate-developed principles for the application of strict liability.

MR SMYTH (Leader of the Opposition) (9.07): The opposition will be supporting the Dundas amendments in this case. I think Ms Dundas made the case quite clearly about imprisoning people for strict liability offences. I take the opportunity to apologise to members. I thought some amendments in my name had been circulated earlier. That is just being done. I will seek to amend the Chief Minister's amendments which attempt to put in a jail sentence. The opposition will be voting against jail penalties consistently across the night.

MR SPEAKER: Is that in relation to later amendments, Mr Smyth?

MR SMYTH: That will come about later when the Chief Minister moves his amendments, Mr Speaker.

Question put:

> That **Ms Dundas's** amendments be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Amendments agreed to.

MS DUNDAS (9.12): I move amendment No 6 circulated in my name *[see schedule 4 at page 4467]*.

Mr Speaker, this amendment is a minor amendment that is meant to clarify the intention of section 14C (3). Whilst the act provides that the Auditor-General may only require people to give evidence at a reasonable time, the proviso of reasonableness is not

included in the ability of the Auditor-General to require a person to continue to attend a meeting. I am not suggesting that the Auditor-General would misuse such a provision, but I think that we should clear up our intentions when we write legislation about the extent of these types of provisions. The amendment just clarifies the powers that we are giving in relation to section 14C (3).

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (9.13): Mr Speaker, the government is happy to support this amendment.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 12, by leave, taken together and agreed to.

Clause 13.

MS DUNDAS (9.13): I move amendment No 7 circulated in my name *[see schedule 4 at page 4467]*.

Mr Speaker, this amendment accompanies amendments 1 to 5. It removes the final custodial sentence that is attached to a strict liability offence. It is not consequential, but it does exactly the same thing as amendments 1 to 5.

MS TUCKER (9.14): This amendment also removes the penalty of imprisonment from a strict liability offence and we will be supporting it.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (9.14): I reiterate the position that the government put in relation to the removal of these penalties. This amendment is actually removing a penalty that currently exists in the Auditor-General Act. I do not think that a case has been made for winding back the investigative powers of the Auditor-General. These proposals do weaken the powers of the Auditor-General.

I think that it is to be regretted that the Assembly is taking the position of weakening the powers of the Auditor-General in this way. I do not think that that is necessary. I do not believe that a case has been made for removing a provision that has been in the legislation for the last eight years. I do believe that it sends a signal concerning the level of importance that applies to the role and function of the Auditor-General. As I said, there is a range of quite appropriate offences for those that might be charged. I reiterate that position. However, I acknowledge the will of the Assembly, as reflected in the previous vote.

Amendment agreed to.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (9.15): Mr Speaker, I seek leave to move together amendments 1 to 3 circulated in my name.

Leave granted.

MR STANHOPE: I move amendments 1 to 3 circulated in my name *[see schedule 5 at page 4468]*. I present a supplementary explanatory statement to the amendments.

MR SMYTH (Leader of the Opposition) (9.16): I seek leave to move together amendments 1 and 2 circulated in my name.

Leave granted.

MR SMYTH: I move amendments 1 and 2 circulated in my name *[see schedule 6 at page 4469]*.

I wish to make two apologies to members. I thought these amendment had been distributed earlier. Apparently they had not been, and I do apologise for that. The second is that the top line should read, "Amendments to be moved by Mr Smyth to amendments moved by Mr Stanhope." The amendments simply remove the imprisonment part of the penalties. We believe that 50 penalty units is a strong enough penalty in this case. I am not aware of anybody ever having been jailed under the Auditor-General Act. Unless the Chief Minister can informs us to the contrary, I believe that a fine would be sufficient for these offences.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (9.17): Mr Speaker, I did not speak to my amendments and I wish to give some explanation as to those amendments. Amendment No 1 addresses issues raised by the scrutiny of bills committee. In its report on the bill, the committee noted that it considered the scope of proposed new section 32C (1) of the bill regarding directions about protected information was more limited than the manner in which it was described in the explanatory statement.

I am advised that the committee's interpretation of proposed new section 32C (1) may be arguable, but this amendment puts the matter beyond doubt. Specifically, it ensures that the Auditor-General can issue a direction prohibiting or restricting the disclosure of certain information by someone other than a person who is exercising a function of the Auditor-General. That is the purpose or the intent behind amendment No 1.

Amendment No 2 is simply designed to ensure that the bill operates as intended. Proposed new sections 32C (4) and 32C (5) reframe proposed new section 32C (4) of the bill to make it clear that there are two distinct types of offences relating to disclosure information. Those two offences are an offence committed by a person who has received a direction and intentionally discloses information in contravention of the direction and an offence committed by a person other than the person who receives a direction but who knows that a direction has been given and intentionally discloses information in contravention of the direction.

Mr Speaker, I will not labour the point in relation to the penalty regime provided for in this bill. I would point again to the comments that I have already made. There is no need for me to repeat those. The government and the non-government members of the Assembly have a different view or perspective on the appropriateness of the penalty

regime. As I indicated earlier, the government stands by its position in relation to the proposed penalty regime, but accepts that it is not a view which some other members of the Assembly have.

MS TUCKER (9.20): I have not had time to look at these amendments and I am very confused about them. I would like to have the debate adjourned to a later hour this day, if someone wants to move for that. If not, I would like someone to get up and explain to me exactly why I should know that this is about a strict liability offence because I am having trouble finding it. If it is not, I do not know why we are doing what we are doing. I have not had time to go through the bill and see whether there are any other places where there is provision for imprisonment. Why are we doing what we are doing? I've had no notice of it and I would like to have a much better explanation. Will someone move for the adjournment of this debate to a later time this day so that I can have a chance to look at it?

Debate (on motion **Mrs Dunne**) adjourned to a later hour.

Road Transport (Public Passenger Services) Amendment Bill 2003

Detail stage

Clause 8.

Debate resumed from 24 August 2004.

MS DUNDAS (9.21): Mr Speaker, as I did when we were debating this bill the other day, I put on the record that the Democrats will be opposing clause 8. This clause goes directly to the government's proposed auction of taxi plates and, as I have put on the record a number of times, that is not something the Democrats support.

MRS DUNNE (9.22): I would like to put on the record that this is part of a suite of amendments which seek to remove the taxi plate auction system and to which the Liberal opposition is opposed.

MS TUCKER (9.22): As I have already noted, the Greens do not support any increase in the number of taxi licence plates and are opposing this clause.

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) (9.22): The course of the next period is quite clearly set. There was a suggestion from Ms Dundas when we were close to finishing the debate the other day that we could treat the rest of the bill as a whole after we have dealt with the next three clauses. If I get the nod from members, I will move the rest of the amendments together after we have disposed of the next three clauses and treat the remainder of the bill as a whole. I am sure that members have read all the material and know exactly what they are doing with all of this matter.

Clause 8 negatived.

Clause 9 agreed to.

Clause 10 negatived.

Remainder of bill, by leave, taken as a whole.

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,) (9.24): I seek leave to move together amendments 5 to 20 circulated in my name.

Leave granted.

MR WOOD: I move amendments 5 to 20 *[see schedule 7 at page 4470]*.

Amendments agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Small Business Commissioner Bill 2004

Debate resumed from 19 August 2004, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MS DUNDAS (9.25): I have a number of questions and concerns about this bill that I wish to outline to the Assembly. I note that proposed amendments to this bill will enable a review of the act once it comes into force, so it might be more appropriate for me to address all my concerns in the detail stage. My first concern relates to how the proposed Small Business Commissioner will fit into the architecture of oversight agencies in the territory. Only today we received a review of statutory oversight agencies in the ACT.

One of the issues that led to that inquiry was whether there were too many poorly coordinated and potentially overlapping oversight agencies. Interestingly, the first thing this government did since that response was tabled was to try to create a new statutory oversight agency, so there is an inconsistency. On the one hand the government is claiming that there is too much disparate oversight but, on the other hand, it is trying to create more oversight agencies. I think that leads to a deeper question about whether or not the title "commissioner" is appropriate for a small business advocate.

The title "commissioner" has come to have a certain meaning in the Canberra community. Generally, commissioners are people who represent broad public interest. They have special powers of investigation, they have certain legal standing, or they have the ability to stand outside the normal apparatus of government. For instance, under some circumstances the Human Rights Commissioner has special powers to appear before the Supreme Court when human rights issues are being discussed. The

Community and Health Services Complaints Commissioner has special duties in representing the public interest in the provision of health services.

The Commissioner for Public Administration represents an independent viewpoint on the structure of governance in the territory and the Commissioner for the Environment represents the public interest in the protection of the environment and in contributing to sustainability. So commissioners are not restricted by the partisan view of politicians or by the agenda of the bureaucracy and they do not necessarily represent the sectional interests of only one group. Commissioners act in the broader interests of the public and they act to protect the rights of those who are sometimes unable to speak for themselves—people in those areas that have been identified as needing special protection.

I am concerned that a Small Business Commissioner might not necessarily be a representative of the public interest. Instead of representing the whole community he or she might be a representative of sectional and commercial interests. Is it appropriate for someone to be assigned to a special government position of commissioner if he or she represents the specific financial interests of only one group in society? We could add to that a whole array of other sectional commissioners—for example, the big business commissioner, the property development commissioner and even a banking sector commissioner. We have to be careful that we are not giving preference to one commercial group over the interests of the general community.

The title "commissioner" is not one that should be given out willy-nilly because it risks devaluing the status of all our commissioners. People have argued that small business needs extra support as it provides a public benefit in supporting the economy and in keeping people employed. I fully respect the work of small business and I recognise the important role that it plays. But we must be careful when we are handing out the title "commissioner".

My second concern is that very little work has been done to establish how this position will fit in with government bodies—in particular, the Ombudsman and the AAT—and with government agencies such as BusinessACT, government shopfronts, ACTPLA, Canberra Connect and the ICRC. Canberra Connect and the government shopfronts are more connected now. Obviously all those agencies deal regularly with businesses. We do not want any new agency being created that either duplicates existing roles or simply serves as a referral service to existing agencies.

It is also clear that most of those agencies perform tasks that might overlap the proposed work of the commissioner. In fact, there is little in this piece of legislation that could not be achieved administratively by existing agencies. So it is unclear how current work and programs will be affected by the introduction of a new system. More work must be done to ensure that the commissioner will fit into existing government structures. Those who wonder whether the commissioner will be able to reduce their problems with government, or whether he or she will stand as a further impediment to their access to government services echo that concern.

It is interesting to compare this proposed new position with the now defunct position of Commissioner for Land and Planning. The Commissioner for Land and Planning was conceived as an independent mechanism—someone who could bring impartiality to the

problems relating to government decisions—in the hope that it would reduce the time taken to resolve development issues. That position, which tended to increase those problems, was recently abolished when ACTPLA was created. The powers of and the system surrounding the Commissioner for Land and Planning were different, but it serves as a reminder that creating a position of commissioner does not necessarily solve all the problems we are trying to address.

Another issue I would like to raise relates to the consultation process that led to the development of the Small Business Commissioner. Despite that process there has not been loud, vocal opposition from businesses to this proposal, nor has it been met with overwhelming clamours of support. I am concerned that the needs of on-the-ground small business people have not been included in the development of this legislation. There was some urgency in bringing this legislation before the Assembly so that it was passed before the next election and so that the government's commitment, which was included in the economic white paper and in the last budget, was honoured.

It might have been better to consult more widely in the development stage in order to better identify those areas that small businesses thought needed improving. It is interesting to compare the process leading up to this legislation with the process involved in developing the position of Commissioner for Children and Young People. A large number of stakeholders were involved in that proposal. The proposed commissioner's powers were thoroughly researched to ensure that they were suitable for the ACT. There are several working models of children's commissioners in other jurisdictions. I recognise that we cannot necessarily automatically transfer all those models to the ACT, but we must ensure that the position of a commissioner for children and young people fits in with what we are seeking to achieve.

By the same reasoning we cannot simply say that the position of a Small Business Commissioner, which was successful in Victoria, can be replicated in the ACT. The Treasurer, in media releases he issued relating to this topic, noted that there have been two red tape task forces in the last two terms of government, including the business regulatory review task force that reported two years ago. I do not agree with many of the recommendations of those two task forces, but it would be interesting to hear from the Treasurer how many recommendations he believes he has implemented over the past two years. If those two task forces have been cited as an example for the need for a Small Business Commissioner, I am not confident that that will have much effect.

If governments keep ignoring the recommendations of task forces—often with good reason, though sometimes with no good reason—why would they act on the recommendations of a commissioner? I am sure that the position of commissioner, which is what we are seeking to establish this evening, is basically seen as an ongoing task force. This idea has a number of problems. The government has asked us to pass urgently legislation that has not been completely thought through. I am not averse to the stated aim of the commissioner, which is to simplify and respond to the amount of government bureaucracy that businesses sometimes face. I believe that the government should be working on that very supportable aim.

However, we must rethink the best way in which to achieve that. The next time we have this discussion we must ensure that we have fully developed this proposal. I note that both Mr Smyth and Ms Tucker have circulated proposed amendments that seek a review

of the operation of the Small Business Commissioner and a review of the act after it has been in operation for two years. I would be supportive of those amendments. I guess that we should adopt a "suck it and see" approach.

Once a commissioner has been put in place we will give him or her time to things sort out and we will review that position after a period of two years. If this legislation is passed I hope that in that two-year period the government, the Small Business Commissioner and his or her support staff are able to work through some of the concerns that have been raised tonight. I hope that they achieve their aim, which is to simplify and respond to the amount of government bureaucracy that businesses sometimes face.

MR SMYTH (Leader of the Opposition) (9.35): Opposition members do not support the Small Business Commissioner Bill. We reached that decision after carefully considering the merits of the bill. In principle there should be no requirement for a Small Business Commissioner if the government and its existing agencies were doing their job effectively. There is nothing that a Small Business Commissioner could do that is not already being done by existing agencies. This government should be prepared to give some leadership and direction in those areas in which it wants to achieve.

The government is seeking to create the position of Small Business Commissioner but, in doing so, it is admitting that other parts of its bureaucracy—and the government itself—have failed in their task. Interposing a Small Business Commissioner into ACT bureaucracy will simply add another layer of bureaucratic red tape in a system that is already overly endowed with regulation. That will lead to additional costs for no clear benefit. Having consistently talked to businesses, one of the messages that I have received from them is, "Do not interfere. Get out of our way. Just let us get on with business and let us have no more red tape."

It is revealing to consider some of the words used by the Treasurer when he presented this bill. He said that the Small Business Commissioner would have a "day-to-day focus on removing or ameliorating the impediments that are often put in the way of small business doing business." That is a laudable aim but it begs the question: Why do the impediments exist in the first place? To develop the in-principle position a bit further, we suggest that if impediments are placed in front of small business, or any business for that matter, the proper role of government should be to act to remove those impediments.

The optimum response by a government to a situation such as this would be not to create additional bureaucracy in this instance by creating a Small Business Commissioner. This government's response to complaints from small business is a typical Labor response: It creates another bureaucratic structure to attend to the symptoms of the problem rather than tackling the causes of the problem. In this context it is pertinent to ponder on the results that are contained in a recent bulletin from the Australian Bureau of Statistics on small businesses in Australia.

The bulletin reveals that the small business sector in the ACT does not appear to be as healthy as the government would have us believe. I have already referred to statistics in a recent business forum and to the response from the Treasurer. He issued a rather silly press release in response to my comments. In the process he answered a question in this Assembly and made some questionable observations about the world of statistical

analysis to which I will refer in more detail later. I do not have time to point out all the problems relating to the Treasurer's recent outburst so I will deal, first, with the facts.

I refer, again, to some of the key results in this bulletin. The Australian Bureau of Statistics identified the number of small businesses operating in the ACT as at June 2001 and June 2003. The number of businesses that do not have any employees—that is, there is only the owner of the business—fell from 10,600 to 9,700. The number of businesses with one to four employees fell from 6,000 to 5,200. The number of businesses with five to 19 employees fell from 1,900 to 1,300.

It is important to note that each of these sets of numbers is subject to some degree of sampling error. Overall, their poor performance is really highlighted. The aggregate outcome for small businesses in the ACT has been a fall from 18,500 to 16,100—that is, a reduction of 2,400 businesses over two years. This time the aggregate estimates are not subject to any qualification in relation to the sampling error. What did our Treasurer say about these statistics? In question time on Tuesday the Treasurer said:

> The table, which I hold in my hand, is very heavily qualified. All the numbers incorporated there have a qualification that starts with, "Estimate has a relative standard of error of 10 to 25 per cent and should be used with caution.

That statement is just plain wrong. The Treasurer should have a look at page 45 of the bulletin and he should read that bulletin. He should be using the highest possible standards of analysis and commentary. He should be accurate in his comments and not resort to silly rhetoric to obscure his failing as small business minister. I am most surprised that the Treasurer of this territory suggested that the ABS released unreliable information. Quite simply, that is nonsense. The Australian Bureau of Statistics, one of the most eminent organisations in the world, which is involved in collecting and analysing statistics, reported that, in aggregate, without qualification, the number of small businesses in the ACT fell by 2,400 between June 2001 and June 2003.

It is absurd for the Treasurer to say that I drew a conclusion of convenience rather than making an objective assessment of available data. What have I done? I read the results of an ABS survey and I commented on those results. That is an objective assessment of available data—nothing more and nothing less. The ABS reported that the number of small businesses in the ACT had declined on the basis of considerable expertise within the ABS, on the basis of the results of a regular survey conducted by it, and on the basis of an analysis undertaken by it. Taking into account possible errors arising from the sample size, the ABS concluded that the number of small businesses had declined. The outcome was not that the number of businesses had increased or stayed the same; the outcome was that there had been a fall in the number of businesses.

I refer to another table in the bulletin. The ABS also provided results in relation to home-based small businesses which show that between June 2001 and June 2003 the number of home-based small businesses operating in the ACT fell from 17,900 to 14,300—a fall of 3,600 businesses. Again there is no qualification of these numbers in relation to the sampling error. The result, which is not out of date, is that there are fewer home-based small businesses when there should have been more if, as the Treasurer claimed, this is the most business-friendly jurisdiction in the country. Those numbers

shout from the rooftop that this government has far more important work to do to make the ACT business-friendly rather than creating a Small Business Commissioner.

Those are the latest results available for small business and home-based business operators. To use the words of the Treasurer, that result is not based on unreliable statistics. If they were unreliable the bureau would not have published them. Let me refer in detail to the ABS bulletin on small business that I am talking about. The bulletin, which is 104-pages long, contains a large amount of data on small businesses in Australia. Surveys were conducted in 1995, 1997, 1999, 2001 and 2003 to provide the data for this and earlier bulletins. In addition, a survey was planned for June 2004 and an expanded survey is planned for 2005. The June 2003 survey, which was based on a sample of 30,000 private dwellings, covered about 0.5 per cent of the Australian population, which is a relatively large survey in any context.

The reason I am providing this insight into the bulletin is to demonstrate that it is not a flash in the pan; it is not some half-baked output from the ABS. We do not need a Small Business Commissioner in the ACT; we need a government that is fair dinkum about creating an environment in which small business can start, prosper and grow and become the larger businesses of tomorrow operating across the diversity of the business base in the ACT. The Treasurer might be aware that recently my office had a meeting with Mark Brennan, Victorian Small Business Commissioner, and Jane Kelly, a member of his senior staff. It was fascinating to learn about the achievements of the Victorian commissioner over a relatively short period.

Mr Brennan was only appointed in May 2003. Of all the matters that have been brought before the commissioner, around 70 per cent of them had been resolved satisfactorily within the ambit of the commissioner's office. Clearly, if some or all of these matters had been dealt with otherwise, they would have had to go to an array of tribunals, courts and other mechanisms that already exist to resolve disputes and consequently they would have been added to the extensive list of matters that are already before many of these appeal organisations. On the face of it, it appears as though the Victorian Small Business Commissioner has been able to achieve some positive outcomes with minimal cost to the parties to various matters.

That might be seen as the good news but, as I said a moment ago, it begs the question: if 70 per cent of these things can be resolved so easily, why is the commissioner needed in the first place? Perhaps we should ask: are there other areas within the bureaucracy that should be reviewed as their faults or poor performance gave rise to the perceived need for a commissioner? Perhaps those areas of bureaucracy became unnecessary, given the role of the commissioner.

This bill raises further questions about the role and activity of existing organisations. It seems to me that the functions set out in clause 11, such as reporting on emerging trends in market practice that may have an adverse effect on small business, monitoring the effectiveness of small business charters, monitoring the impact of legislation, government procedures and administration on small businesses, should be undertaken either by existing bureaucracy or by the array of advisory bodies that have been established.

In our experience, bureaucrats and the bureaucracy should perform these types of functions. If the bureaucracy is not aware of these types of issues it will not be in a position to prepare appropriate advice for the government. It seems reasonable to expect that the outcome of this process of consultation will identify issues and assist in resolving issues and impediments facing the business community. Moreover, we also have the government's economic white paper to reinforce those points. I quote from page 41 of that paper, which states:

> The Government will enhance the role of BusinessACT to focus on, *inter alia*
>
> - providing policy advice to the Government on business-related issues, including the Government's regulatory reform and red tape reduction agenda …
>
> - the management of the Government's program of business-related regulatory reform …
>
> - the provision of a dedicated small business unit responsible for case managing small and micro businesses ...

We have been told ad nauseam by this government that the ACT is business friendly, irrespective of how the ACT economy might be performing. The evidence indicates otherwise. A declining small business base is not a sign that the ACT is business friendly. There is much policy work to complete before we even turn our minds to the question of a Small Business Commissioner. Let me be quite clear: where there are problems, the government should clean up failings in existing agencies. A solution based on more bureaucracy will not work. The Opposition opposes this bill.

MS TUCKER (9.47): This has been a hard call. The Greens have not had much time to look at this legislation, so we hope that we are doing the right thing. We support this bill but, as other people have already said, we will be moving an amendment to enable a review to be conducted after a period of three years. I think Mr Smyth intends to move a similar amendment. We will support this legislation only if those amendments are agreed to. This proposal for a Small Business Commissioner was a key feature of the government's policies in the economic white paper. Only now, in the last sitting weeks of this parliament, are we debating legislation to enable the creation of the position of commissioner.

In this legislation one of the main functions of the commissioner is to improve small business to government relationships, that is, to assist small businesses in their dealings with government departments as customers, and with government in a more general sense in relation to other small business and government interactions. As stated in the legislation, this includes managing the process of establishing small business service charters within relevant ACT government agencies. The commissioner will also be able to facilitate dispute mediation involving small businesses. This would avoid the requirement of formal court action and be available at a low cost to small businesses.

Other functions include: to evaluate the operations and performances of ACT government agencies; to encourage fair treatment of small businesses in the marketplace; and to advise the minister on issues relating to small business. It is interesting to reflect

on that last statement, "to encourage the fair treatment of small businesses". I was just thinking of the inquiry of the public accounts committee into the general agreement on trade and services. Those kinds of interventions can be put at risk through such trade agreements—something that would be interesting to watch.

The Greens recognise that small businesses make an important contribution to the ACT economy and that they can be innovative and responsive to Canberra's needs. That issue is also referred to in the economic white paper. The Greens support an examination of the role of the ACT government as employer, skills trainer and facilitator of work and contracts for small business. As a major user of local business services, the ACT government should examine contracting processes to ensure that small local providers are not disadvantaged against larger corporate bidders.

The government has chosen to establish a Small Business Commissioner in response to some of the troubles that small businesses are facing in the ACT. I think it is healthy to be cynical of this move so close to the election. The Greens have considered the reasons for the establishment of a commissioner and the process leading up to the proposal. As I said earlier, while we are not entirely excited by the bill, we are willing to support it, with the inclusion of the amendments I mentioned. The commissioner was included in the initiatives in the economic white paper. I understand that the Small and Micro Business Advisory Council has been consulted with regard to the functions in the legislation and it has had some input to strengthen those functions.

My office has spoken with two members from the Small and Micro Business Advisory Council and both were pleased, interested and excited about the possibilities of the role of the commissioner, in particular, the advocacy role that the commissioner will have. Inevitably, small businesses complain about red tape and those complaints are primarily about federal tax payments. This legislation does little to address those concerns but the commissioner might be able to articulate some of them. Members of the Assembly have raised legitimate fears in debate about whether this legislation will address all the concerns of small business operators. I understand that some members believe it would be more valuable for BusinessACT to reform and deal with some of the issues for which the commissioner will have responsibility. Those are legitimate concerns, which is why we want the review to occur. We really have to determine whether this is a useful initiative.

Another function of the commissioner is the ability to facilitate the resolution of complaints by small business. This ability was one of the key operations of the Victorian Small Business Commissioner. The feedback I have received demonstrates that this is not too much of an issue in the ACT. In fact, the courts are finalising a practice direction for managing commercial tenancy disputes. I understand that that direction outlines a priority system within the courts so that less complex matters can be dealt with more efficiently and so that full judicial reflection is available for more complex disputes. The implementation of this scheme should keep the costs of disputes to a minimum for tenants. While there may be scope for dispute resolution to fit within the judicial system, we have received feedback that there is not really a great need for that service.

The Greens are not overwhelmingly convinced that the Small Business Commissioner will solve the problems of small business. I do not think the government can realistically expect that it will solve all of them either. However, following feedback from people in

small business, we believe there is some potential for the commissioner to enhance a competitive, cooperative and fair operating environment for small business in the ACT, which is the stated object of the act. As a result of consultation we have been encouraged to support this legislation.

Any review of the legislation should be thorough and include consultation with small businesses and any relevant advisory boards. It should also deal with any jurisdictional issues that might arise during the operation of this legislation. Obviously there is a potential for overlap and that is an issue that must be addressed. It would be silly if we duplicated our processes. It certainly would not be desirable if there were jurisdictional tension between agencies, which is something that could occur. That was one of the issues I raised before the last election when we called for a review of statutory oversight bodies—the review that was tabled today. It is interesting that the review took that long, but at least we have now received it.

If a review were conducted the Assembly would have an opportunity to examine the achievements of the Small Business Commissioner. We recognise that costs are involved—certainly not in the realm of millions of dollars—but the Assembly can hold the government accountable for any money that is spent on a review. There are some risks involved. It is important that the right person is selected as commissioner as he or she could make a lot of difference in that job.

As a proactive advocate for small business I imagine that experience as a small business operator would be a huge asset, not only because of knowledge of the sector but also because it would gain the trust of other small businesses in the ACT. Another risk would be if the commissioner were trapped within the mindset of the government or BusinessACT. If that occurred the commissioner would lose his or her ability to scrutinise policies effectively and to be a genuine advocate for small businesses. Essentially, the more independent a commissioner is, the better.

MRS CROSS (9.56): The Small Business Commissioner Bill provides for the establishment of an office of Small Business Commissioner with the functions of improving business-to-government relationships; the review and reform of regulations; dispute mediation; investigatory functions; and advisory functions. All those goals are admirable in themselves but, given the fact that we are debating this bill, it could be assumed that the present systems are inadequate or that they are failing to achieve those goals and that we need a new and dedicated organisation to address identified shortcomings.

It could also be assumed that there has been widespread pressure from the small business community for the establishment of such an organisation or that a government survey of the small business community has identified such a need. I am not aware of either of those circumstances. Recently my office received only one call from a business association group. Regardless of the triggers for the development of this proposed legislation, I welcome the government's demonstration of specific concern for the health and wellbeing of the ACT small business community. I tend to think that it is better to improve what we already have in place so as to make it more capable rather than going to the trouble of setting up a new bureaucratic organisation.

Most organisations can be reformed, reshaped, augmented and so forth to achieve greater efficiencies and to embrace new functions and responsibilities. In the business-oriented elements of the ACT bureaucracy we have—or we ought to have—the resourcefulness to undertake the sorts of changes and adjustments that would enable the assumption of the responsibility for handling proposed investigatory and dispute mediation activities by the office of the Small Business Commissioner. It seems to me that the other functions proposed for the commissioner's work program are already the responsibility of the existing administration.

In essence, I am not in favour of creating a new organisation on the assumption that it is just what the small business community wants and, therefore, it might turn out to be a good thing. I would prefer it if the government first considered modifying or improving the capacity of the existing administration to assume new functions. I would also like to see the government consult more widely with all small business associations in the ACT and report back in the next Assembly on the feedback from those associations. Further work should be done in this area and this proposal should be resubmitted to the next Assembly for consideration.

MR PRATT (9.58): I oppose the Small Business Commissioner Bill.

Mr Wood: Tell us what this bill is about. Tell us what we already know. Everybody else is doing it.

MR DEPUTY SPEAKER: Order!

MR PRATT: I oppose the Small Business Commissioner Bill. Mr Smyth referred to ABS statistics that merely illustrated Labor's business and commercial position in this town. Ordinarily, the proposal for a Small Business Commissioner would not be a bad idea but I think this is just a stunt to cover the government's poor record of its support for small business, which is underwritten by its anti-business industrial relations program. It is important to make the point tonight that we might not have needed a Small Business Commissioner if this government did not have in place an anti-business industrial relations policy. Is the commissioner going to go around and clean up the mess that is left behind after a union has had the right of entry? Is that what the requirement is?

Whilst the government's occupational health and safety policy is fairly positive overall, it contains a number of draconian elements. I refer to a union's right of entry, to its ability to name and shame, and to its running down of WorkCover. I refer also to the inability of WorkCover to provide safety and education programs for small businesses. If that capability were further developed there might not be a need to fill the void relating to a union's right of entry. I do not think government members have read the report of the Cole commission and I do not think they understood the presence of union abuse. If they were fair dinkum about supporting small business they would do something about their industrial relations policy. There would then not be a need for a Small Business Commissioner.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (10.01), in reply: I thank

Ms Tucker for obtaining some feedback in relation to this legislation—feedback that seems to be in short supply. As a result of what Mr Smyth had to say I presume that he will continue to use dodgy numbers, which is his habit. I expect to hear him referring again to a $344 million deficit, which is a lie. I expect him to refer to $1.7 million—

Mr Smyth: Point of order, Mr Speaker. The minister should withdraw the word "lie".

MR DEPUTY SPEAKER: The minister will withdraw the word "lie".

MR QUINLAN: It is debatable. I have said on a number of occasions in this place—and I will say it again as I believe I am entitled to do so—that anyone who says the ACT Labor Party delivered a $344 million deficit is a liar.

Mr Smyth: Point of order, Mr Speaker. I again ask you to ask the minister to withdraw the word "lie".

MR DEPUTY SPEAKER: I ask the minister to withdraw the word "lie".

MR QUINLAN: It is not an inference on Mr Smyth.

MR DEPUTY SPEAKER: You referred on the first occasion to the fact that Mr Smyth was a liar. The minister will withdraw that inference.

MR QUINLAN: I withdraw that inference and state that I expect Mr Smyth to again make that incorrect claim. I repeat: Anyone who makes that claim is a liar. I expect Mr Smyth to refer also to the $1.7 billion in lost tourism from a convention centre. What arrant nonsense! I now refer to the subject at hand—the creation of the position of a Small Business Commissioner—the initiative enumerated in the economic white paper. After the initial delivery of the economic white paper, business representatives referred to that initiative as a good thing.

Since the formulation of this legislation and since the government announced that it would implement that initiative it has received support from the following bodies: the Fair Trading Coalition, CPA Australia, ACT Business Ltd, the Canberra Business Council, Christopher Peters of the ACT and Region Chamber of Commerce, the ACT Micro and Home Business Association and the National Association of Retail Grocers of Australia.

The only person who is out of touch in relation to this issue is Mr Smyth. All those people endorsed the government's proposition. I asked myself why the Liberals, who say that they represent small business, would be against this proposition. I can only speculate on the answer to that question. I think Mr Smyth wants some gaps to remain so that he can make a policy announcement in the future. I heard Mr Smyth state at the small business forum that business support must be rationalised. I do not know whether that is a positive or negative statement, but I did not think Mr Smyth would be against this proposition, particularly after he spoke to the Victorian Small Business Commissioner. Because we have a forthcoming election Mr Smyth is trying to play the cunning little games that he played over the past three years.

There is a role in the ACT for the Small Business Commissioner to play. The position of Victorian Small Business Commissioner, which is successful, has not resulted in the creation of another layer of bureaucracy; rather, it has obviated the need for people to access a number of other bureaucracies. The Victorian Liberal opposition wholeheartedly supported the creation of the position of Small Business Commissioner. Frankly, I would have expected the same support in the ACT. I will wait for the other shoe to drop.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 20, by leave, taken together and agreed to.

Proposed new clause 21.

MS TUCKER (10.10): I move amendment No 1 circulated in my name, which proposes that new clause 21 be inserted *[see schedule 8 at page 4474]*. I have already spoken to this amendment. New clause 21 would ensure that there is a review of the act after the conclusion of its second year of operation. Members have the amendment in front of them so they will understand what that review aims to achieve.

MS DUNDAS (10.10): The Democrats are happy to support this amendment. As we said during the in-principle stage, although we have a number of concerns with the establishment of the position of commissioner, we are happy with the proposal to establish a review so we can see how the commissioner is operating and whether the act needs to be reviewed or revised in two years time.

MR SMYTH (Leader of the Opposition) (10.11): The opposition has come to the same conclusion—a review would be useful to establish whether the Small Business Commissioner fulfilled the intended purpose of the legislation. We support the amendment.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (10.11): The government is happy

to accept the amendment.

Proposed new clause 21 agreed to.

Dictionary agreed to.

Title agreed to.

Bill, as amended, agreed to.

Electricity (Greenhouse Gas Emissions) Bill 2004

Debate resumed from 24 June 2004, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MRS DUNNE (10.12): Some critics of this legislation make the point that it is a direct "steal" from the provisions in New South Wales. In my view, that criticism misses the point somewhat. I am on record in this place as stating on a number of occasions that we should not be reinventing the wheel every time we start off on a new venture.

It is true that the idea put forward by the government is not original but, on the whole, the link with New South Wales provides more advantages than disadvantages. The New South Wales link, importantly, not only offers economies of scale; it is also fairer to industry, it avoids perverse incentives such as forum shopping to get the best deal, and it is in line with recognition of responsibility for emissions associated with electricity consumed in the ACT, though overwhelmingly generated in New South Wales.

This bill is a foray into "market environmentalism" and is therefore in line with the Liberal Party approach to green issues. It is an approach that is increasingly gaining support around the world. I had the privilege, when she was last in Canberra, of meeting and discussing issues with Hunter Lovings of the Rocky Mountain Institute. I think it is useful to quote her on this subject. She said:

> The inefficient use of energy causes many economic and security problems, and most environmental ones. Simply using energy in a way that saves money would avoid most of these problems. The RMI therefore works to speed the free-market adoption of a "Soft Energy Path"—a profitable blending of efficient energy use with safe, sustainable sources to provide the same or better services while saving money, abating pollution and climate change, reducing the threat of nuclear proliferation, and increasing global security.

What more could you ask for in the energy debate? However, it has been admitted that this legislation is of a kind that might be described by many proponents as groundbreaking and by many of its critics as speculative, untried and even experimental. The Liberal Party does not consider this to be a damning criticism. Heaven knows, this is an area where we could do with a few more creative ideas, and an approach that takes us out of entrenched positions that generally characterise the environment debate.

We need to get beyond the caricature positions of top-hatted industrial villains operating dark satanic mills as the enemies of all that is good, pure and biodegradable. We need to

recognise that this is not a melodrama, that there are no moustachioed bad guys, and the answer to the undoubted environmental issues that face us lies not in the demonisation of the private sector but in the recognition that we all share the same little blue planet, that none of us has an interest in turning it into a wasteland, and that we can only fix it by working together.

Yesterday in this place there was a degree of banter—I hesitate to call it good-natured—from the government. The government said to us that it supposed that we—members of the opposition—were holding it responsible for the drought. I think it is worth having a little foray into that issue. In the past I have spoken at length about the acts of God excuses that are used by this government for things like bushfires and the lack of provision for water security in the wholly predictable droughts that this region faces from time to time. The Liberal Party has put forward a solution to that problem but the government has not.

It is quite possible that government responsibility in relation to the weather goes beyond making prudent provision for its variations. It goes beyond the obvious, that is, warning the population when meteorological phenomena such as lightening strikes and their predictable sequelae, that is, bushfires, are about to impact on them in the absence of appropriate intervention. When we have bushfires such as that they radically impact on our lives because, after all, we are mere mortals.

We must take account of what can be done and we must not throw up our hands in despair. This week I was privileged to attend a briefing on some of the scientific evidence relating to the droughts. Many members would know that droughts are simply not acts of God. They occur as a result of a number of factors. I and other members have been told that in recent years the southeast area of Australia has had about the same amount of cloud, but that cloud does not yield rain. It is not because there is a lack of water; it is because of the way in which the clouds are forming. Even with my basic understanding of meteorology and physics I can see the logic of that.

The size of the cloud particles that are forming over the southeast of Australia is one of the key factors likely to determine whether or not it will rain. Cloud particle size is determined as a result of pollution, sulphur compounds, industrial and urban pollution and forest fires. It has become increasingly apparent in South America and in the archipelagos to our north that forest clearing and burning has had an impact on the weather. That has resulted in reduced rainfall and the catastrophic forest fires that we have seen increasingly over the past few years.

I am not speculating about the long-term effects of climate change; I am talking about what happens to the pollution that is created that does not make it into the upper atmosphere—the pollution that hangs around in the clouds. Evidence that has been presented to me, to this government and to other governments shows that the amount of particles in the clouds has a direct effect on their capacity to produce rain. Rain normally fell over the catchment areas of the Snowy Mountains, the Victorian Alps and the Brindabellas but that rain is no longer falling there. Rain is falling out at sea where cloud particles essentially are ionised and made clean by the impact of seawater, salt and spray.

This matter was brought to the attention of the government and ActewAGL. We suggested that the government and ActewAGL should participate in the cloud seeding

experimentation that is currently being undertaken by Snowy Hydro Ltd, but they have turned down that offer. The other day someone said to me, "Cloud seeding does not happen anymore. It was a failure 30 years ago." That is far from the truth. Hydro Tasmania has been cloud seeding for 30 years. Over that time it has achieved substantial increases in rainfall in its catchment areas and, as a result, it is producing nice, clean electricity that is not generating greenhouse gases. Tasmania is no longer dependent on coal-fired power stations and it does not use coal-fired power to the extent that it is used on the mainland.

That is one of the things we should be looking at in the future. We should use this legislation to achieve a better outcome for the power industry. As I said earlier, this legislation is somewhat experimental. It is an approach that relies on financial incentives, which I think is generally better than the command and control approach. I have some difficulty assessing the strengths of incentives and relating the costs of abatement certificates or fines to income from electricity sales. There are provisions in this experimental legislation that will enable us to review it every year.

This legislation is not a complete environmental panacea to reduce greenhouse gas emissions. Given the cost of producing energy from renewable resources, it seems unlikely that this legislation will create a renewable energy industry ex nihilo. It is more likely that abatement certificates would be produced as a by-product of activities that would have been undertaken anyway. This legislation is not a bad thing. Activities such as greenhouse abatement would not in themselves directly reduce greenhouse gas emissions; rather, they would create a mechanism for formally documenting greenhouse abatement activities, producing a complete picture of greenhouse emissions in net terms, and raising awareness of those issues in the general community.

However, there is considerable scope for encouraging improvements in greenhouse efficiency of current industrial processes and electricity generation. Given our overwhelming reliance on coal-fired power stations, we are likely to save more greenhouse emissions from a 1 per cent to 2 per cent improvement in coal power efficiency, or cleanliness, than from a doubling of the proportion of our energy needs provided from renewable resources. Renewable energy provision is a laudable area of activity that should be encouraged. Between 90 per cent and 98 per cent of our power is generated from non-renewable sources—most of it from dirty coal resources—so the energy and effort we put into cleaning up the coal industry will repay us significantly.

I have not suggested for one moment that we should not be vigilant in the area of renewable energy, but there is some scope for cogeneration to improve the energy of houses, offices and other buildings about which I have spoken at length on a number of occasions. The marginal effect of this scheme might well make a difference, or start to make a difference, so that such activities are seen as more economic. However, there are some technical concerns. The baseline emissions rate is based on electricity consumption in New South Wales, which is lower in domestic terms than the rate in the ACT. So we have set ourselves more difficult targets than the targets that have been set in New South Wales. That will probably result in a $20 per annum increase in electricity tariffs.

Another concern that I have is whether "tonnes of carbon" is the most appropriate measure of greenhouse gas emissions. There are a variety of greenhouse gases and they all contain a degree of carbon, but a combination of some of them would be more

insidious than carbon dioxide, the largest of the greenhouse gases. Not all greenhouse gases are equal. Another problem is that this embryonic scheme deals only with electricity. If we replace more greenhouse intensive activities with electrical equivalents we could be penalised. For example, I ripped out my wood fire heater, which is a bit dirty, and I replaced it with reverse cycle air-conditioning, which is 300 per cent efficient. That increases electricity consumption and at the same time reduces greenhouse consumption, but it is a minus for the scheme overall.

Given more time, I would have sought to clarify and to work through some of these issues. However, those concerns are not enough in themselves to rule out the bill. The government has yet to produce the necessary subordinate legislation to make this package complete. I note that there appears to be a bit of a rush to get this legislation through. It was prepared in haste, perhaps so that the government could gain kudos for being green prior to the next election. We will not oppose this sensible scheme merely because we mistrust the political motives of its proponents. I note that legislation such as this is subject to what has been called the iron law of unintended consequences. Unintended consequences that are obvious in hindsight are not always foreseeable beforehand.

I ask the government to commit to reviewing the operation of this bill after two years—not just the calibration of thresholds and fines, but its operation generally. I had considered moving an amendment to the bill but I recognise that the review provisions are hardwired into the legislation, which essentially is a template of legislation in New South Wales. We cannot institute a meaningful review without taking New South Wales with us. If such a review that had been done in isolation uncovered problems our only option would be to keep the scheme or to reject it outright. If we amended our part of the scheme unilaterally we would be back in the position that we would have been in if the Greens' amendments had been agreed to and this scheme would be out of kilter.

This legislation is a great start to achieve what we need to achieve. However, I think this is one of those "suck it and see" issues. It will be tested in its operation but it is something that we all need to get behind. The 2002 review of the greenhouse strategy recommended the institution of an abatement scheme. The Commissioner for the Environment endorsed that view in his last *State of the Environment* report. I am pleased that at last the government has come to the table with this initiative. I look forward to its implementation and I hope to be able to monitor its application.

In a couple of years I hope we are able to test the scheme to establish whether it is meeting its targets. I hope that members will be flexible enough to adjust the scheme if that is necessary. To some extent we are relying on the goodwill of the New South Wales government and I hope that that goodwill continues. That is not a bad note on which to end as we near the conclusion of this term of the Assembly. As this is one of the last matters to be addressed by this Assembly I hope that it takes us forward positively and that we all work cooperatively in the reduction of greenhouse gas emissions. I commend the bill to the house.

MS TUCKER (10.30): Mrs Dunne is very flexible. Last week she was demanding a dragway, the right to have a Sunday drive and the allocation of $8 million of taxpayer's money towards the dragway. Tonight she is talking about all things green, which is nice. I welcome the government's commitment to take steps to reduce greenhouse gas

emissions in the ACT through a joint emissions reduction scheme with New South Wales. To date there has not been enough commitment on the part of this government or previous governments to do the work necessary to make good their promises on greenhouse matters.

The scheme, as it stands, is not optimal in delivering significant reductions in greenhouse gas emissions. I would prefer, for example, that emissions were capped and that ceilings could not be exceeded. However, it is a step in the right direction. It is a welcome change to be congratulating the ACT government on being proactive and on working with New South Wales to get the first blocks in place for a national emissions trading scheme—a move from which the federal government has shied away. In this regard New South Wales, and now the ACT, is leading the way nationally. The federal government has been woefully inadequate on climate change issues, in spite of overwhelming evidence from respected health, economic, scientific, and environmental organisations that demonstrate that we must act now to significantly reduce our emissions.

For example, recently the *Environment Business* journal reported on a leaked Pentagon report that identified climate changes as potentially a greater threat to the planet than terrorism. The Pentagon report noted that climate change should be elevated beyond a scientific debate to a United States national security concern. While this bill is obviously not the sole mechanism for the achievement of the territory's greenhouse gas reduction target, which currently stands at a reduction of net greenhouse emissions to 1990 levels by 2008 and then a further 20 per cent by 2018, I consider that there should be a clear link between the targets included in this bill.

In the ACT electricity use accounts for 59 per cent of greenhouse gas emissions and the territory's broader greenhouse gas reduction strategies and targets. I am concerned that this bill seeks only to match New South Wales's attempts to reduce emissions by 5 per cent on a per capita basis by 2007 compared to 1990 levels and then to maintain those levels until 2012, which will achieve about 16 per cent of the territory's broader target. However, in the interests of getting an emissions reduction scheme off the ground for the ACT and in recognition of the assistance offered by New South Wales in relation to the administration of the scheme, I support this government's bill. That said, I think it would be a shame to miss a final opportunity to refer in this Assembly to my concern about the progress of this government and the former government on greenhouse issues.

As I noted in the Greens' recent greenhouse motion, which was supported by Assembly members, this is the time for real effort and action. Climate change is a serious issue that has implications for all aspects of our society. The Australian Climate Group recently released a report urging governments to work with business and the community to take immediate action to cut greenhouse gas emissions by 60 per cent by 2050. The United Nations Intergovernmental Panel on Climate Change, which includes 2,500 of the world's top climate scientists, also claims that a 60 per cent reduction in global greenhouse pollution is essential to stabilise atmospheric CO_2 and to limit the impacts of climate change.

We are already witnessing the impacts of climate change—heatwaves, floods, increasingly severe droughts and bushfires. Climate change is causing irreversible changes to natural ecosystems, and it is one of the greatest threats facing us globally. The

leaked Pentagon report to which I have already referred set out a worrying list of implications of inadequate action on climate change. For example, some of the likely scenarios include: major European cities sunk beneath rising seas as Britain is plunged into a Siberian climate by 2020; nuclear conflict, mega-droughts, famine and widespread rioting across the world as countries attempt to defend and secure dwindling food, water and energy supplies; and wealthy industrialised nations becoming virtual fortresses to prevent millions of refugees from entering who have been forced from land drowned by sea level rise, or that are no longer able to support crops.

Closer to home we can expect to see similar dramatic consequences. Climate Action Network Australia has released a list of serious implications of only slight increases in temperature. It is of concern to note that since 1990 we have experienced nine of the 10 warmest years on record. For example, CANA states that should current levels of climate change continue there would be no snow on the Snowy Mountains and there would be significant changes to the outback, beaches, forests and mountains across Australia. Climate change will impact severely on species and ecosystems as well as on the tourism, fishing, forestry and agricultural industries in regional Australia.

There will also be significant impacts on human health. A 2002 risk assessment of human health and climate change in Oceania predicted impacts such as an expansion of the malaria and dengue receptive zones in the northern parts of Australia; an increase in food-borne and water-borne diseases Australia-wide; and an increased number of heat-related deaths among older people. Extreme temperatures already contribute to the deaths of 1,100 people aged over 65 each year in 10 Australian and two New Zealand cities. It is shaming to note that while there is so much evidence pointing to the terrible consequences of climate change, Australia has the highest rate of greenhouse gas emissions per head of population in the industrialised world.

It is particularly alarming that in the ACT energy use is 40 per cent higher than the national average. That is why the Greens are arguing for a stronger effort, including reducing Australia's emissions by 80 per cent by 2050. I also note that while this bill is a step in the right direction in seeking to regulate the territory's greenhouse gas emissions from electricity, it is out of step with other more progressive schemes worldwide. For example, the European Union recently signed up to a cap and trade scheme which sets a cap on industry emissions, rather than the baseline and credit scheme that we are about to adopt in which companies can earn credits for emissions below their baselines.

In relation to both environmental and economic benefits, the European Union's cap and trade scheme has much to recommend it. In particular, it would ensure that emissions could not blow out due to population growth and the absence of an overall cap, as is the case with this scheme. It is interesting also to note that penalties for exceeding emission benchmarks in the European scheme work out at $A176 against this scheme's $10.50 per tonne over the benchmark. The European Union penalties provide a serious incentive to reduce emissions. However, it is not all bad news.

I am pleased that this bill provides real incentives for investment in the renewable energy industry—an industry facing an uncertain future, given the federal government's refusal to extend the mandatory renewable energy target, or MRET, from the current paltry 2 per cent to 10 per cent by 2010. In contrast, the United Kingdom announced an MRET

of 10 per cent by 2010 and 20 per cent by 2020. Even the People's Republic of China recently announced an MRET of 10 per cent. The 10 per cent target is achievable right now in this country as a result of renewable energy projects that are in the pipeline. All we are lacking is the political will.

Whatever my reservations—and I will refer to my amendments in the detail stage—I am pleased to be able to support this bill. This bill, which is a good first step, puts the ACT at the leading edge nationally. It is also a constructive piece of legislation in that it offers us a vehicle to encourage and reward industry investment in renewable energy technologies and in other strategies that will assist electricity users in the ACT to make savings and that will benefit the environment by reducing electricity demand.

MS DUNDAS (10.39): The Democrats support this bill. We recognise that doing something to address our greenhouse gas emissions is unquestionably better than doing nothing. However, I am keenly aware that this bill locks us into a framework that will not achieve the level of emission reductions that previous ACT governments have committed themselves to achieving. As the Treasurer stated, 59 per cent of greenhouse gas emissions in the territory are from electricity. This proposal will achieve only around 18 per cent of the current emissions reduction target. This government has not revisited that greenhouse target. Having dithered for almost three years on this crucial issue it is, by default, revising upwards the ACT emissions target.

I have begun to fear that the ACT will do no better than the federal government, which is aiming for the indefensible target of an 8 per cent increase on 1990 emissions. The main attraction for the government in this proposal is that it will have to do almost nothing in the way of administering the scheme. As the government has proved generally unwilling to resource properly the greenhouse unit in Environment ACT it must have been excited about the fact that it could do something about greenhouse with minimal effort and resources. I have already expressed the Democrats' profound disappointment that the Stanhope government has backed away from the commitment made by the previous ACT government to move to a 100 per cent purchase of green power for government operations.

Each policy retreat takes us further away from a sustainable level of emissions. I am yet to see what initiatives could possibly compensate for these expedient and short-sighted decisions. In June I said in debate on a motion moved by Ms Tucker that in most cases the environmental damage of our energy consumption is not paid for by the supplier or by the user, so there is no cash saving for switching to environmentally friendly approaches. After energy reduction measures are adopted we are left only with options that cost more. It is not realistic to rely on residents or businesses to adopt new emission measures motivated solely by a sense of environmental responsibility.

Climate change represents the single greatest threat to our biodiversity. Unfortunately, the impacts of climate change are difficult to see with an untrained eye. An appreciation of those impacts is confounded by natural climatic variability. However, climate is one of the key factors determining the competitive advantage of native plants. A changed climate will herald the invasion of weeds and impede the reproduction of our native species. The government continues to clear native vegetation, isolating native species in islands of bush, but it is doing precious little to stop the climate change that will kill off those islands, as species are unable to migrate.

That is why I think it is unfortunate that this bill specifically excludes large users of power. I accept that currently the ACT does not have any users large enough to be exempted, but it would have been preferable, and I would have thought possible, to include in the legislation today larger end users. The federal minimal renewable energy target to increase renewable energy output by 2 per cent by 2010 is insignificant and we need to go further. This bill goes a little bit further. As I said earlier, the Democrats are happy to support the bill. However, I hope the government recognises that it will have to dramatically increase expectations of energy retailers in the near future if we are to have any chance of meeting our current emissions target.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (10.43), in reply: I thank members for their overwhelming and enthusiastic support for the bill. In order to save some time I will refer to the topic of implementing a system that is uniform to the system that has been implemented in New South Wales. As the ACT is landlocked by New South Wales this government has made arrangements to run its system in concert with the system being run in that state. It is a commonsense and axiomatic decision, as there is a considerable overlap of retail markets in the ACT and New South Wales. I again thank members for their overwhelming and enthusiastic support for the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7.

MS TUCKER (10.44): I move amendment No 1 circulated in my name *[see schedule 9 at page 4474]*.

Mr Speaker, you will be interested to hear why I am proposing this amendment.

MR SPEAKER: I am always interested in what you have to say, Ms Tucker. You know that.

MS TUCKER: I propose this amendment to ensure that the Assembly has the scope to further reduce the benchmark tonnage following the results of an independent review of the scheme by the end of 2006. The amendment does not force an automatic change in the benchmarks for the ACT; it simply provides a mechanism for the Assembly to reconsider the appropriateness of the benchmark two years into the life of the scheme.

This should ensure that we have the capacity to adjust to changing circumstances such as the introduction of a national emissions trading scheme—or an international one if Kyoto is ratified—or, in light of population growth in the territory, which may mean that while the benchmarks are being met, emissions are actually increasing due to the absence of a cap on overall emissions.

The Total Environment Centre's modelling on the benchmarks, which we are being urged by the government to adopt, shows that emissions will blow out after 2007 due to the impact of population growth. To truly achieve emissions five per cent below 1990 level, the modelling shows that the benchmark should drop annually until it reaches 5.85 tonnes of greenhouse gas emissions per head of population in 2007—considerably below the 7.27 tonnes provided for in this bill.

The same modelling shows that, because of population increases, the existing New South Wales benchmarks will result in emissions being higher by 2007 than they are currently, exceeding Australia's Kyoto commitment of eight per cent above 1990 levels. It is very important that we have the opportunity to adjust the benchmarks, if necessary, before the final five years of the scheme or, at the very least, to have an informed discussion on the implications for other activities impacting on the territory's greenhouse reduction target if we do not.

Finally, this amendment aims to ensure that there is greater alignment between the government's public statements on its greenhouse commitments and targets and its actions. While I do not expect this bill to be the sole mechanism for the achievement of the territory's greenhouse gas reduction target, there should be a clear link between the targets included in this bill, the fact that in the ACT electricity use accounts for 59 per cent of greenhouse gas emissions, and the territory's broader greenhouse gas reduction strategies and targets.

While I understand the government is concerned about complementarity at this time, it may be possible to achieve a greater reduction in emissions in the future. I note that the government is currently estimating that the emissions scheme will deliver only about 16 per cent of the territory's broader greenhouse reduction targets. There should be no difficulty with this amendment given the government's—and indeed the opposition's—oft stated commitment to achieving a sustainable, high quality environment for the Canberra community and the untested nature, from a territory perspective, of this scheme and its impact on the territory's broader greenhouse gas reduction target.

In case people have not understood what I have said, I repeat that this is a review for information only. It does not force a change. We could well find that we have a national agreement at that time, in which case we will not be bound just to New South Wales. This is about acknowledging the seriousness of greenhouse and acknowledging that we need to be prepared to look at this again. I look forward to getting support for this amendment.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (10.49): The government will not support this amendment. It boils down to the fact that our legislation can be revisited and changed by an expert. It virtually says that if we get a report from the expert then the minister of the time must, if the report recommends changing the benchmark, "in writing determine the Territory greenhouse … or present a statement setting out the reasons for not following the recommendation". That is getting a bit tight.

As I said during the in-principle stage, we want to work with New South Wales. A system will develop. I think that we can accept that. It will be in the hands of the next

government, whoever that might be, and the next minister, whoever that might be, to follow that through: to talk to and work with New South Wales on a number of fronts. As Mrs Dunne pointed out, this is early stage stuff. We do not need to start constricting it and putting rules around it trying to tighten it up. It is a great step. This is a good thing. Let us just do it.

MS DUNDAS (10.50): The Democrats are happy to support this amendment. We see the benefit of having an independent review of our progress towards a sustainable level of greenhouse gas emissions, especially when the government has dragged the chain on action to address climate change and how it impacts on the ACT.

We have waited and waited for a greenhouse strategy and, while we have waited, we have seen only limited and piecemeal action to reduce greenhouse gas emissions. We still do not have energy standards for commercial buildings. We still have thousands of public housing dwellings with inadequate insulation and we do not have sustainable transport properly integrated into our planning decisions.

A review that will look at our electricity sector, which accounts for the majority of our emissions, may well stir the government to take further action. It will alert the government if interstate targets have overtaken the benchmarks that the territory has set. Considering that it is an independent review to take place before the end of 2006, it is a very important but simple mechanism. I hope that the Assembly supports this amendment.

MRS DUNNE (10.52): The Liberal opposition will not support this amendment. If we sign up to this scheme in its present form, we really have to sign up, as I said, to working cooperatively with New South Wales. I understand all the points. I agree with every point that Ms Dundas made. We have a long way to go before having suitable public housing and an integrated transport strategy. We do not have integrated land management and transport planning. All of these things—if we got our act together and did something about it—would address these issues.

This bill is not a panacea; it is not a cure-all; it is not the answer for everything: it is a start. If we have decided that we will hitch our wagon to New South Wales, that is the right path to take. We should not be re-inventing the wheel. We have a commitment from the minister to work cooperatively with New South Wales. New South Wales and the state based energy ministers have been working cooperatively on this.

A lot of this is designed to be "one in the eye" for the federal government. I have some sympathy with that. While it is very important that we address the cleanliness of the coal industry—we will get most bang for our buck there—we also have to look at our renewables in a much more open way. But this is not the mechanism for doing it.

This is part of the process. At this stage we should be going with this. In concert with the people who have designed it—because we did not; it was somebody else—we should be working through those processes. I am confident that whoever is minister for environment—certainly I will if I am—will be working in concert with New South Wales to make the scheme better.

Suspension of standing order 76

Motion (by **Mr Hargreaves**) agreed to, with the concurrence of an absolute majority:

> That standing order 76 be suspended for the remainder of the sitting.

Question put:

> That **Ms Tucker's** amendment be agreed to.

The Assembly voted—

Ayes 2	Noes 13	
Ms Dundas	Mr Berry	Mr Pratt
Ms Tucker	Mr Corbell	Mr Quinlan
	Mr Cornwell	Mr Smyth
	Mrs Cross	Mr Stanhope
	Mrs Dunne	Mr Stefaniak
	Mr Hargreaves	Mr Wood
	Ms MacDonald	

Question so resolved in the negative.

Amendment negatived.

Clause 7 agreed to.

Clause 8 to 22, by leave, taken together and agreed to.

Clause 23.

MS TUCKER (10.58): I move amendment No 2 circulated in my name, which inserts a new clause 23A *[see schedule 9 at page 4474]*

Mr Speaker, you will be very interested to know that there is ample evidence to demonstrate that carbon sequestration, through tree planting activities, and geosequestration—or burying greenhouse pollution underwater or underground—are much less secure abatement activities than the alternatives proposed in this bill. They are less secure and they carry with them a range of significant environmental, social and economic risks. They also raise the principle of intergenerational equity by passing on the responsibility of managing our greenhouse emissions to future generations—in the case of tree planting for 100 years, and in the case of geosequestration for up to 100,000 years.

Concerns around carbon sequestration by means of tree planting have been raised by a range of organisations, including the intergovernmental panel on climate change. Concerns include uncertainty around the protection of the plantations from changed ownership or land use, or destruction by bushfire, pest or disease, and concerns around

the impact of the plantations on other existing ecosystems through intensive fertiliser and pesticide use.

Carbon sinks are imperfect solutions to emissions reduction. We have the opportunity, through this scheme, to provide incentives to industry to take more effective steps to reduce emissions. The emissions reduction scheme proposed by the government potentially provides a very useful vehicle for encouraging and rewarding industry investment in longer term renewable energy projects. It can and should also be used to encourage and reward demand-side management activities that have financial benefits for electricity users, as well as environmental benefits for the community.

Abatement certificates issued for carbon sequestration activities are clearly identified under the New South Wales scheme. I have been advised that it would be technically possible to exclude them as eligible abatement activities for the ACT. As members of the Legislative Assembly we have an opportunity today to do what the federal government will not: we have the opportunity to support the renewable energy industry, which is in crisis following the recent release of the federal government's energy white paper.

It is extremely disappointing that, while the Clean Energy Future Group—an alliance of industry associations, energy organisations and WWF Australia—found that Australia's greenhouse gas pollution could be halved by 2040 using existing clean energy technology, we have the federal government refusing to extend the mandatory renewable energy target beyond 2 per cent by 2010 and casting uncertainty on the many renewable energy projects currently in the pipeline.

As members we can and should do something to support the renewable energy industry with this bill. Renewable energy activities and demand-side management should be supported in preference to other less desirable options. As members will know, the Greens originally explored the possibility of weighting or capping certificates claimed for carbon sequestration. In the interests of the ease of administration of the scheme at this time, I did not proceed with those possible amendments.

I have serious concerns, however, about assigning equal credit to less sustainable activities that could be easily excluded, such as intensive tree planting. We should be rewarding and encouraging activities that prevent the generation of CO_2 in the first place, rather than attempting to ameliorate its impacts after the fact.

MR SPEAKER: I was interested in that Ms Tucker. But I think you could have used fewer words!

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (11.03): At this stage, carbon sequestration is an important abatement measure. Yes, we need to move on in the fullness of time, but it is one way, if you like, of ramping down while technology catches up.

Ms Tucker mentioned the requirement for 100 years. That is a reasonable requirement. Overlaying that requirement is a risk management protocol that ensures protection against any particular carbon sink that might be created.

What the Assembly might want to note is that this amendment runs contrary to the ACT and federal Greens' stance on the Kyoto protocol. The Kyoto protocol undertakes that carbon sequestration is a valid abatement activity and sets out requirements in a document. The reference number is very long—it is CCC/CP/2001/13 add one. If, in the eyes of the ACT and federal Greens, this activity is sufficient for the whole of Australia under the national covenant, I think it might be sufficient for us just for the time being.

MRS DUNNE (11.04): I will speak to this and the subsequent amendment; they sort of go together. There seems to be an underlying approach by Ms Tucker, and to some extent the Greens generally—although perhaps I have not been reading as closely their documents on sequestration as I should have been—

Mr Quinlan: You want that reference number again?

MRS DUNNE: No thanks; not just now. There seems to be an underlying characteristic amongst the Greens to oppose trade-offs. They take the approach that businesses or energy providers should be forced to reduce emissions and get more for renewable resources, regardless of whether supplies exist and regardless of price. This is essentially a market-based approach to greenhouse abatement. Therefore we need to have all the market tools available to us.

If we went down the path suggested by Ms Tucker, it would be a departure from the New South Wales model. It would limit the capacity of people and firms in the ACT to deliver their targets. We tend to talk about geosequestration as though it were akin to the tooth fairy. I have given up belief in the tooth fairy—although I do not tell my children—but I think it is too soon to throw out the notion and rule out geosequestration; to knock out the possible method of reducing the greenhouse effect because we are not yet convinced that it might work, years ahead of the introduction of any particular scheme. As yet we do not have a foolproof scheme. But this does not mean that we should stop the search.

To rule out sequestration seems to be a move from the precautionary principle to the paranoia principle. It is akin to passengers on a sinking ship not getting into the life raft because it does not have airbags or perhaps not enough oars. I prefer an open-ended approach that does not prescribe methods of abatement. This will allow scope for new technology—perhaps genetically modified cows that are low-methane emitting—and not try to pick winners and losers, even before they are invented.

Finally, for the reasons I have outlined, I believe this scheme has the prospect of success—much less expansion to a national scheme—only if we implement it consistently and, dare I say, cooperatively with New South Wales.

MS DUNDAS (11.08): I am happy to support these amendments, which would exclude carbon sequestration from the list of eligible abatement activities. We have already cleared too much of our native vegetation and we need to start restoring it. But it would be wrong to see replanting of lost vegetation being used to allow electricity retailers to do nothing to secure more renewable energy supplies. Continuing to burn fossil fuels at

our current rate and replanting the offset emissions is not a sustainable solution. In fact, if we continue down this path, we will simply run out of land.

The other sequestration methods are not yet technically proven. There are questions about whether they will prove safe and stable. The only defensible approach that we can take is to move towards full utilisation of renewable energy. I appreciate that having a scheme that is at slight variance with New South Wales may create additional administrative roles for the ACT. The ICRC would clearly be unable to take on a larger role without more resources. However, considering the grave ecological impacts of climate change and the benefit of being able to set higher benchmarks, I think it is worth the cost.

MS TUCKER (11.09): Just to clarify on the carbon sequestration—I did say this but people probably were not listening—I referred to a cap—

MR SPEAKER: Oh yes we were.

MS TUCKER: If you do not want me to keep repeating it, you should listen. We did consider a weighting. It is about rewarding industry for investing in renewables. Tree plantations should not be given equivalent status to clean technology. I made the point that, at this time—because obviously there could not be compatibility with the weighting—we are saying to remove the sequestration because the investment in the renewable energy will create a better solution by far. As I have already said, it is not about cleaning up the mess; it is about preventing it.

Amendment negatived.

Clause 23 agreed to.

Proposed new clause 23A.

MS TUCKER (11.10): I move amendment No 3 circulated in my name, which inserts a new clause 23A *[see schedule 9 at page 4474]*.

This is about geosequestration. We know that that involves the capture and separation of carbon dioxide produced by the fossil fuel industry, the conversion of the CO_2 into liquid form and an injection of the resultant liquid underground on land or at sea. For some time concerns have been raised about geosequestration.

In July 2004, an alliance of 30 environment, public health, social justice and research organisations involved in Climate Action Network Australia released a joint policy expressing their significant concerns around geosequestration. CANA and other groups point to the significant environmental, social and economic risks involved in geosequestration, including the risks to public health should leakage occur up to at least 100,000 years after storage, and the significant risks of geosequestration to subterranean biodiversity and water supplies.

I am aware that New South Wales is still developing its conditions and legal instruments around tree plantations to ensure that any carbon sequestered through that mechanism is valid by requiring evidence of 100 years of abatement. It has understandably taken some

time to develop this framework. I wonder, from a public policy perspective, how we could possibly begin to put conditions around geosequestered carbon for 100,000 years. Why would we want to, when we have commercially viable clean energy technologies ready to go right now?

This debate is largely theoretical. However, I have been advised that the New South Wales legislation does not recognise geosequestration as an eligible activity. So there is no good reason for us to do so, given the government's desire for jurisdictional consistency. Geosequestration is environmentally dubious, socially irresponsible and very expensive.

The intergovernmental panel on climate change established by the World Meteorological Organization and the UN environment program has estimated that geosequestration will cost between $80 and $130 a tonne. This does not compare well with the multiple benefits offered by investment in clean energy technologies and in strategies to reduce demand. Geosequestration carries enormous public and environmental health risks, serves no-one but the fossil fuel industry, and should not be contemplated by this Assembly.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming) (11.13): Three out of three—we will not be supporting this. As it currently stands, geosequestration is not an act of abatement activity. But it will be tested in Australia between now and 2008. I do not think that we should be shutting the door on any proposition that might assist in combating the impact of greenhouse gasses.

If geosequestration is to become part of the scheme, it must be approved as an activity, and a greenhouse rule will be developed around it. These rules are very strict and exacting to ensure that positive, measurable environmental activities are achieved. I do not think we should dismiss it. We oppose the amendment.

Proposed new clause 23A negatived.

Clauses 24 and 25, by leave, taken together and agreed to.

Clause 26 agreed to.

Remainder of bill, by leave, taken as a whole.

MRS DUNNE (11.15): Before we close the debate, I put on the record that this is not the end. I congratulate the government on taking this step. I have been critical of the government on its approach to greenhouse. As I said before, I hope that this is not just an attempt to attain some green kudos in the run-up to the election and that it is taken seriously by the other side.

I congratulate the minister for energy for managing to pass a green bill. We have seen him being dragged, kicking and screaming, on a whole range of issues, saying, "Oh, it's a daft idea and you don't really want to do that, and me mates at the National Energy Ministers' meeting won't want to talk me if you do that—"

Mr Quinlan: We did put through some naff resolutions in this place.

MRS DUNNE: No, they were not naff. If we had not put through those naff resolutions, we would not be here today. The government has had a bit of a change of heart. Part of it has been as a result of work of members of this Assembly. I congratulate members for this initiative. But it is only the beginning. It means that there is a lot more work for this government to do between now and the caretaker period. After the election the new government will need to be in tune with the needs of the environment and address many issues such as the quality of our housing and our buildings. That is where we will get the real benefits.

Remainder of bill, as a whole, agreed to.

Bill, as amended, agreed to.

Auditor-General Amendment Bill 2004
Detail stage

Clause 13.

Debate resumed.

MS TUCKER (11.18): Having had time since the adjournment of the debate to understand the effect of the government's amendments, the Greens will not be supporting the amendment to proposed new section 32C (4) and will not be supporting Mr Smyth's amendment to the amendment.

These amendments relate to proposed new section 32C (4), which defines offences for contravening the Auditor-General's direction to prohibit or restrict the disclosure of information relating to a function of the Auditor-General. The former Auditor-General explained his request for this amendment as follows on pages 2 and 3 of his letter to the Chief Minister dated 14 January 2002:

> During the course of audits it is common for information to be provided to persons who are not performing a function of the Auditor-General and who are not employed or contracted to the Auditor-General. This is because it is essential to provide information to those persons in order to seek explanations, for natural justice reasons and for third party verification purposes.
>
> To date recipients of such information have been advised that Section 34 of the Act applies to them and that they could be subject to penalty if the information was revealed to others. This advice may be incorrect as the section can reasonably be interpreted as applying only to persons employed by or contracted to the Auditor-General to undertake audits. As a result, the conduct of some future audit could be severely hampered if a recipient of "confidential" information considered that section 34 did not apply to them and as a result made the information available to others.

The main purpose of the government amendment to the bill is to make clear that there are two distinct types of offences—one that applies to a person who actually receives the

direction and another to a person who knows that the direction has been given but was not directly given the direction.

It is a worthy aim to seek to clarify this point. It could probably be worked out by a careful reading of the proposed subsection 32C (4) (a), but it is worth making absolutely clear. I hope that in interpreting this clause this intent will be read from speeches, including speeches on this amendment tonight. However, in addition to making this change, the government amendment also significantly narrows the definition of the offence of disclosing such protected information.

The proposal put in the bill is that it is an offence, with a maximum penalty of 50 penalty units, imprisonment for six months, or both, not strict liability, if the person knows that the direction has been given and the person discloses the information to someone else. The amendment, however, would make the disclosure of the protected information an offence only if the person intentionally discloses the information and is reckless about whether the disclosure contravenes the direction.

The unauthorised disclosure of sensitive information in the course of an audit inquiry can have very serious consequences for the person who gave the information in the first place. That, presumably, is why the maximum penalty is set so high, including possibly a prison term. These are also the penalties that apply in the existing act, at section 34, to disclosure by someone brought in by the Auditor-General.

In some situations the disclosure could lead to reprisals against a whistleblower and it could lead to a threat against someone, or even in an extreme situation to a possible threat of loss of life. Even at the lower end of the threats, the risk is that a person's reputation will be unfairly impugned as the information may have thus far been untested. The amendment would reduce the protection for informants or whistleblowers and for people unfairly accused.

For those reasons, I believe that it is not appropriate to have such a high test for this offence. That may mean that in a future Assembly it would be wise to bring back a revised version of this amendment with only the parts related to clarifying the offence, without changing the nature of the tests of the offence.

The effect of Mr Smyth's amendment would be to further reduce the penalty for this offence by removing the prison term. Whilst the Greens are not great fans of imprisonment, the potential here is for severe impacts. As I have said, it matches the penalties in the equivalent section already in the act. I think that in the context of this type of offence it is reasonable to consider that penalties may have a deterrent effect because these offences may be a part of steps in a carefully considered attempt to avoid responsibility for a wrongful act or detection of a wrongful act and a kind of risk management strategy. That in no way takes away from our principle that imprisonment should never be given lightly and that it is always preferable to work through non-custodial consequences first.

I note in closing that Mr Smyth's amendment was proposed only to the amended version of this proposed new section and not to the version of this clause in the bill. I do not know why. It may be a consequence of the late circulation of the government's amendment to the bill.

MS DUNDAS (11.23): I thank Ms Tucker for having the foresight to get this debate adjourned. As I was looking at the Chief Minister's amendments earlier this evening I was thinking that I had seen them before. Obviously, the ones tabled were different from the ones that I thought were going to be tabled. Under closer examination, there have been some very good arguments put forward.

We support the work that the Auditor-General does. There is concern that details of work that has been done, but which has not been released, could be leaked, but these amendments go a step further than just putting in legislation a provision that information should not be disclosed; they actually make it an intentional disclosure. So we do not give to anybody a duty of care to hold onto the information given to them by the Auditor-General. That needs to be readdressed.

As Ms Tucker has indicated, it means that we will be left with some clumsy wording in the original bill. But it is clear that we are trying to ensure that the intention is maintained; that is, that when the Auditor-General is seeking further information from somebody, that person is obliged not to disclose that information and that a person commits an offence if the person knows that a direction has been given asking them not to disclose it and that person discloses that information to someone else. As Ms Tucker said, we will need to revisit this issue in the next Assembly, but the fact that there is a bit of clumsy wording is not really a good enough excuse for taking this legislation one step away from where we want it to be.

Mr Smyth's amendments to **Mr Stanhope's** amendments negatived.

Question put:

> That **Mr Stanhope's** amendments Nos 1 to 3 be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Amendments negatived.

Clause 13 agreed to.

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

Bill, as amended, agreed to.

Statement by Speaker

MR SPEAKER: Members, in the broad scheme of things it may be said that this past term will form a small chapter in the history of the Australian Capital Territory. However, like all other terms since the beginning of self-government, elected members have contributed as if their time here made up the entire book.

They have negotiated the pitfalls and pinnacles of the contest of ideas in a manner which enables a healthy debating chamber to respond to the community it represents. Although never pleasing all, this chamber remains a place where all views can be represented by elected members.

The quality of circumstances that are provided for us to do this work are considerably more comfortable than those enjoyed by the majority of people we represent, so it is natural for our electors to expect the highest quality work from us to achieve better outcomes for the community generally, but especially for those who are less well off.

In the end, when each of us puts this term behind us, it is enough if one has done the best that can be done to improve the strength, fairness and sustainability of the communities which are represented here. There will, of course, always be more to be done. Those of us who will be doing something else after this term have each contributed and will go equipped to contribute further.

At this point, I would like to pay a special tribute to my Labor colleague Bill Wood, with whom I have travelled a memorable journey from the beginning of self-government. I would like to pay my warmest regards to Bill and his family for whatever they choose to do in the future.

What can I say about Mr Cornwell, the Deputy Speaker? Having been ousted thrice by Mr Cornwell, members will have noticed that I spent little time in the chamber while the Deputy Speaker was in the chair lest he should get a hunger for his old habits. I think that it is appropriate to wish Mr and Mrs Cornwell bon voyage.

Ms Tucker leaves her indelible mark after an energetic stay in this place. Of course, where she has failed to succeed in leaving an intended mark, we have been sternly reminded of that by many extensions of time to ensure that our failure is not forgotten soon. I do sincerely wish Ms Tucker, Kerrie, the very best in her campaign for the Senate, along with many other people, but I do not expect Mr Humphries to end our long period of disagreement on almost everything to join me on this one. I know that Ms Tucker would enjoy it up there because the Senate does allow for longer speeches. Kerrie, I have to say to you, enjoy the bush.

Those of us who will go on to face a new round of challenges with the same overriding responsibility, along with the newcomers who will be elected to represent this great community, will be merely the new caretakers appointed to preserve and improve the lot of our community.

I think that we need to place on record our gratitude for the sterling work which has been done by each and every member of the Assembly staff for what must at times require a

grinding effort. The goodwill that has always been shown has been nothing short of exemplary.

I also acknowledge the extraordinary contribution of staff of members and ministers and, most importantly, those staff who have loyally worked in my office throughout this term. I reserve my highest praise for the effort that they have put in to maintain the standards of my office in this place.

No statement such as this can go without mentioning family, friends and acquaintances who may from time to time have felt abandoned by members and staff finely focused on their work here. In my experience, it is most important to have a close family, as a great deal of tolerance is required to deal with what, in effect, has become an intrusive member of the family. The silent contribution of families is the most undervalued aspect of the work in this place. I think that it is timely for us to reflect on that since we are the ones who subject them to the rigours of political life.

Finally, I would like to thank sincerely all members for the support that they have given me throughout my term as Speaker. Until we meet again!

Adjournment
Valedictory

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) (11.35): I move:

> That the Assembly do now adjourn.

Mr Speaker, 15 years ago, in a carefully scripted program, the life of this Assembly began. With a sudden urge to get his name recorded in that historic first *Hansard*, an eager member jumped to his feet and, ignoring that script, spoke without leave or place in the daily program. My name remains in *Hansard*. I have mostly kept to the standing orders since then. The *Hansard* says that it was by leave, but that is not right; that was not what happened.

But 15 years is long enough. It is time to move on, reluctantly, but the timing is right. I will miss the place and the work—the more of that the better—but I am not sure that I am looking forward to the likely dramatic change of pace. Running a ministry, a number of them, is a great job; it is the best. It provides the opportunity to play a constructive role in running this great city—demanding, challenging, constructive, frustrating, but always rewarding.

I just do not have time, members, to list all the achievements of 6½ years of being a minister, of 15 years in this place, and of all the valuable, instructive and constructive committee work. I value those times, especially as the sole person from my side for that committee work. I am not sure about the estimates committees, though.

A number of community bodies have expressed a wish to recruit my interest. I may, but I caution them that I will now come as a single package, just me. At home I have total and wonderful support for my role as a member and minister; but, more than that, Beverley

manages everything, absolutely everything—tax, super, home management, everything. While at work I have, as you will all agree, wonderful people looking after me, keeping me organised, and, of course, there have been the departments. But put me on my own, just me, well, we will have to see! That is my warning to those groups.

Thanks to Beverley for 15 years of help, very nearly 50 years altogether, and to Margaret Watt, a most respected person in and beyond this building, for 12 years of service all up. Many, many thanks.

I thank John Stanwell, Andrew Rhodes and Marsha Daw in more recent times and I thank the current DLOs, those most important and helpful people, Ashley King, Pat Madigan and John Malouf, all very committed, dedicated, of sound judgment and, I have to tell you, of full, persistent and very frank and fearless advice and great support for me and for all members.

Thanks and well done to Jon Stanhope, an outstanding Chief Minister, and my colleagues on this side of the house particularly but on all sides over 15 years. It has been 15 years of self-government and this is my final comment for recording in *Hansard*. From an old original, remembering the substantial resistance to self-government, the work we are engaged in has been a success, even with a lot of those bumps on the way. In particular, I note the enormous financial adjustment that has been made and that was the reason for self-government. It has been a remarkable success. That is due in varying degrees to the members who have worked here.

Valedictory

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.40): Mr Speaker, I would like most particularly to echo the words that you spoke in the sentiments you expressed. I would like very much tonight to pay a fond tribute and farewell to one of the most notable parliamentarians to have graced this chamber, and I use the word advisedly. I refer, of course, to my friend and colleague Bill Wood.

Bill Wood has always been a political and social activist. He grew up with politics. His father was the leader of the opposition in the Queensland parliament. From 1969 to 1974 he was a member of the Queensland Legislative Assembly. His identical twin brother, Peter, was also a member and, as anyone who has seen them together will know, it was not just for Hansard that Bill presented a challenge.

Bill's electorate, initially Cook and later Barron River, was in North Queensland. He loved campaigning in the Torres Strait Islands, which was part of his electorate. Bill's previous employment also included a variety of teaching positions, both in the ACT and in Queensland. He mostly taught students with special needs. That was, of course, a great preparation for his present portfolio as minister for disability.

For two years he was senior adviser to ACT Senator Ryan when she was Minister for Education. I understand that that was when he developed his particular extreme dislike of keeping people waiting. He is most notable amongst ministers for always being on time, often arriving early. Sometimes he left early, too. I think that it is worth recording that at one stage Bill was a Labor Party organiser. He is married, as we know, to Beverly and it

is wonderful to see her here tonight. Bill and Beverly have four children and five grandchildren.

I make the point that Bill Wood has had a broad range of experiences in his life that have given him a great understanding of the everyday disasters and problems and of the happy moments and successes of his constituents. Bill Wood has been a dedicated representative of his electorates in Queensland and the ACT. In that regard, he has been, I think, one of the most effective local members, probably because of his empathy with his constituents but also for the work that he has done.

He was, under Rosemary Follett, Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning from 1991 to 1995. During this term, he has been Minister for the Arts and Heritage, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Disability, Housing and Community Services. Over the last 10 years of his career he has served in a vast range of portfolios and has filled them with ease and flair.

Bill has carried an enormous workload, but has always been ready to help with any matter. I know that I have relied enormously on Bill's experience and advice and I, along with all my colleagues, will miss him enormously in the next Assembly. Bill, you have a very proud record as a minister in this Assembly. I must say that I think that all of us that have had the privilege of working with you will miss you enormously after your retirement.

I would also like to take the time this evening to acknowledge what I think has been a very significant contribution to the ACT and to this Assembly by Kerrie Tucker. Kerrie, even though representing a different political party in this place, is somebody that I would always like to regard as a friend and somebody that I respect enormously. We have not always seen eye to eye. Kerrie has, from time to time, irritated me and got under my skin.

I think it is a great measure of Kerrie's humanity and the extent to which she is perhaps the most well-adjusted person in this Assembly that she has that wonderful capacity to move on, to put issues behind her, not to project her issues onto others, to move on constantly to deal with the issues and not to descend into personality issues. It is a great strength, Kerrie. I have enjoyed particularly the seven years that I have worked in this Assembly with you. I regard you with enormous fondness, and always will, and have treasured my friendship with you. I wish you the best in your new pursuit.

I also acknowledge our other retiree, Greg Cornwell. Greg is somebody else with whom I have not always agreed or seen eye to eye, but I regard Greg also as a genuine gentleman and somebody who has made an enormous contribution to the life of the ACT over three decades. It needs to be acknowledged that Greg Cornwell, through his service in this chamber and his service in the House of Assembly from 1974 to 1986 prior to his election to the Legislative Assembly, has provided a very significant period of genuine contribution to the Canberra community, irrespective of how we regard his view of the world.

I conclude, Mr Speaker, simply by echoing all of those comments you made about all of those other people that members of this place do rely on so extensively. I quite genuinely wish everybody in this place all the best in the coming election and for the future.

Valedictory

MR CORNWELL (11.45): Mr Speaker, it has been a long journey, as the Chief Minister said, beginning in 1974, and I suppose these final comments tonight are of minor historical interest because I am the last member of the original advisory assembly who is still here. In those early days we struggled for community recognition and acceptance. That has not changed markedly, at least to the extent that I believe we still seek some acceptance out there in the community. Members, I have to say that I think that it is our own fault. I would like to say a little more of that later.

My departure gives me an opportunity to address a number of topics that I believe are important, but my remarks should not be taken as personal criticisms. They are being put forward in the interests of the people of the ACT whom we all represent. The size of the Assembly makes the governance of the ACT very demanding for individual ministers and really does need to be addressed. Either a way has to be found to increase the numbers here or to distribute the ministerial workload more equitably or else the increasing complexities of government will overwhelm whoever is in power, the bureaucracy will continue to run Canberra and the worthy concept of genuine ministerial responsibility will be diminished.

Care and responsibility need to be exercised, I believe, by the government and especially by the Assembly itself in the imposition of more and more rules, regulations and laws upon the people of the ACT. The very size and usually the composition of the Assembly make it easy for any member to introduce legislation for which votes can sometimes be bartered for on the floor without necessarily having the support of the majority of the electorate. I would ask members to consider whether a legislative proposal will be beneficial to most people or simply another legal impost to satisfy the desires of some minority group or a vehicle perhaps to provide personal media publicity.

I believe that the Assembly needs to tighten up many of its procedures. I am pleased that the administration and procedure committee is examining the standing orders. I think that we have become too much of a talk shop, as we may have noticed this evening.

I said earlier that I would come back to the continuing need for this Assembly to have acceptance in the community. I think that we have been too timid in promoting this important democratic institution. It is more important to the daily lives of people who live in Canberra than federal parliament ever will be and, I might add, the salaries are not commensurate. I ask: why should anyone respect elected representatives who are paid a relative pittance and, further, will the Assembly attract top-flight candidates if members continue to be paid the current amount of remuneration?

I believe that the answer is no. Therefore, there is the risk of attracting candidates for the wrong reason—for power, for prestige, even in some cases for better money than they would earn elsewhere. Even if having higher salaries might threaten the existing incumbents by bringing out better candidates and even if having 23 or 25 members might

give one party or another an advantage, please, just do it. If you are here to serve yourself, you should not be here. I believe that these negative reasons are the antithesis of what I believe elected representatives are here for, namely, to serve others, not themselves.

Looking back over my elected years, I naturally see my service pre and post-government and this background brings with it some disappointment—disappointment because some of us who fought for self-determination for the territory recognised that we had a unique opportunity to be a different type of self-governing area. We are, after all, a city-state and we were in 1989 the first territory for many years under the Westminster system to achieve this important status.

We had the opportunity to be different and we failed, but there is still the opportunity to do so. Instead, with hundreds of years of examples behind us of how existing legislatures could be improved upon, we slavishly followed the examples of our interstate counterparts; and worse, we did so without even thinking about trying to improve the existing systems in the headlong rush for perceived self-government power, I suppose. It was a perfectly natural mistake, but I think that it was a mistake.

Unfortunately, as I see it, the progressiveness of the Assembly is directed into social initiatives rather than the structure of the Assembly itself. As a result of this social progressiveness, I believe that we are creating a cotton wool city, protecting people from themselves by imposing more and more restrictions and taking away the right and obligation people have to be responsible for themselves.

We think that this is being progressive, just as we think that projecting the image that a caring community which recognises all sorts of minorities and is enforced by legislation will make wider society more accepting of such minorities, whereas in fact these efforts only benefit yet another minority, our self-deluded selves. Too often it is forgotten that majorities too have rights. These majorities, I believe, are sick of being told that their gut instincts about right and wrong, about values and responsibilities and about obligations and respect, for example, are politically incorrect, generational and unworthy of a place in this brave new world that we are creating.

I have to say that too often in this place I have seen an abdication by us as elected representatives of our duty to the rich as well as the poor and our duty to the majority as well as the minority, the distortion of straightforward Australian values for the elitist and social divisiveness of multiculturalism, and a failure to accept all Australians as just that, Australians, irrespective of colour, creed, sex or race. Instead, I see special concessions being granted to people whom I think are personally diminished by such patronising and charitable behaviour.

A former Chief Minister, Rosemary Follett, said quite succinctly in 1992:

> The task for all of us here is to serve the people of Canberra; to govern on their behalf, in their interests and according to their wishes.

I went on to say about that:

> These are commendable aims which can be open to easy and convenient interpretation if we so choose. On the other hand, these words can also be accepted responsibly and with commonsense, so that the interests and wishes of this Territory's people are general interests and wishes of the average person and not the desires of noisy minorities.

I made these comments in my maiden speech in April 1992. I have tried to hold true to the same beliefs in the past 12 years—years which would have been very difficult without the assistance of, firstly, my adviser, Sue Whittaker, and, secondly, her successor, Joanna Woodbury, and years which would have been impossible without the unqualified constant support of a de facto member for Molonglo, my wife Margaret, who is in the gallery.

My sincere thanks go to those three indispensable women. Just pause and think: what on earth would the feminists at Tilley's, the people who awarded the Gregs on my behalf, think of those comments? I repeat that my sincere thanks go to those three indispensable women. My thanks also go to all staff within this building and, indeed, within the ACT government itself. I have spent a great deal of time over the years getting to know these people. I do thank them sincerely for the assistance that they have given. I will miss them all.

Not the least, I will miss my Assembly colleagues, all of you. I thank you for your bipartisan friendship and comradeship over the years. We have, I know, disagreed politically quite vehemently. That does not mean to say that that personal friendship should change. My very best wishes to you all.

Valedictory

MR SMYTH (Leader of the Opposition) (11.55): Mr Speaker, it is a pleasure to come after Mr Cornwell. I will reiterate a few of the achievements of Greg in his career. I suspect the high point in his career was to be the Speaker. I think that we all know that he loved being the Speaker. I suspect that being Speaker from 1995 to 2001 made him the longest serving Speaker in the history of the Assembly.

MR SPEAKER: I am in here every day!

MR SMYTH: I am sure that you do not want to break the record, Mr Speaker, and I am sure that one of my colleagues will get to break the record after October this year! In the role of Speaker, he was able to be involved in things like the Commonwealth Parliamentary Association, of which he is a great advocate and supporter, the conference of presiding officers, and liaison with other parliaments, and to be involved with remarkable activities such as the visit of the Queen and the Duke of Edinburgh when Greg, as Speaker, was able to escort them around.

I suspect that the flip side of that, the low point, may well have been not winning a guernsey in the First Assembly. Having worked so hard to get self-government up, I suspect that to miss out then on doing so was probably a bitter blow, but it shows the character of the man that he was able to come back and serve in successive assemblies from thereon in.

Just for the record, Greg joined the Young Liberals in 1956 and so began his lifelong involvement in politics. He moved to Canberra in 1966 and has remained a resident and a citizen ever since. In 1974 he was elected as a member of Jim Leedman's Liberal team to the newly-created ACT Assembly and was re-elected in 1979 to the renamed House of Assembly, and again in 1982 and in 1986 before the Assembly lapsed, I suspect before being abolished, and then was involved in the movement for home rule, I guess you could call it.

Greg was elected to the Assembly in 1992, 1995, 1998 and 2001. During his career, he served on a number of parliamentary committees. He was Speaker from 1995 to 2001, Deputy Speaker from 1992 to 1995, and 2001 to 2004, and is a great supporter of the Westminster tradition. He announced his retirement in January this year.

I think that the thing he will be remembered for is as the roads, rates, rubbish and graffiti man. Greg Cornwell is the epitome of what a local member should be, that is, a person who stands up for his constituents. That, I think, will be remembered as his great achievement. I thank Margaret and the family for all the support that they have given Greg. He has freely acknowledged that he could not have done what he did without them.

To Bill and Beverly, I think that the appropriate words have been said, and those on this side would offer our support.

Kerrie, those on this side of the chamber have not always agreed with you, but there is always hope and there is always time. We look forward to seeing where your career might take you. I guess you will not be disappointed if we do not wish you particularly well in the fight against a certain Senator Humphries.

Mr Speaker, on behalf of my colleagues, I would like to run through the names of some of the people that make this place work. I will do it as quickly as I can. I ask members to be a little indulgent. We thank the attendants—Reg, Rod, Peter, Peter, Richard, Wayne, Laine and the newly-arrived Lewis, and I will throw in Brian Guest as it has been a time of change for this Assembly, but we have not forgotten those that that have gone—very much for their support, particularly Rod, the keeper of the sweets.

We thank the committee staff—Jane, Linda, Kerry, Judy, Siobhan, Stephanie and Robina—and those that have moved on, Patrick, Judith and particularly Derek Abbott, who was a great source of amusement and support to all of us. I do not think that people understand how much work the committee staff actually do.

Turning to corporate services, we thank Sandra, Shirley, Lisa, Judy, Ian and Barry for keeping the wheels turning, particularly, Barry who keeps all our wheels turning. We thank Russell, Pattie, Ray Keith, Roger, David, Robert, Malcolm, Lucinda, Julia, Stephanie, Marilyn and, particularly, Valeria and Nathaniel from Hansard and communications for all the work they do to make things work.

We thank the education officers, Cassandra and, particularly, Margaret Jones. Telling people what we do here and educating people about what the Assembly can do for them is particularly important. Turning to the library staff, we thank Brenda, Joanne,

Catherine, Kathy, Chiew Yee and Siew Chin very much for all the work they do in chasing down the press releases, with which we are always slow.

I come the chamber support staff. We all remember the late Celia Harsdorf with a great deal of affection and will never forget her. To Anne, Tammie, Celeste and Janice, thanks very much. I have a couple of special mentions—Mark McRae, who has moved on, another one of the notable turning points in the term of this Assembly, and the two new crewmen at the helm.

I think it is important to say that the arrival of “Midnight” Max seems to have changed everything. It is an eerie thought that “Midnight” Max is getting a mention as we approach midnight. “Midnight” Max has seen in his time here more late night sittings than any other person. Max holds the record. With Max at the table we have had motions of grave concern, censure, no confidence and contempt. We have had late nights. We had a storming of the Assembly, with the police arriving 15 minutes later. We have a man who will see his beloved St Kilda come to the fore for the first time since 1966. Max, for all your endeavours, well done.

I turn to Tom Duncan, the newly-elevated Clerk. For a Collingwood supporter to be sitting next to a St Kilda man at the height of their game must be tough. For those of you that do not know, Tom will be off overseas soon. Travel well. His birthday will be next week and nuptials are in the air. Congratulations, Tom.

I turn to the group we do not thank, the media. We only have one representative of the media with us, Mr Quinn. We do not always agree with the media as it does not always get it right, but we do respect what the media does. For the members of the media to understand us is probably as hard as it is for us to understand how they understand us. To the representatives of radio, TV and the print media—joining the *Canberra Times* and the *Chronicle* we now have *City News* and, in Tuggeranong, the *Word*—I say that getting the news out is really important and is a hard job. Well done to you.

Mr Speaker, as I sit here I sometimes seek inspiration on how to thwart you as Speaker. It is interesting to see the poacher turned gamekeeper smirk and to think about how much grief we all must have caused you over the last year, but I will say on my behalf and on behalf of my team that you have done a really good job, Wayne. Congratulations. As a Speaker, I think that you have been exemplary.

I will finish with a quick wrap-up. I thank my colleagues for all their support. Thanks very much to all the staff that look after this side of the house, wherever you are. I thank my personal staff—Tim Dillon, who was kind enough to stay on; Mal Baalman; Sandy Tanner, Anthony Williamson; Skye and Amy; Keith Old, who can find any information you want wherever; Ian Wearing, the gentlemen farmer who would much prefer swords to ploughshares, I suspect; Tim McGhie, who always comes through with the goods; Dinah, the miracle worker who has looked after all six of us; and the chief of staff, James, who has somehow managed to retain his sanity, although I am not so sure how much longer it will last.

Ladies and gentlemen, best of luck in your endeavours, best of luck in the Assembly. Who knows how many of us will be back, but it is worth the fight, it is worth the go,

because I think that we all do what we do with a lot of dedication and devotion. That is to your credit. Play hard and enjoy yourselves.

Friday, 27 August 2004

Valedictory

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (12.03 am): I will be fairly brief, Mr Speaker. I rise to wish everybody well through the next n months, in particular Bill Wood. I have had the pleasure of sitting beside him for quite a long time and in my first days in this place learned a fair bit from him.

He has the capacity to pass a compliment to the opposition—or the government, from opposition—which makes the criticism just that much more devastating afterwards. But Bill has always been fair and measured in what he has said in this place and is a model that ought to be followed. We should find a place for you here somewhere, Bill; you could give some rookies a bit of an introduction.

Kerrie, I wish you well in your pursuit of the Holy Grail on the hill. From this side of the house we wish you all the best. Greg, in your retirement: enjoy, and good luck to you and to Margaret, who is here tonight.

I thank my staff—Narelle, Lynne, Jeff, Steve and Adrian, and Peter, who worked for me for some time—the DLOs who worked in my office—Shane and Glen and Deborah and Marsha—and all the departmental officers who have provided assistance, answered frantic calls for information and figures in a very efficient manner and kept our office briefed and up to date.

I thank all of those staff who have already been enumerated in this place. This is quite a stunning place in the way it works with the resources that are here. For what is done here, it is quite amazing. I thank my mates over here. They have had this period in government—of course, my first. It has been most enjoyable but very hard work. Our community expects a fair bit from us, particularly from its ministers.

I echo your thoughts, Greg, on an expansion of the size of the Assembly—I do not know how the public will take it—and certainly an expansion of the ministry because it is genuinely quite difficult at times. Finally, I mention my partner, Margaret Spalding, who has a particularly onerous role in our community of her own, and yet we still find the time for at least half a life together. Thank you.

Valedictory

MRS BURKE (12.06 am): I will be very brief. Last time, before going into an election, I was over that side and I think I rose, to a gasp and a look of horror on Mr Quinlan's face, and started to sing a song from Peter Cook and Dudley Moore, that goes, "Now's the time to say goodbye; now's the time to yield a sigh." I am not actually going to sing it—you will be pleased, Mr Quinlan. There you go. I do not like goodbyes, and I will see you later. I want to wish my colleague Mr Cornwell—and Mr Wood and Ms Tucker—all the very best on a new journey—because it is a new journey. It is not goodbye; it is

"We'll see you around." Canberra is a small place but, Greg, you have got to come back off holiday.

Mr Speaker, I appreciated your words, "highest quality work expected from us". It is something that stood out to me, and I cannot add to your words, sir. To do so would take away from the spirit and the intent of those eloquent words. So I will just say thank you to everyone. Thank you to my staff: Eleanor Fraser, Dean Logan and Paula Ewing. It has been a little bit up and down, stop and start, and I have tried to make up ground in the short time I have been in the Assembly again. But, hey, I have just said to Rod Quinn sitting in the gallery there, "Nine months first time, 18 months this time. I am going for the full term next time." I want to thank all the Assembly staff—all of them. I know that this has been said, so I am not going to go there. I want to thank the departmental liaison officers, particularly Pat Madigan and Ashley King in Mr Wood's office and Colleen Dankers in Ms Gallagher's office.

Last but not least, I have to thank the family, and I think many members have said that. I could not do this job on my own. I give thanks to God for the strength that I get from my faith. I also thank my husband, my best friend, my tower, my strength, without whom I could not do this job. He makes it possible. I want to wish everyone well for the forthcoming election. If I see you on the hustings, let's smile, let's share the stand and let's make this a good, fair fight.

Valedictory

MR HARGREAVES (12.08 am): Comrade Speaker, I rise today to acknowledge the service of three of our members. Interestingly, the three members represent each of the three segments of the Assembly. I have served with Bill Wood since coming here in 1998 as an opposition colleague and during his tenure as a minister in the Stanhope government. It has been my privilege to serve with Bill, and I would like to acknowledge publicly the debt that I owe him.

His wisdom, his experience and his quiet demeanour—although this last week might have been a bit of an exception to that—have all contributed significantly to the quality of our team. His service to the people of the ACT over the five assemblies has been outstanding. He has been a minister twice in the formative years of political maturity in this town, and his contribution to the maturing of the politics of local and territory governance in this town cannot be overstated. He will be very sorely missed.

I learnt some of the tricks of the trade from Mr Cornwell. I acknowledge his service as Speaker of this chamber, and I can honestly say that I learnt much of my knowledge of matters procedural from him. Our service on the Standing Committee on Community Services and Social Equity has been most enjoyable, as we were able to attack issues from different perspectives: I want to let'em go and he wants to lock'em up! He tackled it in a mostly bipartisan fashion, and I enjoyed his company very much.

Comrade Speaker, Kerrie Tucker has become in my mind an institution within this Assembly, and who, I ask, would want to be committed to an institution? I have admired her tenacity on issues. I told her once that I was her number one fan, and I still am. I hope you get elected to the Senate, Kerrie. I really do. It will get you out of here.

I have admired her tenacity on issues when the votes were railed up against her, when she was always going to lose. She has had the most 16:1 votes in this place since 1989, but she has always worn that well. It is important to recognise that Kerrie's principles are always more important than her popularity in this chamber. I have always regarded her as a gentle person with much conviction and someone I have been very proud to be associated with.

I am grateful to the people of Brindabella for giving me the opportunity to serve them for two terms in this place. It is an honour only a few people have had bestowed upon them, and I am humbled when I reflect on this honour. I was going to express my appreciation of a number of people, but thanks to the Leader of the Opposition, who has gone through the phone book, they have been listed. I appreciate that because time is of the essence.

We often pick up the committees and all those sorts of things. I am really much in their debt because they are fantastic people. We should also remember that without Rex Hunt's mentor, Ray Blundell, up here we would not function and nobody would know about us. We need to acknowledge Ray, and we also need to acknowledge all the attendants. I mean, old Reg over here is a card. If you want to know any goss or anything that is going on or when the Prime Minister is going to Government House, ask Reg.

Mr Comrade Speaker, I want to acknowledge Barry "Go the Pliers" Schilg. As Brendan said, without Barry the technical support just would not work in this place. I would like to acknowledge my staff: Maria Vincent, Andrew Barr and Ian McNeill, who are brilliant. Maria is legendary amongst my constituents; without her I would have no reputation out there at all. Andrew is just brilliant in my office. Thank you, colleagues. I have had an absolute blast these last three years, and I hope to be back and to have a blast in the next three years too.

Ms Dundas: Four.

MR HARGREAVES: No, I am going to go only three. Then I am going to retire. You heard it first, my friend.

Valedictory

MR STEFANIAK (12.13 am): I thank colleagues, especially my own personal staff, the opposition staff and, indeed, the staff of government members and members of the crossbenches. It has been a pleasure dealing with you. I think we are very lucky with the staff in this place. I thank all of you. I thank my Assembly colleagues for the last three-year term. It has been interesting. It is always different. There are always different people. I do not think people realise just how much work is done in this place.

To the Assembly staff, in all their various capacities—whom my leader, Mr Smyth, has gone through, person by person—thank you for the fantastic effort that you make. Max, you have a magnificent team there. Finally, Mr Speaker, I congratulate you on your first term as Speaker. You have handled it exceptionally well, with fairness, dignity and firmness, when required. I thank you for your efforts. Good luck to everyone who is standing again, and I hope to see most of you back here.

This is a historic moment. We are farewelling three people who all go out winners; they are winners because they leave at the time of their own choosing. Firstly, I farewell my colleague and good friend Greg Cornwell, who has been a member of this place for 12 years. I will miss Greg greatly, not only for his friendship but also because we share some fairly similar conservative views on a number of things. It was interesting tonight to see what I regard as history being made: for the first time Greg and I voted to take out a term of imprisonment for an offence, and the Labor Party over there wanted to keep it in. Even Ms Tucker wanted to keep it in. This place never fails to amaze me.

It will be a shame to lose Greg. Apart from having been an excellent Speaker and a great member of this Assembly, he is wonderful with constituents. I will always remember the almost stinging letters he would write to me and other ministerial colleagues on behalf of his constituents. He has always been a tireless fighter for his constituents and a tireless fighter for self-government for the territory. It is the end of an era when Greg Cornwell leaves this place. It happens to us all, but it is a sad day nevertheless. Thank you, Greg, for your contribution to the Australian Capital Territory, to this little parliament and to the Liberal Party and, on a personal note, for being a very good mate, too. I wish you and Margaret, who has given you such wonderful support, all the best.

I also wish well to Bill and Beverly Wood, whom I have also known for many years. Bill, you, Mr Speaker, and I were members of the first Assembly. Whilst I was out for a while, he and you are the only remaining members—and you will be the last after he leaves tonight—who were there at the inception of self-government. Bill mentioned the arts and heritage committee earlier on, with the late Hector Kinloch. It was a bit of a magical mystery tour on some of the trips we made to investigate what art facilities the territory needed. Basically, one of our first recommendations was that we did not need a $50 million theatre. We made some good recommendations.

I have always found Bill Wood to be a thorough gentleman and a very honourable man to deal with. Back in September 1991, when I was dumped down the ticket to No 8 in the Liberal Party, I seriously considered my future. I was not too sure whom to turn to, and I sought some advice from a man I respected on the other side of politics, with whom I had served on a committee: one Bill Wood. He gave me some very good advice then.

Mr Stanhope: You’re to blame for that, are you?

MR STEFANIAK: How about that! It has always been a pleasure dealing with Bill. He has a genuine concern for the people of the territory, and I have always found it helpful dealing with him and his office. All the very best to you, Bill, to Beverly and to your family in your retirement. Thank you for the fantastic contribution you have made to the Australian Capital Territory.

Now I will turn to a person I would disagree with 90 per cent of the time, a lady who has also served her community very well and in a very different way perhaps to the way some of us do.

Mr Stanhope: Ninety per cent, Bill?

MR STEFANIAK: Ninety-five per cent then, Jon. Despite the fact that Kerrie Tucker and I have disagreed on a large number of things—although today we disagreed on something quite weird: she wanted to keep an imprisonment term in and we took it out—I think she has served this Assembly and the people of Canberra with great distinction. She has been a tireless worker for what she believes in. She has shown great tenacity. She has also shown great predictability. You certainly know where you stand with Kerrie Tucker in policy and other things as well. She is certainly a person of great conviction.

Whilst a lot of what she believes in I certainly do not, and vice versa, I regard her as a person of integrity. Kerrie, I wish you all the very best in your future endeavours, whatever they are. I suppose I cannot wish you all the best in your current quest for the Senate, for obvious reasons. It has been interesting and, fundamentally, it has been a pleasure and an honour to serve with you, as it has been to serve with you, Bill Wood, and you, Greg. My best wishes to all three of you, and your families, for whatever the future holds.

Valedictory

MS DUNDAS (12.19 am): At the close of this Assembly I also rise to add a few words and to thank the voters of Ginninderra for giving me the opportunity to stand here in this place, the opportunity to work with all of you and the opportunity to work with the community, with this Assembly and to contribute in such a privileged way to my community.

I, too, would like to pay tribute to retiring members. Minister Wood, I remember quite clearly the day you were first elected to the ACT Assembly because it was the day that I lost a teacher back at Giralang primary school. Many years later, I have been lucky enough to have the opportunity to learn from you again, and I thank you for your work as a minister that I have been able to view in this term. You have been incredibly receptive to a wide range of ideas, and your passion for issues is quite evident.

Mr Cornwell, as many have said, we have quite often disagreed on a whole array of things. But I truly appreciate the different view that you bring to this Assembly; it is a different view from mine. We have sparred across this chamber, but we have always been able to walk and talk out of here as friends. I have really enjoyed working with you and especially your tireless campaign for self-funded retirees. As you move into that little category yourself, I expect to hear from you next term about how we need to do more for self-funded retirees.

Kerrie, I find it hard to find the right words to say about you, but I truly respect the work that you have done. I admire the work that you have been able to do, and standing here has shown me how hard it is that you have worked. The thing I really appreciate about you is your hidden sparks of humour that just shine through at the best moments to lift the mood of what can often be quite tiring and quite emotional debates.

Of course, I pay tribute to the staff who have worked with me over the past three years: to Llewellyn, who has been with me since day one, for his amazing ability to get his head around quite complex legislation and then explain it to me in a way that I understand—I thank him for that; to Jocelyn Bell, for her amazing focus on detail and her great

awareness of and passion for those who suffer social disadvantage—I think together we have been able to do great good in addressing social disadvantage; to Andrew Blake, a more recent member of my staff, who has campaigned tirelessly and has a good touch of reality and is able to bring me back to earth; and to Geoffrey Rutledge and Mary Andrews, who have also served with me. I have thanked them many times before for the work they have contributed.

As tonight is a night to recognise our families, I pay great tribute to my parents, who are always supportive of me; to my brother, who is not so supportive, but always understanding; and, again, to my urban family. As members know, I have a different living arrangement from many in this place. I live, at the moment, with five other people, and they are fantastic people whom I could not live without at this stage.

I want to thank Erica. Her journey over the past three years has been an amazing one as well. She has taken on some amazing jobs and kept the feminist candle burning in what have been some quite hard times for women in Australia. I pay tribute to Amanda, who has been my ongoing fashion adviser and gossip guru and who brings light into every room she walks into. I pay tribute to Jason, who has achieved so many of the goals he set himself four years ago in relation to the Australian Democrats, for the work that he has done in keeping the Democrats going as a force, both on a local level and a federal one.

Rachel and Andrew, the new additions to my urban family, you always bring a fresh and very grounded perspective to the debates that keep going at our kitchen table late into the night—funnily enough, I do not get enough of the debates here; I continue the debates at home. Of course, I pay my thanks to a recent addition to my world, who understands the pressure of this job and is quite understanding about the late hours. What more could one ask from a partner on the journey?

Politics is hard but we all play a very important part in moving our community forward. Our community is always, as many have said, on a journey. Where that journey goes is very much shaped by the work that we do here in the Assembly. As the Speaker has already alluded to, it is a very long and ongoing journey. It has been 15 years so far for the ACT and there will be many years to come. I thank each and every member of this place for the contribution that they have made to this very important journey. I hope we can all see the important work that we have done, and I hope the community recognises the important work that we have done for them and with them.

Valedictory

MR CORBELL (Minister for Health and Minister for Planning) (12.25 am): Mr Speaker, I rise briefly to first of all place on the record my thanks to my Labor colleagues in this place for their support over the past three years. I have greatly enjoyed being a member of the first Stanhope government, and I look forward to the opportunity to continue, if that is the outcome of the next election.

I would particularly like to place on record my acknowledgement of the people who are leaving this place—first of all, my ministerial colleague, Mr Wood. It has been a pleasure to have battled with him, in budget cabinet, on housing budget matters and in return have had his support on public transport and a range of other issues. Mr Wood,

I will miss you, but I am sure we will continue to pursue those very important issues, along with many others.

Mr Cornwell on one occasion threw me out of this chamber, which is something I recommend to every member in this place. It is a growing experience. Mr Cornwell, I wish you all the best. You and your wife have always been very generous to me when I have met you and spoken with you at social occasions. I wish you all the best.

Finally, to Ms Tucker. After my inaugural speech in this place, Ms Tucker came up to me. It was the first time I had spoken to Ms Tucker. She said, "Are you sure you are in the right party?" I do not know whether she still thinks that. Nevertheless, I have greatly enjoyed working and debating with Ms Tucker. Kerrie, we perhaps share more goals than we acknowledge in debates in this place; we just have different arguments about how we get there.

To those members who are leaving, I wish you all the best. I place on the record my acknowledgement of your work and your contribution to the ACT, and I am sure that we will speak further in the future.

Valedictory

MRS DUNNE (12.27 am): Mr Speaker, perhaps we should start off by thanking our mums and dads, and that sort of thing, because this always has a last day of term mood about it, and people sometimes get a bit out of hand. As we were walking down the stairs this morning, I said, "Do you think everyone will behave?" You said, "No," but you seemed to be looking forward to the challenge of us not behaving today. It was a pretty ragged start. Maybe everyone would have liked to have been punching out a few more zeds before they came in here this morning.

I thank you, Mr Speaker, for keeping order today and keeping order all the time. While we are talking about throwing people out, I might have come close a couple of times, but it was Pratty who got the—

MR SPEAKER: You never know. I can always serve it up cold.

MRS DUNNE: Like, Ms Dundas, I want to thank the people of Ginninderra. It is a privilege. A lot of us attempt to sign up for this, and some of us do not succeed. It is a very fraught existence because we get to this end of the political cycle and wonder where we will be and whether we will be as fortunate as our colleagues who are choosing, as Bill Stefaniak said, the time of their own departure.

In the meantime, we have to keep on doing the work, which is a great pleasure. About two years ago a friend of mine became a staffer up on the hill. He had always been interested in politics, and he sent me a text message one day that said, "Hey, this is a really great job. This is a fantastic job." I sent him a message back and said, "There's one better." Having been a staffer for nearly six years, I can attest to the fact that being a staffer is a great job but being a member is a far better job, and it is a great privilege.

You know how on Saturday night you think, "I'd really like to kick back and watch the footy," and you realise that you have committed yourself to going somewhere and you

think, "Gee, why did I agree to do that?"—especially if you have been out all day doorknocking and things like that. But almost invariably, you come back with your spirits lifted because you have gone somewhere in the community and met somebody who is making a difference. And we are about making a difference. No-one is conscripted into this job, but I hope those who get it appreciate the privilege.

Mr Speaker, at the risk of being a bit discordant, there are a couple of things that I think we should be careful about that have been part of what could be considered a game around here but I think are not part of the game. They are attacks on people's families and their personal and business activities. They are not part of the game. We are elected; our families are not. They are not part of the slanging system here.

I also consider not part of the game systematic, sustained and premeditated attacks on members for their previous activities, in particular, accusing one of espionage, of betraying his previous employers and betraying his mates. Sometimes that is said jocularly, but it is not a light matter and it is not a legitimate part of political debate. That said, on the whole we across this place recognise that in this chamber, which is really not much bigger than your average lounge room—

Mr Hargreaves: I'd like to see your house! You're getting paid too much!

MRS DUNNE: Okay, twice the size of your average lounge. It is a very personal place and everything you do is very up close and personal, which is something other people do not appreciate. I have friends visiting at the moment from the UK, who are very actively involved in political lobbying in the House of Commons and elsewhere, who sat here today and said "What you people do is amazing." With the small number of us and the amount of stuff that we have to cover, we do amazing work. This sticks with me.

Somebody on the hill, who was a minister, whom I admire, met me one day at breakfast when I was quite new in this job. He asked me, "What are you going to do today, Vicki? Do you have much to do on a sitting day?" I said, "Well, I have got two committee reports to bring down, and I have got this to do and I am speaking on an MPI and I have two bills to address. By the time I get to the end of the day I have about seven speeches and a question to ask."

He is a federal cabinet minister, and he went, "I do not do anything like that." They do not do anything like that because of the sheer number of people. You get to spread the agony around, but we are up close and personal. If we make a mistake with standing orders, everybody notices. But it also brings a sort of camaraderie because when you do make a mistake there is always someone there to whisper what you should be doing. I thank people for that. I thank the staff.

While I do not want to enumerate, I do want to thank a list of people: my committee secretaries, Maureen Weekes, and Derek Abbott, Linda Atkinson and Robina Jaffray—because they taught me a great deal about how the parliamentary system works. I want to pay tribute to my colleagues on the committee: Katy Gallagher, who did not stay; Roslyn Dundas, whom I would not let go; Helen Cross; and John Hargreaves, who makes a very good travelling companion. If you have to travel on committee business, I recommend that you go with John Hargreaves because there will never be a dull moment.

I want to pay tribute to my colleagues because I cannot imagine what it would be like being in here alone. I pay tribute to the outgoing members—Kerrie Tucker, to you because we agree much more than you and Bill Stefaniak would, let's put it that way. I think from time to time the view from Kerrie is, "What the hell is she saying? It doesn't compute. How can a Liberal think like that?" I like to keep you guessing, Kerrie. I want to thank you for your hard work and I pay tribute to you and your staff because never a debate goes past where you do not contribute, and that is a testament to a vast amount of work.

Bill Wood, the father of the house, I hope that you and Beverley have a very successful other life, not a retirement. Don't ever retire. And to Greg Cornwell. What can you say about Greg Cornwell? He is irascible; I do not agree with him on a lot of things; I agree with him on many more. He taught me a lot. He taught me about constituent work, because he is the master. No constituent is left unattended by Greg Cornwell. Most of all, it is his fantastic sense of humour and his capacity to lighten a discussion. At the same time, his feet are on the ground: he is always saying to us, "What do the people out there think? I don't care what you think. What do the people out there think?" That groundedness has been a great tutor for me, and I thank him for it.

I would like to thank my staff—Norman Abjorensen, who set me on my way, and Lyle, Olivia and Kate. I also thank my family—there is a bit of crossover here—Lyle, Olivia, Tom, Julia, Isabella and Connor. Without them I would not be here.

MR SPEAKER: Ms Tucker.

MR HARGREAVES: Oh-oh! Another long speech!

MS GALLAGHER: No extensions!

Valedictory

MS TUCKER (12.37 am): Actually, you probably will not believe this, but I do not like making speeches. I know I talk a lot, but you know it is because I am talking about issues; I am talking about legislation. I can do that—as you are well aware—but I do not like making speeches like this very much. However, I want to thank everyone for their kind words. I really appreciate what you have said. I know I am not that good and that I stuff up quite often. I also know that I have learnt so much from my experience in this place. When I arrived here with Lucy Horodny and we went into those two empty offices, I was so scared, and I was that scared for at least six months. I had nightmares for six months.

I remember talking to a friend of my sister's, who is a psychologist, and she said, "That's good, Kerrie. You're processing it." I did not really feel good about that, but then I met this other sort of psychologist person too. I told her and said, "But I've been told that's good and I'm processing it." She said, "No, that means you're really traumatised." I think that is the truth of it, actually. I was so ill-prepared in lots of ways. But I have always had really amazing people working with me, whom I have grown to love very much and still love very much.

Tonight Allison, Roland, Regan and Catherine are behind me. I will not have a look at them, otherwise I will just weep and not be able to say anything else. I love them dearly, and they have been incredibly supportive in the work. I am proud of the work that we have done in the Assembly. I think we have promoted the Greens' position in an articulate and credible way. We have spoken on pretty well every issue that has come up because we have seen that it is our responsibility that the ACT community understands why we vote in the way we vote. That way they can understand also what the Greens stand for.

I am the public face of the work that has occurred in our office, but it is the result of the work of the people behind me—whom I will not look at, so that I do not cry—the people who came before them, including Natasha, whom Tom will remember very well; Jono, when we first arrived here; Peter and Gordon, who many people here know; David; and other people who have come in on odd occasions or for shorter times and worked in the office.

As for any reflections on my time here in the Assembly, I would say that I have really enjoyed working in the Commonwealth Parliamentary Association because that gave me an understanding of the vast array of different forms of the Westminster system in the Commonwealth. It made me understand how fortunate I am to be in this Legislative Assembly because it is a particularly effective little democracy. I think that is partly to do with the electoral system and the fact that we have a minority government.

It is also probably about the size, as other members have said, where alliances change according to the issue. I know what Mrs Dunne said and I know that she thinks that she keeps me guessing. But I did notice that when I made a comment on a supplementary question from her last week to Mr Stanhope, Mr Smyth thought that was unusual and Vicki commented on it. I said, "Well, I've got no real allegiances here. I'm just working on the issue, and I am happy to work with Mrs Dunne on that question." That is what has to happen in this place because we move from one issue to the next.

I have met incredibly inspiring people from the Canberra community, and that is one of the rich things about the life of a politician. You meet the people who are active in the community; that is why they contact you quite often. I said this the other night, so sorry to people who have heard it, but I think it is a relevant comment. Helen Keller apparently said, "The world is full of suffering, but the world is also full of overcoming it." In politics I feel you meet the people who are doing the overcoming and who are about transforming our community and our society, which is a really positive life experience.

MR SPEAKER: Do you require an extension?

MS TUCKER: Did anyone else get a bell?

Mr Quinlan: Vicki had two.

Mr Hargreaves: Everybody's had a bell. It's not the lunch bell.

Mr Smyth: Go for it!

Mr Cornwell: We'd need Big Ben.

MS TUCKER: That is really mean. I do not want to talk to each of you personally. I would definitely cry if I did that as well. I will certainly talk to you all when we have time to talk more personally over the time that we are still here. I also want to acknowledge a few people. I want to acknowledge John Tucker because he is very important to my life and the work that I have done here.

I want to also acknowledge everyone else that works in this Assembly: the attendants, who are so important in this place and have always been a good, constant, friendly presence for me and important in their support; the Secretariat staff, who are all here now—I will not name them all but would specifically mention Judy Henderson because she is not here; she was extremely important in teaching me how the committee system works in the Assembly—all the chamber staff, for their support; the Hansard staff; library staff; the education office; Personnel; Barry; and also the media—particularly Scott from the *Canberra Times*—because the media people, who are here all the time, are as much a part of this working environment as any of us. I value the relationship with them, and I have also valued their insights.

I want to wish Mr Cornwell and Mr Wood the very best in their voluntary leaving of the Assembly. I might say one thing about one person—and that could be you, Mr Cornwell. When you made your speech I just laughed. I loved it so much when you said what you said about the noisy majorities and that everyone needs to be equal. I just thought: ain't democracy great? We have such different views in so many ways and yet, as I think Roslyn said, it is great that we can have a good working relationship even though we come from such a different space. I learnt that too.

I remember that, when I was first here and had experienced some of those really different views, I was just appalled and thought, "How do I deal with this?" You have moved out of your comfort zone. We are all in our own cultural group to a large degree until we come into this environment, and then we have a very different experience. As a person I think that is fantastic because having that opportunity to understand why other people feel the way they do makes you learn and grow incredibly. I think that is enough. I wish you all the best.

Members: Hear, hear!

Valedictory

MR PRATT (12.45 am): Mr Speaker, thank you for not throwing me out more than once. I could start there, I should think. I would like to thank my constituents, first and foremost, for their cheerful forbearance when I meet them at shopping centres or when I annoy them at their homes and on the phone. I also thank those few who tell me to sod off, or words to that effect. That goes with the patch.

I would also like to thank the education, police and emergency services, and multicultural communities, with whom I have worked over these past three years, for what I have learnt from them about what makes our community tick. Of course, I must

thank my wife, Samira, and my kids, Yasmina and Hayden, who are all great people—as all of our families are. They understand the pressures that we work under.

I have been pleased to be associated with a range of constituency and Assembly achievements, and I just hope that I have been able to make some sort of a difference as part of a team and individually. I particularly want to wish Bill, and his wife Beverley, all the best. Bill, I have quite enjoyed the debates we have had on those portfolios, and I have learnt a lot from you as a minister. We have different approaches, but there has often been a lot of common ground. So, Bill, thanks for that.

Good luck to you, Kerrie, and your family—although I do not wish you any luck in the Senate race! But, indeed, truly, good luck, and thanks for everything here as well. Greg Cornwell, you are a stalwart. Greg has often been the anchor point in the party room because he just has a hell of a lot of experience. I wish both him and Margaret, his long-suffering wife, a lot of luck, warmth and good experiences.

Where do you start with the staff? There is Janice, who has had to go galloping around when I have asked her to do the impossible on legislation. There are Peter, Rod, Reg, Lewis, Margaret, Lucinda, Peter again, Barry and many others. There is Tom and there is Max and there are all of our support staff, who keep us honest, making sure that our admin pieces do not fall between the cracks. We would be lost without them. Thank you, all.

I would like to thank my staff in the life of this Assembly: Sandy, Melissa, Tina, David, Amy, Karen, Tracey and Gemma—the irascible, colourful Tracey and the solid Gemma, who are long-suffering and very supportive staff of mine. I also thank Dinah Bryant, James Lennane, Keith, Tim and Ian upstairs in your office, Brendan, for their general corporate support.

I thank my education committee colleagues, Karin and Ros and, of course, Kerry McGlinn. It has been a good committee to work on, and I reckon we have achieved a lot. I have quite enjoyed that. I thank my MLA colleagues on this side of the house for their forbearance and for their suffering and tolerance of my long, detailed reports and for understanding my strong sense of the ridiculous.

Finally, I would like to wish every one of you in this house, and all your staff, all the best for October 16. In the life of this Assembly, I have quite enjoyed very much working for you all.

Valedictory

MS MacDONALD (12.50 am): Mr Smyth and a couple of others have saved me the trouble of naming people individually, but I would like to thank the chamber support staff, under the guidance of Tom Duncan and, prior to him, Mark McRae, for making the place run smoothly and always reminding you, Mr Speaker, of what it is that we are up to next, making sure—as was the case tonight—that something that did or did not get agreed to got put in the right place when it had been missed out last week.

I appreciate the work the people in the education office do. They bring a lot of people into this place and send a lot of information out to inform about this place. That is

incredibly valuable. The comment was made to Corporate Services that they keep the wheels turning, and they also keep the pay coming. That is very important to keep in mind, not just for us but, of course, for our staff.

Earlier this week, I acknowledged the work of the committee office and the Hansard people, but I failed to acknowledge Larry Baldwin, who works in the Hansard office. I apologise to you for that, Larry. I have checked the sheet and your name is not on here, so I do not think you actually officially exist. I thank all the people who have worked in my office in the last three years: Helen Cooney, who used to say to me, “I am annoying but useful”—she was incredibly—

Mr Hargreaves: Annoying.

MS MacDONALD: She was not incredibly annoying, but she was very useful. I thank Kel Watt, who had his own sense of timing, and Alys Graham, Alicia Murray, Dave Smith, Neil Pharoah, Christina Myers, who is still in this place but was one of the people stolen by the ministers’ offices, Brett Jones, Lisa Brill, Rebecca Kearns, Duncan Harrod and Jeremy Johnson. Thank you to all of you for having made my life a lot easier, made the place run a lot more smoothly for me and kept me up on a lot of the gossip at different times that I was not aware of.

I would like to pay tribute to the retiring members. Mr Cornwell, I have visions of you in your retirement scrubbing off graffiti and making citizens arrests on those who behave in a fashion that is inappropriate. I remember the day of the Clean Up Australia Day motion, and I was talking about the people who drop cigarette butts. You were right in front of me when I was picking them up, and your suggestion was that I perform a citizens arrest on them. I am expecting at least one citizens arrest from you each week, Mr Cornwell.

Kerrie Tucker, I wish you luck in your race for the Senate, but I wish my good friend David Smith even more luck in that regard and, of course, Kate Lundy. I hope that you do get to enjoy your new property down on the Monaro and that you get to knit and make soup. I was on a reconnaissance mission and found out that that is what Ms Tucker really wants to do.

I pay tribute to my Labor Party colleague Bill Wood. Bill, you will be happy to know that I have lobbied Beverley on your behalf this evening, and I think I am getting her to the point where she is going to agree to the Vespa. I have also consulted with Matthew and Isabel. Matthew thinks you should buy him one, but I have suggested that if you get one, then he can borrow it. Bill, I wish you, in all earnestness, the best of luck for the future. You have been a very steadying influence, and I appreciate that steady hand that you have given to this place. I think we all do.

In regard to Mr Cornwell, Ms Tucker and Mr Wood, they are doing what I hope I will be lucky enough to do one day—that is, choose my date of leaving this place and not have it thrust upon me. Mr Speaker, I congratulate you for the way you have presided over this place. You have presided fairly effectively—and I will go a little bit over the five minutes, but not much. But Mr Speaker, comrade, compagnero, brother, I do have one bone to pick with you, and that is that you threw Mr Pratt out only once. I thought you could have done a little bit better than that.

I would like to thank those people who have kept me sane since I have been in this place—no, not you, Mr Hargreaves. Not you. I thank my former boss and my work colleague, Athol Cairn and Terry Hannan, for their advice from time to time and for their friendship. I appreciate all their sage advice. I thank my good friend Bob Kemp in Queensland for being himself and making me laugh. I will not tell you about the rude jokes he makes.

I thank my very good friends Jenny Wardrop, Trish McAloon, Fiona Nott and, most of all, Jane Wannell, who is more like a sister to me than a friend. I appreciate them very much for letting me ring and let off steam on numerous occasions, although Jenny lets me let off steam by just talking at me rather than listening to me. But that is good. I thank Brendan Scott, my husband and my antagonist—sometimes a person who drives me insane but who always means to do so in the best fashion—for suggesting the idea of running in the first place. Yes, it is his fault. I think it was a good idea in hindsight.

I have learnt much in my first term and I will be back to learn more and achieve more for the people of Brindabella and Canberra. I would like to think that I have made all who love and respect me proud of me and that, were he alive today, my dad, Allan MacDonald, would be proud and believe that I had always acted with honour and integrity in this place.

Valedictory

MRS CROSS (12.57 am): Mr Speaker, I echo the sentiments of many of my colleagues. I would like to thank the voters of Molonglo for giving me the opportunity to serve not only them but also the broader community. My journey in this place has been a very interesting one, both challenging and gratifying. I have observed, listened and learnt from members like Bill Wood.

Bill, you have been a very canny politician and a gentleman, and I have learnt a lot from watching you. Despite the fact that we may not agree philosophically on many things, I respect the way you approach your work. I have also learnt from Greg Cornwell, another gentleman. There are not many left. I do cherish some of the very special conversations we had and the debates that we had on a variety of issues.

John Hargreaves was very helpful to me from my very first week in this place; in fact, he was a good guide on a number of things. I do value, and did value, his help to me as a new member learning the ropes—question time, which was always interesting, standing orders, and committee work. He was always there to help, and he always offered. It was never solicited; he was just there. I appreciate the help that you gave me as a new member, John.

I used to find Kerrie Tucker the most awesome woman in this place. I thought, "My God, this woman's survived three terms." I said to Kerrie recently, "I now really admire, respect and appreciate more what you have had to endure, not only as a woman but also as someone who has fought to maintain a position, your philosophical opinions, your principles. We may agree to disagree on issues, but I do respect the fact that you continue to maintain your integrity and position on what you believe."

These people, and others, have guided me, encouraged me and challenged my views, but one of the most helpful has been Mr Berry, along with Sue Robinson from his office. They have gone out of their way to help me as a new member, and they made sure that my transition from the opposition to the crossbench went as smoothly as possible. I am aware that you, Mr Berry, have been a bit of a rascal in this place over the years.

MR SPEAKER: Order! You cannot reflect on the Chair, all right?

MRS CROSS: You have held just about every position that one can hold in a major party in this place, but the position that I can relate to is the position that you have held as Speaker. It is one that I feel you have carried out with great dignity and to a high standard. Having gone through some of the challenges you have gone through in your political career, I admire the fact that you have maintained your grace and dignity with those who have challenged you and caused you great distress. That is a lesson I have learnt watching you—how to deal with those that have done the same to me.

I thank my fellow committee members: Vicki Dunne, Roslyn Dundas, John Hargreaves and Katy Gallagher—from our first committee together—and Greg Cornwell. There is a crossover there because some of us serve on more than one committee. I thank my staff, the attendants, members of the Secretariat, Corporate Services, the Clerk and his team and, last but not least, the team that helped me through the evolutionary phase of being a new member in this place: David and David, Helen and Nick, Juliana, Sandra, Bede and others.

I appreciate the opportunity I have been given. The Greek community was very proud to have me here, as the first member in this Assembly of Greek origin. I hope I have done them proud, as well as my electorate. I wish everyone well in the upcoming election who genuinely wishes to put the community's interests first. I wish Ms Tucker well in her upcoming challenge for the Senate. I wish everyone a safe return to this place in the new year. Hopefully, the Prime Minister will call the election on Saturday and we will not go to the polls till 4 December, but we will see.

Question resolved in the affirmative.

The Assembly adjourned at 1.03 am until a day and hour to be fixed.

Incorporated document

Attachment 1
Document incorporated by the Minister for Urban Services

Earlier this year I requested that a review of Market Renters in Housing ACT be conducted. This review has been conducted by officers from the Department of Housing, Disability and Community Services, Chief Minister's Department and Department of Treasury. The review examines the historical reasons for market renters renting properties, the profile of market renters, the impact of this group on the operations of Housing ACT, policy options for the future treatment of this group, and makes recommendations.

Market Renters are tenants of Housing ACT who do not receive assistance through the granting of a rental rebate. Every State and Territory has market renters within their public housing systems due to security of tenure; however the ACT has historically higher levels due to the role of publicly funded housing in helping establish Canberra as the nation's capital. Due to the need for increased targeting of assistance to individuals and households with high support needs under the 1996 Commonwealth State Housing Agreement (CSHA), the number of market renters has decreased in all jurisdictions, including the ACT. They currently comprise 15% of all tenants compared with 22% in 2001.

Because market renters do not apply for a rental rebate, they are not required to provide household information and hence less information is available from internal data sources than for rebated renters and their households. However, from a comparison of available internal administrative data and the 2001 ABS Census, it is likely that in general market renters may have larger households, more income units within the household and be more likely to be of working age than rebated renters. They are more likely to occupy houses rather than flats and pay on average between $201 to $250 per week in rent. There is considerable movement amongst Housing ACT tenants in terms of their eligibility for a rental rebate; over a three year period around 70% of tenants received a rebate throughout the period, 12% of tenants were market renters throughout the period, and 18% moved between the two groups.

Housing ACT is required to charge a private market equivalent rent for a property under the CSHA, and employs an independent professional valuer to calculate them using a 5% sampling method. The Residential Tenancies Act 1997 allows for rents to be altered once a year, with Housing ACT conducting a review each October. The Review considered the current process for valuing the portfolio to be cost effective, with an average cost of $4.50 per house per annum. The process is also considered to produce accurate market rents; this being reflected in the low number of appeals being made concerning rent determinations in the Residential Tenancies Tribunal, and the resulting sales of Housing ACT properties based on these valuations that are consistent with market trends.

In 2003 there were 94 appeals as a result of the annual rent review process. Of these, 36 were denied, 40 were varied (usually by around $5), 6 upheld and a further 6 are still pending.

Housing ACT rents and property prices are consistently in the bottom half of the market; the reasons are the generally lower levels of amenity, fixtures and fittings of the stock, and the dominant role of Housing ACT in providing affordable housing to the bottom two income quintiles in the ACT community.

As for rebated renters, the suitability of other housing options for market renters is limited, with equivalent stock in the private rental market currently not being available due to Canberra having the highest median rents amongst capital cities. There is some scope for market renters to be amongst the target groups to receive assistance for first home buyers under the enhanced stamp duty concession schemes, and targeted land releases announced in the 2004-05 Budget.

Housing ACT, like other public housing authorities, uses rental income from market renters as an important component to help finance services it provides. This rental stream is decreasing, as the number of market renters decreases, and increased targeting of assistance by Housing ACT means that for the first time rental rebates are now larger than rent received. A report by Jon Hall and Mike Berry of the Australian Housing and Urban Research Institute confirms that as a long term strategy, targeting of assistance with decreasing funding from both the CSHA and from rental incomes is not sustainable, and suggests that an increasing proportion of tenants with greater household income growth potential should be allocated housing than at present.

The Review has concluded that market renters play an important role in the viability and sustainability of Housing ACT, both as an income source to help pay for services the organisation provides, and as an important contributor to the broader role of public housing being more representative of the community, and helping to sustain tenancies. It is recommended that a study be conducted to assess appropriate strategies to help strengthen this viability in the long term.

I have agreed to the recommendations of the Report, and asked the Department of Disability, Housing and Community Services to implement them.

Schedules of amendments

Schedule 1

Residential Tenancies Amendment Bill 2004

Amendment moved by the Attorney-General

3
Clause 30
Proposed new section 102 (2) (ba)
Page 20, line 8—

insert

(ba) for a termination and possession order subject to a condition precedent—

(i) the registrar has given the person to whom the order was directed a notice under section 42 (1) (Conditional orders); and

(ii) the person cannot apply to the tribunal for a stay of the eviction proceedings; or

Note The tribunal may make a termination and possession order under div 4.4 (Termination initiated by lessor).

Schedule 2

Residential Tenancies Amendment Bill 2004

Amendment moved by Ms Tucker

1
Clause 30
Proposed new section 102 (3)
Page 20, line 10—

Insert

(3) The tribunal may, on application by a party, while a termination and possession order subject to a condition precedent is in force – do any of the following:

(a) amend the order, whether by extending it to a stated date or otherwise; or

(b) set the order aside;

whether or not a notice has been served under section 42(1).

Schedule 3

Civil Law (Wrongs) (Proportionate Liability and Professional Standards) Bill 2004

Amendments moved by the Attorney-General

1
Clause 8
Proposed new section 29 (3)
Page 25, line 12—

omit

2
Clause 8
Proposed new section 50 (3)
Page 36, line 18—

omit

Schedule 4

Auditor-General Amendment Bill 2004

Amendments moved by Ms Dundas

1
Clause 8
Proposed new section 14B (1), penalty
Page 4, line 25—

omit the penalty, substitute

Maximum penalty: 50 penalty units.

2
Clause 8
Proposed new section 14B (2), penalty
Page 5, line 4—

omit the penalty, substitute

Maximum penalty: 50 penalty units.

3
Clause 8
Proposed new section 14C (1), penalty
Page 5, line 17—

omit the penalty, substitute

Maximum penalty: 50 penalty units.

4
Clause 8
Proposed new section 14C (2), penalty
Page 6, line 2—

omit the penalty, substitute

Maximum penalty: 50 penalty units.

5
Clause 8
Proposed new section 14C (3), penalty
Page 6, line 10—

omit the penalty, substitute

Maximum penalty: 50 penalty units.

6
Clause 8
New section 14C (3A)
Page 6, line 11—

insert

(3A) Subsection (3) does not apply if it was not reasonable in the circumstances for the auditor-general to continue to require the person to attend and answer questions.

7
Clause 13
Proposed new section 32B (1), penalty
Page 12, line 20—

omit the penalty, substitute

Maximum penalty: 50 penalty units.

Schedule 5

Auditor-General Amendment Bill 2004

Amendments moved by the Chief Minister

1
Clause 13
Proposed new section 32C (1)
Page 13, line 4—

omit

of protected information

substitute

by the person of information obtained by someone else while the other person was exercising a function of the auditor-general

2
Clause 13
Proposed new section 32C (4)
Page 13, line 14—

omit proposed new section 32C (4), substitute

(4) A person commits an offence if—

(a) the auditor-general or an authorised person has given the person a direction under subsection (1) prohibiting or restricting the disclosure of information; and

(b) the person intentionally discloses the information to someone else; and

(c) the disclosure contravenes the direction; and

(d) the person is reckless about whether the disclosure contravenes the direction.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Note See s 32D for when s (4) does not apply.

(5) A person (the ***discloser***) commits an offence if—

(a) the auditor-general or an authorised person has given a person other than the discloser a direction under subsection (1) prohibiting or restricting the disclosure of information; and

(b) the discloser knows that a direction has been given under subsection (1) in relation to the information; and

(c) the discloser intentionally discloses the information to someone else; and

(d) the disclosure contravenes the direction; and

(e) the discloser is reckless about whether the disclosure contravenes the direction.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Note See s 32D for when s (5) does not apply.

3
Clause 13
Proposed new section 32D (1)
Page 13, line 24—

after

section 32C (4)

insert

or (5)

Schedule 6

Auditor-General Amendment Bill 2004

Amendments moved by Mr Smyth to Mr Stanhope's amendments

1
Amendment 2
Clause 13

Proposed new section 32C (4)
Page 13, line 14—

omit the penalty and substitute

Maximum penalty: 50 penalty units.

2
Amendment 2
Clause 13
Proposed new section 32C (5)
Page 13, line 14—

omit the penalty and substitute

Maximum penalty: 50 penalty units.

Schedule 7

Road Transport (Public Passenger Services) Amendment Bill 2003

Amendments moved by the Minister for Urban Services

5
Clause 13
Proposed new section 60C
Page 6, line 17—

omit proposed new section 60C, substitute

60C Transferability of hire car licences

(1) A hire car licence (other than a restricted hire car licence) issued before the commencement of this section is transferable.

Examples of how licence might be transferred

1 hiring the licence to someone else

2 selling the licence to someone else

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).

(2) A hire car licence issued after the commencement of this section is not transferable.

(3) A restricted hire car licence is not transferable.

(4) If the holder of a transferable hire car licence asks the road transport authority to transfer the licence to someone else, the authority must transfer the licence to the person.

6
Clause 13
Proposed new section 60F (1) (a)
Page 8, line 5—

omit

, including an auction system for allocating licences

7
Clause 13
Proposed new section 60J, examples
Page 10, line 4—

omit the examples, substitute

Example of a restricted hire car service

a pre-booked public passenger service that provides transport to weddings and school formals

8
Proposed new clause 13A
Page 16, line 16—

insert

13A New section 60T

in part 6, insert

60T Unauthorised public passenger services

(1) A person must not use a vehicle for the transport of passengers for a fare or other consideration along a road or road related area.

Maximum penalty: 50 penalty units.

(2) This section does not apply to the person if—

(a) the monetary or other consideration receivable by the person is not more than the cost of operating the vehicle to transport the passengers; or

(b) the person is entitled under this Act to operate the public passenger service being operated by the person.

Examples for par (a)

1 A car pool in which participants share the costs of operating the vehicle for the car pool.

2 Helen is a member of Bush Hikers Anonymous. She carries 2 other members in her car to a club walk. The 2 other members pay Helen part of the costs of operating her car for the club walk.

Note 1 For the entitlement of a person to operate a public passenger service, see the following provisions of this Act:

- s 18 and s 19 (bus services)
- s 51 (taxi services)
- s 60M (hire car services).

Note 2 This section also does not apply if the person is exempted from the operation of this section under s 64 or s 65.

Note 3 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) An offence against this section is a strict liability offence.

9
Clause 15
Proposed new part 7
Page 17, line 4—

omit

15 Part 7

substitute

Part 7 Transitional provisions

substitute

15 New part 7

insert

Part 7 Transitional provisions

10
Clause 15
Proposed new section 66, new definition of *annual weddings and school formals licence*
Page 17, line 7—

insert

annual weddings and school formals licence means a restricted hire vehicle operator's licence issued for 1 year under the General Act for providing hire car services for weddings and school formals.

11
Clause 15
Proposed new section 69 heading
Page 18, line 7—

omit the heading, substitute

69 Continuation of hire car licences

12
Clause 15
Proposed new section 69 (1) (b)
Page 18, line 11—

omit proposed new section 69 (1) (b), substitute

(b) an annual weddings and school formals licence.

13
Clause 15
Proposed new section 70 (1) (b) and (c)
Page 19, line 6—

omit proposed new section 70 (1) (b) and (c), substitute

(b) immediately before the commencement, was the holder of an annual weddings and school formals licence.

14
Clause 15
Proposed new section 70 (2) (b)

Page 19, line 14—

omit

or (c)

15
Clause 15
Proposed new section 70 (5), (6) and (7)
Page 19, line 24—

omit

16
Clause 15
Proposed new section 71 (1)
Page 20, line 15—

omit proposed new section 71 (1), substitute

(1) This section applies to a person who was taken to be an accredited tour and charter service operator under section 83 (Existing small buses) immediately before the section's expiry.

Note Section 83 expired on 1 June 2003.

17
Clause 15
Proposed new section 71 (3)
Page 20, line 21—

omit proposed new section 71 (3), substitute

(3) The person is taken, after the commencement, to be the holder of a restricted hire car licence issued under the regulations.

18
Clause 15
Proposed new section 71 (4)
Page 20, line 25—

omit

3 months

substitute

1 year

19
Clause 15
Proposed new section 71 (5)
Page 20, line 27—

omit

20
Clause 18
Proposed new definition of *holder*
Page 21, line 17—

omit the definition, substitute

holder, of a service contract, for part 2 (Bus services), means the person who (apart from the road transport authority) is a party to the contract.

Schedule 8

Small Business Commissioner Amendment Bill 2004

Amendment moved by Ms Tucker

1
Proposed new clause 21
Page 9, line 7—

insert

21 Review of Act

(1) The Minister must review the operation of this Act as soon as practicable after the end of its 2nd year of operation.

(2) The Minister must present a report on the review to the Legislative Assembly within 3 months after the day the review is started.

(3) The Minister must seek views on the exercise of the commissioner's functions from—

(a) small businesses in the ACT; and

(b) any relevant advisory body for the ACT.

(4) The review must include consideration of—

(a) any views given to the Minister under subsection (3); and

(b) the performance of the commissioner in exercising the commissioner's functions; and

(c) the extent to which the object of the Act is being achieved.

(5) This section expires 3 years after the day it commences.

Schedule 9

Electricity (Greenhouse Gas Emissions) Bill 2004

Amendments moved by Ms Tucker

1
Proposed new clause 7 (1A) to (1C)
Page 4, line 10—

insert

(1A) However, as soon as practicable before the end of 2006, the Minister must—

(a) arrange for an independent expert review of the Territory greenhouse gas benchmark mentioned in subsection (1) (c) to be carried out in the context of the Territory's broader greenhouse gas reduction target; and

(b) present a report of the review, including any recommendation about changing the benchmark, to the Legislative Assembly; and

(c) if the report recommends changing the benchmark—

(i) in writing, determine a Territory greenhouse gas benchmark or benchmarks for each of the years 2007 to 2012 in accordance with the recommendation; or

(ii) present to the Legislative Assembly a statement setting out the reasons for not following the recommendation.

(1B) A determination under subsection (1A) (c) (i) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(1C) Despite subsection (1) (c), a Territory greenhouse gas benchmark determined under subsection (1A) (c) (i) for a year is the ***Territory greenhouse gas benchmark*** for the year.

2
Clause 23 (3), (4) and (5)
Page 16, line 23—

omit clause 23 (3), (4) and (5), substitute

(3) However, the regulations and rules must not make provision in relation to eligibility for accreditation in relation to carbon sequestration by the planting of forests or any other means.

3
Proposed new clause 23A
Page 17, line 14—

insert

23A Geosequestration ineligible for accreditation

The regulations and rules made for section 23 must not make provision in relation to eligibility for accreditation in relation to geosequestration of any greenhouse gas.

Example of geosequestration of a greenhouse gas

carbon sequestration by means of geosequestration

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).

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Answers to questions

Energy efficiency ratings (Question No 1605)

Mr Smyth asked the Minister for Planning, upon notice, on 23 June 2004:

(1) What evaluation has been undertaken of the role of energy efficiency rating statements for residential properties;

(2) In particular, what impact have these statements had on people who have sought to purchase or who have purchased properties;

(3) Has the evaluation included an assessment of the quality and accuracy of information contained in these statements;

(4) What costs have been incurred by vendors and purchasers as a consequence of having these statements prepared;

(5) What process has been implemented to ensure that people with appropriate expertise are available to provide these statements;

(6) Have any people sought to amend a statement; if so, (a) how many and (b) what has been the outcome of this action;

(7) Have any complaints been made about any aspects of the system for preparing these statements;

(8) If so, (a) how many complaints have been made, (b) what has been the nature of these complaints and (c) what action has been taken to resolve the issues that have been raised.

Mr Corbell: The answer to the member's question is as follows:

(1) An evaluation of the performance of the ACT House Energy Rating Scheme (ACTHERS), which included assessing the role of having residential energy efficiency rating (EER) statements, was carried out and reported on in 1997 and 2000 with respect to all new housing stock. Similarly reviews of the *Energy Efficiency Ratings (Sale of Premises) Act 1997* (EERSOP) were carried out and reported on in 2001 and 2003. A further evaluation focusing on the quality of assessments is currently being undertaken as an audit of Assessor Performance.

(2) Members of the real estate industry are providing feedback that the number of purchasers asking questions about the energy efficiency performance of properties is increasing. Also, for existing dwellings, the use of insulation materials to improve energy efficiency and user comfort is increasing, which was a finding of the 2000 and 2001 reviews. There is also an ongoing government program 'Cavity Wall Insulation Subsidy Program' which is a joint initiative between Environment ACT and JustRite Insulation to support this type of improvement.

(3) The 1997 evaluation and the evaluation currently being undertaken focus on the quality and accuracy of the residential EER statements.

(4) New housing designs submitted for development application approval must meet the mandatory minimum ACT 4-star standard required by the Building Code of Australia and the ACTHERS. The costs of EER statements prepared by the designers are not separately identified.

For existing houses that are on sold, the costs are set by private contract between the owner of the property and the accredited assessor, who is an independent operator in the marketplace. These costs ranged from $80 to $200 in the past, according to how much documentation could be supplied by the property vendor/owner. Since the implementation of the *Civil Law (Sale of Residential Property) Act 2003* on 1 July 2004, many assessors are offering the EER statement at no extra cost above that of the compulsory provision of the pest control and building reports.

(5) A strict eligibility and technical training program for assessors is conducted by the ACT Planning and Land Authority, and is regarded nationally as one of excellence by the peak bodies of the design and construction industry, as well as the NSW HERS Management Board for the national benchmark, NationwideHERS (NatHERS). The Authority's scheme involves accreditation only after trainees meet stringent eligibility and examination criteria, adhering to a professional code of practice, quality control procedures and audits of individual performance.

(6) Yes – these relate to the veracity and accuracy of the EER statement itself.

(a) An average of three requests per year relating to this type of complaint have been received.

(b) In each case a new assessment is undertaken independently, and a final report is provided to the owner in a personal meeting. All cases have been resolved amicably and to the satisfaction of the complainant.

(7) Yes – these relate to enquiries on why such ratings are required, and who and what is involved.

(8) (a) Several complaints of this type have been made over the past three years.

(b) The complaints have related to the reason for EER statements and what qualifications the accredited assessors possess.

(c) Each case has been resolved to the satisfaction of the enquirer, at the time raised, with relevant information being supplied verbally, by email or by reference to the Authority's energy website (http://www.actpla.act.gov.au/design-guide/acthers/index.htm)

Development—Civic (Question No 1715)

Ms Tucker asked the Minister for Planning, upon notice, on 2 August 2004:

(1) What is the status of the 2001 Master Plan for the Queensland Investment Corporation's (QIC) development on sections 56 and 35, Bunda Street carpark and Griffin Centre;

(2) Where is it available for public inspection;

(3) Was it formally accepted by a Territory Government in the usual manner of adopting master plans; if so, when;

(4) Is QIC bound in any way to adhere to the master plan for example via the contract or by commitments made in negotiations;

(5) If QIC plans to vary its work from the master plan what (a) processes would be followed to ensure that this variation is understood to be a departure from the original plans and (b) notification and involvement would the public get of the proposed changes to the master plan.

Mr Corbell: The answer to the member's question is as follows:

(1) The 2001 Master Plan for the Queensland Investment Corporation's (QIC) development on section 84 (formerly sections 56 and 35), the Bunda Street carpark and Griffin Centre, is the current approved master plan. However, this master plan has been revised and is currently the subject of a Preliminary Assessment.

(2) The Preliminary Assessment is available for public inspection at Government libraries, the ACT Planning and Land Authority and is also available through the ACT Planning and Land Authority's website.

(3) The original 2001 Master Plan was subject to the Government's usual process of adopting master plans at that time. In preparing and finalising the Master Plan it was subject to community and ACT Government consultation. It was also annexured to a Preliminary Assessment that was subsequently endorsed by the Planning agency (then Planning and Land Management) in July 2001. A variation to the Territory Plan was also undertaken to give effect to the Master Plan. Consequent to this, a Deed of Agreement was offered to the proponent in September 2001. Variation 200 introduced a new process for preparing and adopting Master Plans, including a 21 day public notification period.

(4) The Deed of Agreement binds QIC to the delivery of what is in the Master Plan. However, the Master Plan can be amended with the agreement of the parties to the Deed.

(5) QIC has proposed variations to the 2001 Master Plan. These variations are subject to a Preliminary Assessment as has been previously outlined. This Preliminary Assessment has been publicly notified. The documentation identifies the departures from the current master plan.

Health—meningococcal cases (Question No 1724)

Mr Pratt asked the Minister for Education and Training, upon notice, on 2 August 2004:

(1) How many (a) confirmed and (b) scare cases of meningococcal have been reported in A.C.T. schools in (i) 2000-2001, (ii) 2001-2002, (iii) 2002-2003 and (iv) 2003-2004;

(2) Which A.C.T. schools have reported (a) confirmed and (b) scare cases of meningococcal in (i) 2000-2001, (ii) 2001-2002, (iii) 2002-2003 and (iv) 2003-2004;

(3) Has there been a meningococcal scare reported at Macgregor Primary School at any time throughout 2004 to date; if so, was the case confirmed as meningococcal;

(4) If so, why were other schools in the A.C.T. not warned about this case;

(5) What is the standard procedure that a school follows if a scare or confirmed case of meningococcal occurs.

Mr Wood: The answer to the member's question is:

(1)

Financial Year	(a) (i) Confirmed - Case attended an ACT school during the incubation period	(a) (ii) Confirmed - Case did not have any contact with the school during the incubation period	(b) Suspected - Meningococcal disease ruled out after investigation
(i) 2000-01	0	0	1
(ii) 2001-02	0	1	1
(iii) 2002-03	1	1	2
(iv) 2003-04	1	4	3

In order to answer the members question it has been assumed that a 'scare case' is the same as a suspected case. Although all reports of meningococcal disease are investigated, public health action is only taken on cases that are confirmed by laboratory evidence, or if there is significant clinical evidence for meningococcal disease.

The level of school involvement in the public health action largely depends upon the level of contact the case has had with the school in the seven days preceding the onset of illness (incubation period), and those in very close contact after the onset of symptoms. For example, if the case occurred during a school holiday period the school would probably not be involved in the public health response.

Decisions regarding public health action are made in collaboration with the Chief Health Officer or delegate and the clinical physician. In all cases public health action is based on the *Guidelines for the early clinical and public health management of meningococcal disease in Australia*, endorsed by the Communicable Diseases Network Australia.

(2) (a) Notifications or 'reports' of meningococcal disease are generally made by hospitals/doctors not by schools. ACT schools that have had contact with a confirmed case of meningococcal disease are as follows:

(i) 2000-01 – none
(ii) 2001-02 – none
(iii) 2002-03 – Australian Defence Force Academy
(iv) 2003-04 – Daramalan College
(v) 2004-05 (to date) – Macgregor Primary

(b) This information is not relevant as suspected cases, confirmed not to be meningococcal disease on investigation, do not require public health action to be taken at the school.

(3) There has been one notification of a confirmed case of meningococcal disease that attended Macgregor Primary School. This case occurred in July 2004.

(4) Based on the *Guidelines for the early clinical and public health management of meningococcal disease in Australia*, the public health response should only include those who are in close or prolonged contact with a case in the seven days preceding the onset of the illness, and those in very close contact after the onset of symptoms. Those outside the cases' immediate network of contacts are not at an increased risk and do not need to be warned.

(5) The procedure that the school follows is directed and guided by ACT Health on an individual case-by-case basis. The circumstances of each case are carefully considered in line with the *Guidelines for the early clinical and public health management of meningococcal disease in Australia*.

Health—meningococcal cases (Question No 1728)

Mr Smyth asked the Minister for Health, upon notice, on 4 August 2004:

(1) How many cases of meningococcal were reported to A.C.T. Health and/or A.C.T. hospitals in (a) 2003-04 and (b) to date this financial year;

(2) What is the procedure followed by A.C.T. Health when a meningococcal case is reported;

(3) When, or after how many reports, does A.C.T. Health issue a public notice about new cases;

(4) Was the correct procedure followed recently when it took a radio station's inquiries to A.C.T. Health and the Office of the Minister for Education and Training to find out about two cases in a Canberra primary school;

(5) Why was an alert about these cases not issued before this time considering meningococcal is a notifiable disease.

Mr Corbell: The answer to the member's question is:

(1) (a) There were 22 cases of suspected meningococcal disease notified to ACT Health in the financial year of 2003-2004. 17 of these cases met the case definition for a confirmed case of meningococcal disease.

(b) There have been four cases of suspected meningococcal disease notified to ACT Health to date in the current financial year. Three of these cases met the case definition for a confirmed case of meningococcal disease.

(2) The procedure followed by ACT Health when a case of meningococcal disease is reported is in accordance with the Communicable Diseases Network Australia, June 2001, *Guidelines for the early clinical and public health management of meningococcal disease in Australia* and amendment *Changes to the management of meningococcal disease in Australia*, http://www.cda.gov.au/pubs/other/mening.htm#amend.

Please refer to attachment A - Background information for a summary of the public health response by ACT Health in the case of notified meningococcal disease (Pg. 2).

(3) The decision to issue a public notice is made by the Chief Health Officer or delegate and is determined on a case-by-case basis. If the Chief Health Officer or delegate determines that there is a broader public health risk, a press release may be issued. In all cases the immediate priority is to identify and manage close contacts.

In an outbreak situation, ACT Health would provide timely and adequate information to health care providers, affected communities, the media, and the general public.

(4) There has not been an instance where two notified cases of meningococcal disease have attended the same ACT primary school at one time. In July 2004, a two-year-old child was confirmed as having meningococcal disease. That child had an older sibling that attended an ACT primary school, who was subsequently diagnosed with meningococcal disease. Both of these cases were appropriately investigated and followed up according to well-established procedure.

(5) As outlined in question (3), the decision to provide specific advice to the public regarding a case of meningococcal disease is based on current guidelines. When a sporadic case of meningococcal disease occurs in a school student, the school principal may request information to either send to other parents, or to include in the school newsletter in order to raise awareness of the disease and to provide a telephone number so that parents are able to contact a public health officer to discuss their concerns. In the case mentioned above involving the two siblings, written information in the form of a fact sheet was provided for the principal to distribute to the broader school community on the first school day after the notification.

Attachment A

Background Information:

i) Communicability

The meningococcus bacteria can be found at the back of the throat or nose in about 10 per cent of the community at any given time (Communicable Diseases Network Australia, 2001:20). Although most people who 'carry' these bacteria remain well, they are able to spread the bacteria to others who may be susceptible to becoming very ill with meningococcal infection.

Humans are the only natural hosts for meningococci and the organism dies quickly outside the human host. Meningococcus bacteria can only be spread from person to person through direct contact with saliva or airborne droplets. Very close or prolonged contact with a carrier of the meningococcus is usually required for it to spread to other people (Communicable Diseases Network Australia, 2001:20).

ii) Defining Contacts

Settings	**Information and chemoprophylaxis**	**Information only**
Household of a case	All	N/A

Settings	Information and chemoprophylaxis	Information only
Child-care facilities	Children and staff in the same room for 4 hours or more at on time in the 7 days prior to the onset of the cases illness	All other children and staff at the facility
Education facilities	Very close contacts (essentially those who have been 'household-like' contacts)	All other students in the same classroom (schools) or tutorial groups (universities)
Those who have shared saliva with case (via mouth kissing, drink-bottles, bongs, etc)	All	Even though they may not have shared saliva with a case, other members of any sporting team which include a case should be given information
Those exposed to a case after the onset of symptoms	Very close household-like contacts; health carers who have either intubated the case without a face mask or done mouth to mouth resuscitation	All others concerned that they may have had contact with the case after the onset of symptoms

Table: Public health responses in defined settings in which a case of invasive meningococcal disease has occurred (Communicable Diseases Network Australia, 2001:23).

iii) Public Health Response – A Summary
Immediate public health action to prevent the spread of the infection is taken in every notified case in accordance with the latest public health guidelines on control of meningococcal disease. Public health action when there is a notification of a probable or confirmed case of meningococcal disease includes:

- Determining the cases network of close contacts by interviewing the case, and/or the case's parents/carers, school principal, relevant teachers and/or employers;
- Interviewing close contacts identified by the above to determine whether they meet the criteria for chemoprophylaxis (i.e. specific antibiotic) and then to recommend and facilitate chemoprophylaxis as required;
- Providing information to the network of contacts, or to the responsible guardians of young children in the network, about the disease and how it is spread;
- Providing information to those who have had brief or inconsequential contact with the case;
- Providing a telephone information service for members of the public to call and discuss their concerns with a public health officer;
- Maintaining surveillance for any subsequent cases; and
- Making any necessary public announcements.

iv) Rationale for chemoprophylaxis
The rationale for chemoprophylaxis is to eliminate meningococci from any carrier within the network of close contacts thereby reducing the risk to other susceptible individuals in the network developing meningococcal disease (Communicable Diseases Network Australia, 2001:20).

v) Definition of an outbreak
An *organisation*-based outbreak is the occurrence of two or more cases of meningococcal disease with an onset within a four-week interval in a grouping that makes epidemiological sense, and where available microbiological characterisation of the organisms is the same. Groupings can occur in schools, universities, classmates, members of the same work group and community (Communicable Diseases Network Australia, 2001:26).

A *community* based outbreak is the occurrence of three of more cases of confirmed meningococcal disease within a three-month interval, which brings the rate of invasive disease in the community to 10 or more/100,000 total population in a three-month period, in a geographical area that makes epidemiological sense and where available microbiological characterisation of the organisms is the same (Communicable Diseases Network Australia, 2001:26).

Missing persons—privacy laws
(Question No 1737)

Mr Cornwell asked the Attorney-General, upon notice, on 5 August 2004:

(1) Is he able to say whether privacy laws prevent police who are investigating a missing person from accessing the individual's local or federal government financial or other records to determine whether any activity has occurred under the missing person's bank account numbers, taxation numbers, government benefit payments, licence renewals and concessions which would then enable the police to determine if in fact there is a chance that the missing person might still be alive;

(2) If there are such restrictions on police investigators due to privacy laws, what are each of these restrictions;

(3) What areas of a missing person's records do the police actually have access to in order to assist them to determine whether a missing person might still be alive or not;

(4) If police access to a missing person's personal records, to enable them to determine whether the missing person might still be alive, is not permitted under privacy laws, why not.

Mr Wood: The answer to the member's question is as follows:

(1) ACT Police and the National Missing Persons Unit (NMPU) are prevented by privacy laws from accessing some information from an individual's records. ACT Police are able to receive specific information through formal requests and warrants. Agencies that are able to provide information include:

- AUSTRAC database checks allow limited information of financial activity to be supplied but do not indicate that the activity is being conducted by the missing person;

- ACT Police provide the name of the missing person to Centrelink who, if the person is confirmed as a client, send a letter to the client requesting that they contact Centrelink within 14 days. Centrelink will advise ACT Policing if the person is a

client and whether the client has contacted Centrelink. However, Centrelink will not divulge any additional information without the prior consent of the client;

- The Australian Taxation Office will only release information to police by warrant;
- Banks and financial institutions will only release information to police by warrant; and
- The ACT Roads & Traffic Authority (RTA) Motor Registry database can be accessed directly by ACT Police Missing Persons.

(2) Information can for the most part be obtained during the course of an investigation into a criminal offence. It is not an offence to go missing however, if the circumstances surrounding the disappearance of the missing person are suspicious or if there are grave fears for that person's safety, there may be an allegation of criminality and information can then be obtained.

(3) Police can obtain information from ACT Births, Marriages & Deed Poll, ACT Land Titles, ACT Rental Bonds, ACT Housing, ACT RTA Motor Registry and ACTEWAGL. Information is requested from these agencies on behalf of interstate police services who are conducting enquiries on behalf of the Coroner of the particular state in order to determine the current status of the missing person.

(4) See response to question 3.

Waste disposal
(Question No 1738)

Mr Cornwell asked the Minister for Urban Services, upon notice, on 5 August 2004:

(1) Why did the number of tonnes of waste to landfill exceed the Government's target of 200 000 tonnes by 8 390 tonnes as outlined in the June 2004 Outputs Progress Report, Urban Services, Municipal Services Output Class 1.3, Waste and Recycling;

(2) Can it be determined whether the 200 000 tonne target of waste to landfill was not achieved due mainly to excessive disposal of commercial or non-commercial waste; if so, which of these is the cause;

(3) How will the Government achieve its goal of No Waste by 2010 when more waste is going to landfill.

Mr Wood: The answer to the member's question is as follows:

(1) The waste to landfill target was exceeded for 2003/04 due to continued increases in the total waste generation.

(2) Waste generation has increased in the ACT because of continuing growth in both the residential and commercial sectors. In addition, the commercial sector has not yet achieved the reductions in waste disposal or increases in the use of recycling that had been envisaged.

(3) While waste to landfill has increased slightly, the 2003/04 resource recovery levels are expected to increase significantly, with an anticipated recovery rate of around 71%. Additional programs are also under consideration to further address the implementation of the No Waste Strategy.

Small businesses (Question No 1739)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 5 August 2004:

Does Business A.C.T. have ABS figures that reveal a reduction in the number of small businesses in the ACT employing 5-19 people; if so can he provide me with a copy of these.

Mr Quinlan: The answer to the member's question is as follows:

No. Using *Characteristics of Small Business in Australia – 2003* ABS No: 8127.0 and the Standard Error Tables at page 100 in the same publication, one can determine with 95% certainty, that the number of small businesses in the ACT in 2001 were somewhere between 15,420 and 21,580. For 2003, with 95% certainty there were between 13,256 and 18,944 small businesses. The sampling error means that it is not possible to say whether the actual number of businesses has gone up, stayed the same or gone down over this period.

The Standard Error indicates the extent to which an ABS estimate might have varied by chance because the whole population was not surveyed, only a sample. This sampling error applies to all the ABS estimates within this publication and varies based upon the sample size used. A step-by-step guide to calculate the sampling error is found on pp. 95-96 in the publication.

Characteristics of Small Business in Australia – 2003 ABS No: 8127.0 can be obtained from the Australian Bureau of Statistics.

Crime—motor vehicle theft (Question No 1741)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 5 August 2004:

How many incidents of stolen vehicles in the A.C.T. by suburb have been (a) reported to and (b) attended by the police in (i) 2001, (ii) 2002, (iii) 2003 and (iv) 2004 to date.

Mr Wood: The answer to the member's question is as follows:

The number of stolen motor vehicles reported stolen by suburb from 1 January 2001 to 31 July 2004 is depicted in the table below.

	2001			2002			2003			01 Jan 2004 to 31 July 2004		
	Patrol attendance		Total reported	Patrol attendance		Total reported	Patrol attendance		Total reported	Patrol attendance		Total reported
	NO	YES		NO	YES		NO	YES		NO	YES	
ACTON	33	5	38	32	4	36	42	5	47	4	0	4
AINSLIE	29	5	34	36	4	40	34	10	44	10	7	17
AMAROO	1	0	1	0	0	0	7	6	13	0	1	1
ARANDA	10	4	14	7	3	10	12	7	19	2	1	3
BANKS	5	2	7	3	5	8	3	1	4	3	0	3
BARTON	11	4	15	7	1	8	9	2	11	4	0	4
BELCONNEN	157	25	182	151	21	172	187	43	230	81	12	93
BLACK MOUNTAIN	0	1	1	0	0	0	1	0	1	0	0	0
BONYTHON	11	4	15	8	3	11	6	2	8	1	1	2
BRADDON	73	15	88	39	12	51	67	15	82	26	7	33
BRINDABELLA	0	1	1	0	0	0	0	0	0	0	0	0
BRUCE	45	4	49	28	4	32	22	8	30	12	3	15
CALWELL	9	4	13	10	11	21	11	9	20	3	2	5
CAMPBELL	27	5	32	23	3	26	11	8	19	5	0	5
CITY	171	24	195	138	7	145	149	17	166	53	7	60
CHAPMAN	3	1	4	3	5	8	4	3	7	3	0	3
CHARNWOOD	11	8	19	27	10	37	29	7	36	9	5	14
CHIFLEY	10	3	13	12	2	14	12	7	19	4	5	9
CHISHOLM	18	12	30	13	10	23	10	8	18	6	4	10
CONDER	6	6	12	7	1	8	9	8	17	1	2	3
COOK	7	4	11	9	7	16	24	4	28	1	1	2
CURTIN	13	3	16	17	7	24	24	11	35	2	0	2
DEAKIN	7	3	10	6	7	13	6	7	13	5	3	8
DICKSON	39	3	42	38	5	43	42	8	50	19	3	22
DOWNER	9	5	14	10	3	13	5	4	9	7	0	7
DUFFY	7	0	7	8	4	12	11	3	14	2	0	2
DUNLOP	5	3	8	12	8	20	6	6	12	6	8	14
EVATT	20	7	27	16	6	22	17	2	19	9	1	10
FADDEN	1	3	4	3	4	7	3	2	5	1	1	2
FARRER	3	1	4	1	2	3	3	1	4	3	1	4
FISHER	5	2	7	4	1	5	3	1	4	4	3	7
FLOREY	27	16	43	17	3	20	35	13	48	8	5	13
FLYNN	12	6	18	20	6	26	10	4	14	6	3	9
FORREST	19	3	22	15	4	19	12	3	15	7	3	10
FRASER	3	4	7	7	9	16	15	6	21	1	4	5
FYSHWICK	16	17	33	20	12	32	19	8	27	6	12	18
GARRAN	41	2	43	17	2	19	21	6	27	8	1	9
GILMORE	4	5	9	5	3	8	4	4	8	2	3	5
GIRALANG	16	1	17	5	1	6	11	1	12	6	2	8
GORDON	16	8	24	8	1	9	14	9	23	4	3	7
GOWRIE	7	3	10	5	1	6	6	11	17	1	3	4
GREENWAY	72	16	88	72	5	77	64	7	71	21	2	23
GRIFFITH	67	16	83	86	15	101	78	18	96	20	13	33
GUNGAHLIN	5	3	8	1	0	1	7	2	9	2	3	5
HACKETT	10	6	16	7	0	7	15	6	21	3	2	5
HALL	0	1	1	0	0	0	2	0	2	0	1	1
HAWKER	23	5	28	14	3	17	9	5	14	4	4	8
HIGGINS	9	5	14	7	2	9	21	4	25	8	1	9
HOLDER	3	2	5	10	0	10	21	2	23	3	3	6
HOLT	30	14	44	23	9	32	29	14	43	12	7	19
HUGHES	8	4	12	7	1	8	12	2	14	2	4	6
HUME	1	3	4	5	1	6	1	2	3	1	1	2
ISAACS	1	2	3	0	1	1	4	1	5	1	0	1
ISABELLA PLAINS	5	4	9	5	2	7	6	5	11	1	0	1
KALEEN	27	9	36	19	6	25	26	12	38	9	2	11
KAMBAH	31	17	48	24	8	32	45	19	64	19	8	27
KINGSTON	39	8	47	66	6	72	70	6	76	24	2	26
LATHAM	8	9	17	14	5	19	12	8	20	5	0	5
LAWSON	0	1	1	0	0	0	0	0	0	0	0	0
LYNEHAM	35	10	45	37	2	39	28	6	34	19	6	25
LYONS	22	8	30	12	7	19	19	2	21	7	3	10
MACARTHUR	0	0	0	2	1	3	0	1	1	1	0	1

	2001			2002			2003			01 Jan 2004 to 31 July 2004		
	Patrol attendance		Total reported	Patrol attendance		Total reported	Patrol attendance		Total reported	Patrol attendance		Total reported
	NO	YES		NO	YES		NO	YES		NO	YES	
MACGREGOR	13	5	18	22	8	30	19	7	26	1	5	6
MACQUARIE	17	8	25	33	16	49	42	10	52	5	0	5
MAJURA	2	0	2	1	0	1	3	3	6	1	1	2
MAWSON	16	8	24	14	3	17	24	2	26	4	1	5
MCKELLAR	6	4	10	7	2	9	16	3	19	1	1	2
MELBA	16	7	23	10	6	16	17	5	22	3	1	4
MITCHELL	10	2	12	12	5	17	7	1	8	3	7	10
MONASH	8	5	13	11	5	16	7	8	15	2	1	3
NARRABUNDAH	31	15	46	24	8	32	37	15	52	13	8	21
NGUNNAWAL	17	5	22	16	3	19	16	5	21	7	2	9
NICHOLLS	9	3	12	1	2	3	6	3	9	5	0	5
O'CONNOR	17	1	18	8	5	13	25	7	32	8	5	13
OAKS ESTATE	2	3	5	3	1	4	4	2	6	1	1	2
O'MALLEY	1	0	1	1	0	1	0	0	0	0	0	0
OXLEY	4	2	6	3	0	3	2	0	2	0	0	0
PAGE	18	2	20	5	2	7	13	5	18	4	4	8
PALMERSTON	9	4	13	3	2	5	10	5	15	5	1	6
PARKES	22	4	26	9	1	10	7	2	9	12	0	12
PEARCE	3	4	7	4	2	6	9	6	15	4	1	5
PHILLIP	142	31	173	108	8	116	143	11	154	39	5	44
PIALLIGO	3	0	3	1	0	1	1	0	1	0	0	0
RED HILL	9	12	21	7	4	11	9	2	11	2	1	3
REID	35	11	46	37	5	42	25	8	33	10	4	14
RICHARDSON	5	4	9	6	9	15	6	8	14	5	1	6
RIVETT	10	6	16	8	3	11	12	5	17	0	0	0
RUSSELL	7	4	11	5	0	5	8	1	9	2	1	3
SCULLIN	9	6	15	12	2	14	15	3	18	9	1	10
SPENCE	8	5	13	10	2	12	20	5	25	6	3	9
STIRLING	2	2	4	6	2	8	2	4	6	4	0	4
STROMLO	4	0	4	2	0	2	0	1	1	2	2	4
SYMONSTON	5	4	9	2	1	3	3	3	6	2	0	2
THARWA	1	0	1	0	0	0	0	3	3	1	1	2
THEODORE	7	0	7	10	3	13	6	4	10	2	0	2
TORRENS	5	1	6	5	0	5	3	0	3	2	0	2
TURNER	27	1	28	17	3	20	19	5	24	6	4	10
WANNIASSA	22	10	32	25	9	34	27	8	35	13	4	17
WARAMANGA	8	1	9	8	2	10	6	5	11	1	0	1
WATSON	24	7	31	26	3	29	18	6	24	12	4	16
WEETANGERA	2	3	5	4	3	7	7	1	8	1	1	2
WESTON	30	5	35	14	4	18	19	5	24	20	0	20
YARRALUMLA	19	8	27	10	7	17	13	6	19	4	3	7
Total reported	1908	578	2486	1708	417	2125	2011	585	2596	719	253	972

Source: PROMIS as at 02 August 2004

Police force
(Question No 1742)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 5 August 2004:

(1) What was the total strength of the A.C.T. Policing staff and the A.C.T. population in (a) 2001, (b) 2002, (c) 2003 and (d) 2004 to date;

(2) What was the total number of (a) unsworn and (b) sworn members of A.C.T. Policing staff in (i) 2001, (ii) 2002, (iii) 2003 and (iv) 2004 to date.

Mr Wood: The answer to the member's question is as follows:

(1) Staffing figures and population data were provided to Mr Cornwell in response to his requests in Question on Notice 878 for the years to 2003, with the Question subsequently tabled and placed on the public record. Population figures for the years following 2002-2003 may be obtained from the Australian Bureau of Statistics publication *Population Projections, Australia, 3222.0, 2002 to 2101*. ACT Policing publishes staffing data in its annual reports. Staffing as of 16 June 2004 was 816.55 (including enabling service personnel).

(2) ACT Policing's Annual Report provides data on the number of sworn and unsworn members for the years to 2001-2003. For 2003-2004 the number of sworn and unsworn staff is reported to be 594.48 and 222.06 personnel respectively (including enabling services personnel).

Finance—venture capital fund (Question No 1748)

Mr Smyth asked the Minister for Economic Development, Business and Tourism, upon notice, on 5 August 2004:

(1) In relation to (a) the proposal to establish an A.C.T. based venture capital fund utilising a $10 million contribution from the A.C.T. Government, (b) the answer provided to Question on Notice to the Select Committee on Estimates inquiry into Appropriation Bill 2003-04 (No. 3) and (c) Note 'e' to Output 2.2, Programs and Services (Economic Development) in the June 2004 Quarterly Performance Report that reveals that a fund manager has been selected for this fund, what criteria were applied to select the preferred fund manager;

(2) How many proposals were received to manage the investment fund;

(3) Did all the proponents of proposals have a presence in Canberra;

(4) Will the fund manager establish a new venture capital fund;

(5) If a new fund is to be established, what other sources of capital will be identified for this fund and what quantums of funds will be invested in the new fund;

(6) If a new fund is not to be established, how will the $10 million contribution from the A.C.T. Government be managed;

(7) Is it envisaged that there may be conflicts of interest between at least one of the selected joint venturers and the evaluation of potential investment opportunities that 'come out of the ANU' which is referred to in *The Economic White Paper*, page 78;

(8) In relation to potential deal flow, what is meant by the phrase 'businesses [shall] have an A.C.T. focus' as stated in answer to parts (12 and (20) of the question on notice.

Mr Quinlan: The answer to the member's question is as follows:

(1) The Government has agreed to support the ANU in establishing a commercialisation fund with MTAA Superannuation Fund Pty Ltd (MTAA Super) on the basis that it increases

the Canberra's skill base for commercialisation, leverages at least $20 million in additional private sector capital for investment in Canberra and be able to provide access to the majority of Canberra's intellectual property asset.

(2) The public process to call for submissions to manage the fund was discontinued following receipt of an unsolicited grant proposal from the ANU.

(3) The ANU and MTAA Super are based in Canberra.

(4) Yes.

(5) The details of the fund are yet to be finalised.

(6) A new fund will be established.

(7) In finalising the governance structures, the Government will ensure that any conflict of interest issues are appropriately addressed.

(8) The fund will be able to invest in businesses that are built around research and development projects from ACT-based institutions and businesses.

Coranderrk Street traffic lights (Question No 1750)

Mr Smyth asked the Minister for Urban Services, upon notice, on 17 August 2004:

(1) Has the sequence of green right turning arrows at the traffic lights on the corner of Akuna and Coranderrk Streets been changed;

(2) If so, why has this sequence been changed when this is a very busy turning lane where traffic is backed up along Coranderrk Street and Ballumbir Street past the back of the Canberra Centre and on Ainslie Avenue for traffic wishing to turn onto Coranderrk Street;

(3) If no to part (1), why on Monday 16 August was the green light for traffic in the right turning lane onto Akuna Street only allowing around four cars through at a time when normally there are two green lights for this right turning lane which remain green for a significant time before traffic heading north along Coranderrk Street are given their green light;

(4) Are any changes to the sequence for the right turning lane from Coranderrk Street into Akuna Street permanent; if so, will the Minister undertake to review those changes due to the discomfort it is causing motorists and the backlog of traffic it is causing.

Mr Wood: The answer to the member's question is as follows:

(1) No.

(2) See answer to question (1).

(3) A fault occurred with the vehicle detector in the right turn lane that resulted in the unusual behaviour of the lights. Roads ACT traffic signal staff were unaware of the fault until late in the morning when action was taken to correct it.

(4) No. As described in (3) the behaviour of the lights was caused by a fault.

Drugs—heroin overdoses
(Question No 1763)

Mr Smyth asked the Minister for Health, upon notice, on 18 August 2004:

(1) What was the total number of heroin overdoses in the A.C.T. for each month in 2003-04;

(2) How do these figures compare to the figures for (a) 2002-03 and (b) 2001-02;

(3) Have there been any heroin overdoses recorded to date in 2004-05; if so, how many (a) have been recorded and (b) were fatal;

(4) How many of those overdoses in 2003-04 were fatal;

(5) How does the fatality figure for 2003-04 compare to the figures for (a) 2002-03 and (b) 2001-02.

Mr Corbell: The answer to the member's question is:

(1) From July 1 2003 to June 30 2004 the Ambulance Service has attended the following possible narcotics overdoses:

Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
29	**22**	**27**	**20**	**22**	**21**	**14**	**15** [1]	**21**	**23**	**22**	**17**

[1] Following further assessment of the data the number of narcotic overdoses for February 2004 has been amended from that previously reported.

Statistics can only be provided on the number of possible narcotic overdoses as opposed to the number of heroin overdoses reported.

(2) (a) From July 1 2002 to June 30 2003 the Ambulance Service has attended the following possible narcotics overdoses:

Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
19	**15**	**14**	**8**	**13**	**7**	**8**	**16**	**10**	**19**	**14**	**16**

Statistics can only be provided on the number of possible narcotic overdoses as opposed to the number of heroin overdoses reported.

(b) From July 1 2001 to June 30 2002 the Ambulance Service has attended the following possible narcotics overdoses:

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
6	**8**	**2**	**7**	**9**	**3**	**7**	**12**	**11**	**15**	**29**	**18**

Statistics can only be provided on the number of possible narcotic overdoses as opposed to the number of heroin overdoses reported.

(3) (a) Data regarding possible narcotics overdoses for the period July 1 to August 31 2004 is not currently available.

(b) According to the National Centre for Coronial Information (NCIS) at Monash University, there were no heroin related overdoses for this period.

(4) According to the National Centre for Coronial Information (NCIS), there were possibly 4 fatal heroin related overdoses for the period 1 July 2003 to 30 June 2004.

(5) (a) According to the National Centre for Coronial Information (NCIS), there were possibly 3 fatal heroin related overdoses for the period 1 July 2002 to 30 June 2003.

(b) According to the National Centre for Coronial Information (NCIS) at Monash University, there were possibly 3 fatal heroin related overdoses for the period 1 July 2001 to 30 June 2002.

Karralika redevelopment
(Question No 1764)

Mr Smyth asked the Minister for Planning, upon notice, on 18 August 2004:

(1) Where is the Government up to in reworking plans for the Karralika redevelopment;

(2) When will residents be given clear advice on what is the next proposal for redeveloping that site;

(3) Will this advice be delivered prior to the ACT elections.

Mr Corbell: The answer to the member's question is as follows:

(1) A Karralika Consultative Committee is currently being formed to advise the ACT Government on the future scope and design of the Karralika facility. The Committee is expected to meet in late October 2004. The Government is committed to this consultation process and will be advised by the Committee prior to making any future plans for the redevelopment.

(2) On September 2 2004, the Government announced that it's preferred option for the Karralika drug rehabilitation facility at Fadden is for the construction of an additional 10 beds at the facility. This option is a significantly reduced development to the original proposal and will be referred to the Karralika Consultative Committee for consideration. Further advice to residents will be available following the Committee's deliberations.

(3) Not applicable.

Yass District Hospital
(Question No 1766)

Mr Smyth asked the Minister for Health, upon notice, on 18 August 2004:

(1) Has the A.C.T. Government requested a briefing on the impact of the proposed downgrade of services at Yass District Hospital and its impact on the A.C.T. health system, in particular, our hospital system;

(2) If so, what will the impact be; if not, why not, and will the Minister be seeking a briefing in the coming days.

Mr Corbell: The answer to the member's question is:

(1) The Government has been aware of ongoing developments in the provision of health care services throughout the southern region. ACT Health meets regularly with the Southern Area Health Service (SAHS) as a member of the ACT / SAHS Joint Health Services Planning Committee. The proposal to reduce services at the Yass District Hospital has been discussed by this Committee. A dedicated briefing on the issue has not been requested, as it is known that the proposed changes will have minimal impact on the ACT system.

(2) The reduction of services at Yass is proposed as part of a draft plan released by SAHS. The draft plan proposes that the following services be ceased:

- Birthing services: It is proposed that no births will occur at Yass District Hospital. Women from the Yass local geographical area predominately birth in ACT public and private hospitals. SAHS advised that, as at May 2004, only six births had occurred in the hospital in 2004. SAHS will continue to promote community models and shared care arrangements. The closure will have minimal flow-on effects in the ACT health system.

- Surgical services: The operating theatre will be decommissioned. Surgical services currently are provided one day a month. The draft plan indicates that the surgical lists will be transferred to Goulburn Hospital and residents requiring either general or local anaesthetics will access Goulburn or ACT hospitals. As surgical throughput at Yass Hospital is minimal, there will be little impact on the ACT system.

In accordance with the Australian Health Care Agreement (AHCA), people from other States and Territories are entitled to access ACT public hospital services in accordance with their clinical needs.

Health—student checks
(Question No 1772)

Mr Pratt asked the Minister for Education and Training, upon notice, on 19 August 2004:

(1) Do A.C.T. government schools offer (a) hearing, (b) dental and (c) eye checks regularly to students in (i) pre, (ii) primary and (iii) high school;

(2) If so, (a) how often are they conducted and (b) at which schools are they conducted; if not, why not.

Mr Corbell: The answer to the member's question is:

The Dental Health Program conducts a dental screening program in both Government and private Primary schools in the ACT. The dental screening program does not extend to secondary schools and colleges.

The dental screening program is very effective in raising oral health awareness, and promoting the services provided at the four Child and Youth Dental Clinics in the ACT, but does not replace a comprehensive oral health assessment provided in the clinic setting.

In addition to the dental screening program, dental therapists visit preschools, schools, parent groups, childcare centres and community events to conduct other oral health promotion activities. The Dental Health Program has a comprehensive health promotion plan with five programs targeting children and youth in the ACT.

ACT Health's Dental Health Program offers an excellent free or low-cost dental health scheme for children and youth in the ACT. The Child and Youth Dental Membership Scheme provides children and young people with dental care from community-based clinics.

A wide range of dental services are provided, including:

- Check ups,
- Cleaning;
- Preventative care;
- Fillings;
- Extractions;
- Emergency treatment;
- Dental information and advice; and
- X-rays.

There are also free "First Smiles Program" memberships for children under five years of age, who receive a free check-up and are given advice on treatment and care. Should the child require treatment following their check-up, the parent has the option of becoming a full financial member of the scheme. Children and young people who are covered by a current ACT Centrelink Concession Card are eligible for free membership of the scheme.

All children in ACT Government and non-Government schools are offered hearing and vision checks during the Kindergarten year of Primary School. The Child Youth and Women's Health Program (CYWHP), Community Health conducts this service.

Screening schedules undertaken within the CYWHP are based on recommendations made by the National Health and Medical Research Council (NH&MRC) 2002. The NHMRC provides recommendations on the screening schedule during childhood, which starts at birth until the child reaches school. It is recommended that mass screening of children occurs only once during the school years.

ACT Health offers screening for hearing and sight at birth, two months, six months, eighteen months and three years through the Maternal and Child Health Clinics. At any stage a parent may take their child for a screening test if they have concerns.

Children aged seven months and older may also be referred to the nurse audiometry clinic for hearing checks to assess middle ear function or conductive hearing loss assessment. There is also an orthoptist clinic that provides a secondary vision screening service for children from birth to six years.

The following table represents the uptake of Kindergarten screening service over the last four years. Approximately 83.6 per cent of children in 2004 have parents who have consented to the Maternal and Child Health service conducting a vision and hearing screen at school.

	Yr 2001	**Yr 2002**	**Yr 2003**	**Yr 2004**
ACT new entrant students	4513	4484	4334	4423
% of consents for checks returned by parents/guardians	86%	85.2%	85.9%	83.6%
% of no consents returned by parents/guardians	1.1%	0.68%	0.72%	0.78%

Courts and tribunals—sentencing (Question No 1785)

Mr Stefaniak asked the Attorney-General, upon notice, on 26 August 2004:

(1) How many persons, in the period 1 July 2003 to 30 June 2004, appealed from the Magistrates Court of the Australian Capital Territory to the Supreme Court of the Australian Capital Territory against the severity of the sentence imposed upon them by the Magistrates Court;

(2) Of those, how many had the sentence imposed on them by the Magistrates Court of the Australian Capital Territory varied by the Supreme Court of the Australian Capital Territory.

Mr Stanhope: The answer to the member's question is as follows:

(1) 18

(2) 9