DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

21 JUNE

2005

Tuesday, 21 June 2005

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MR SPEAKER (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Broadcasting of Legislative Assembly proceedings
Statement by Speaker

MR SPEAKER: Members, I would like to inform you of three initiatives that are aimed at improving access for ACT people to the work of the Assembly. These matters have been taken up with the Standing Committee on Administration and Procedure and were accepted at its last meeting. For the next two weeks of sittings, Community Radio 2XX FM will conduct a trial of delayed broadcasts of question time proceedings. They will be at 2.00 pm on Wednesdays, Thursdays and Sundays. At the end of the two weeks, secretariat officers and 2XX staff will assess the feasibility of conducting live broadcasts of question time.

Members will be aware that, from the start of the Sixth Assembly, Hansard has been trialing an audio replay service of question time on the Assembly's intranet. From today, the audio replay of question time will be available on the Assembly's internet site about an hour after the end of question time. The committee also accepted, subject to the satisfactory resolution of technical and budgetary issues, the trial of live internet web streaming of Assembly proceedings and committee hearings. I will keep members informed of developments as they occur.

Leave of absence

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

> That leave of absence be given to Mr Stanhope (Chief Minister) from 21 to 24 June 2005 and Mr Corbell (Minister for Planning) for today's sitting.

Estimates 2005-2006—Select Committee
Report

MS MacDONALD (Brindabella) (10.32): Pursuant to order, I present the following report:

> Estimates 2005-2006—Select Committee—Report—Appropriation Bill 2005-2006, dated 20 June 2005, including additional comments *(Dr Foskey, Ms MacDonald and Ms Porter)* and a dissenting report *(Mr Mulcahy and Mr Seselja)*, together with a copy of the extracts of the relevant minutes of proceedings and supplementary papers.

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.

My preface to the select committee's report on estimates 2005-06 says the following:

> The Legislative Assembly for the ACT has had some form of budget estimates committee since the first Assembly. While the form and timing has varied, one thing has remained constant, that is, the intent of the estimates committee as a vehicle for scrutiny of Government revenue and expenditure estimates. With the first majority Government in the ACT this role remains just as important, if not more so.
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> The true value of the estimates committee is in this scrutiny role. In the scrutiny of Ministers over the course of several weeks, Members of the Legislative Assembly, through the estimates committee hearings, are able to delve into the smallest level of detail in the budget to ensure that the public is receiving value for money in the provision of services. The nature of this scrutiny means that estimates committees tend to focus on matters that they believe are of concern to the community.
>
> This is the first year for some time that a member of the Government has chaired the estimates committee.

It is not the only time that it has happened, but it certainly has not happened in my time in this place. It continues:

> As Chair, I was also the only Member of the Committee with previous experience in the Assembly and specifically, as an estimates committee member. Learning the Assembly's practices in relation to estimates committees is not easy and I appreciate the efforts of my colleagues to participate in proceedings to the best of their abilities.
>
> In any estimates process there is always a tension between the time available to pursue specific matters and allowing all Members to have a cross-section of their concerns raised during hearings. At times this has been difficult given the limited time available with Ministers and the desire of some to pursue considerable time on matters relating to individual constituent concerns.
>
> I was conscious that the practice in the recent past has been to a non-Government Member to Chair the estimates committee, and always kept this in mind while trying to ensure that all Members of the Committee had a reasonable opportunity to question Ministers and officials.
>
> I encourage all Members of the Assembly, the community and the media to engage in a rigorous debate regarding the budget and hope that the Select Committee on Estimates 2005-2006 has contributed to this debate in a productive way.

That was prepared well over a week ago but there had been some signs, prior to that being written, that some members of the committee—notably the opposition members—were not happy with the way the process was run. As such I had anticipated, from before we started deliberating on the report, that some form of dissenting report would be presented by members of the opposition and possibly by Dr Foskey. I am happy to inform you that I was not disappointed. At 7.30 this morning—I will reiterate that: 7.30 this morning—the opposition members of the committee, Mr Mulcahy and Mr Seselja, provided to the committee secretariat for distribution electronically to the rest of the members of the committee their 82-page dissenting report.

When we finished last night at the not unreasonable hour of a quarter to nine, the opposition members on the committee—Mr Mulcahy and Mr Seselja—said they needed to go away and consider whether or not they were going to do a dissenting report. I am curious to know how they managed to write 82 pages in the time, probably less than an hour, that they were in the place after we finished. I have no problems at all with them doing a dissenting report. In fact, as I have said to them all along, I have done dissenting reports myself. It is always the case in an estimates committee that not everybody is going to be happy with everything that comes out of the report. It is open for people to put up their ideas, have the adult conversation and put it up on its merits. If it gets up, it gets up and if it doesn't, it doesn't.

That has not been the tactic of Mr Mulcahy and Mr Seselja. Throughout this process, Mr Mulcahy and Mr Seselja have continually tried to ambush the committee. That has been well and truly highlighted—just like that flourish underneath the signature—by: "At 7.30 in the morning we are going to give you an 82-page dissenting report. See if you can read it in the three hours between our putting it in electronically and your coming into the chamber at 10.30."

I have not had a chance to read the entire thing. I have read the final chapter and I have read the first two paragraphs. In the final chapter many comments are made. I was not distressed by those comments; I found them amusing. I went away from this place last night thinking, "Well, you know, last week we had a couple of deliberative meetings which were fairly painful." I have to tell members of the assembly who were not on the committee that we sat there arguing over every paragraph and that Mr Mulcahy gave a dissertation on every paragraph.

Mr Smyth: Are you breaching standing order 241 on internal deliberations?

MR SPEAKER: Order!

Mr Smyth: She cannot reveal the internal workings of the committee.

MR SPEAKER: If you want to raise a point of order, Mr Smyth, there is a way to do it.

Mr Smyth: Mr Speaker, I wish to raise a point of order. Is the member revealing the internal workings of the committee and therefore breaching a standing order?

MR SPEAKER: The report has been tabled and we have tabled minutes; so I do not think you have a point of order.

MS MacDONALD: Thank you, Mr Speaker; and thank you, Mr Smyth, for that 20-second waste of time. As I was saying, the deliberative meetings last week were a fairly painful process, whereby three out of five members of the committee came in. I might even put it at three and a half, because I think Mr Seselja was prepared to work cooperatively on the report. But certainly one member of the committee—Mr Mulcahy—wanted to have a dissertation on every paragraph. He would put his point of view on what it should say, and then we would say, "We don't agree." Then there would be this ongoing argument of, "You haven't understood what I mean." Twenty minutes would go past and we would still not have got past that particular paragraph.

I was quite happy when we got to the meeting on Saturday, and we got through a couple of chapters over the few hours. Then last night Mr Mulcahy came to the meeting and wanted to be constructive. It was very good wasn't it, Ms Porter? Mr Mulcahy came to the meeting and made a suggestion that would speed up the process. He said, "How about we deal with Dr Foskey's suggestions and then we can deal with my suggestions of issue with the report; with Mr Seselja's issues; and with Ms Porter's issues, if there are any particular issues." That did speed up the process considerably. I thought we—or if not us, the committee secretaries—were going to be stuck there until the wee small hours. It was indeed a pleasure to get out of this place at a quarter to ten last night.

I got home last night and thought, "Well, that was a lot less unpleasant than I thought. Maybe I won't be so hard on them tomorrow." Then I thought, "Hang on a second! There were some absolutely excruciating moments in the process. Their behaviour of acting cooperatively in the last few hours of deliberating does not make up for all that absolutely unworkable behaviour." I thought, "I really shouldn't, but I might go a little bit easier on them today." I have to say that, when I found out at 7.30 this morning that the Liberal members of the committee had put in an 82-page dissenting report, I felt like I had been given the green light to have a go, and to point out the absolutely abominable behaviour, particularly from Mr Mulcahy, to try to make the process unworkable.

I don't know what the tactic is behind Mr Mulcahy's trying to argue every clause, which he did for the first half of the report. I have been thinking about it for a while and I think what he wanted to do was for this place not to have an estimates committee report. I think it was a case of, "I'm going to spit my dummy out. I didn't get the chair of this committee and I didn't put my hand up to go for deputy chair of the committee; therefore I'm going to be a wrecker; I'm not going to contribute positively; I'm going to undermine the process."

I would say that the last chapter of the dissenting report, which I have read—and as I have already said, it gave me great amusement this morning—having not read the rest of it, shows a total lack of understanding of the way the estimates committee process works. I accept that Mr Mulcahy and Mr Seselja were new to the committee. Dr Foskey and Ms Porter were also new to the committee and they were prepared, in spite of the fact that Dr Foskey and I and Ms Porter and I did not always agree on what should be in the report, to come to the process, come to the table, sit down like adults, argue about things properly and accept when they did not have the numbers.

Dr Foskey has put in two pages of additional comments of things that she feels need to be highlighted. Ms Porter and I have put in a couple of extra paragraphs of additional

comments on things where we did not win the argument either. We felt that the community should have the right to know that we did not agree with those things and that there was another opinion being put out there. We could have put in more—Ms Porter and I had a conversation about other things and whether we should put them in—but we decided that it was better to let the executive make response to that because it is their area.

I note that I have just taken up 13 minutes in talking about the dissenting report and not about the report. I have talked about the process. The estimates committee report itself is no trailblazer. I don't believe for one moment that there will be people out in the community saying that they want to get their hands on a copy of the 2005-06 estimates committee report on the 2005-06 appropriation bill. But it does what it is supposed to do. It goes through and looks at the issues that were discussed from all sides, not just from the government side, not just from the opposition side, and certainly not just from the crossbench. It looks at the arguments that were put and it outlines them.

I would like to take this opportunity to thank the following people for their invaluable support. Without them I couldn't have got through these last couple of months as chair. I thank Robina Jaffray, Anne Shannon, Celeste Italiano, Barbara Locke, Trish Carling, Jane Nielson and Siobhan Leyne for their support as secretaries and all the people from Hansard, who did a sterling job getting the daily transcript to us in a very quick fashion. Most of all I would like to particularly say thank you very much to Jane Nielson and Siobhan Leyne. I have learnt a lot about the standing orders in the period of about three weeks—and over the past couple of months—more so than I did in my first term in this Assembly. I commend the report to the Assembly.

MR MULCAHY (Molonglo) (10.49): I rise to also offer some remarks on the estimates committee report and the dissenting report prepared by Mr Seselja and me. I want to focus on the main elements of the report and not get distracted as Ms MacDonald did but, before I do that, I would say in relation to the dissenting report that it was a considered document. We have been encouraged in some respects by some of the recommendations contained in the main report and, to the extent of my level of confidence in the early hours of this morning, I believe the report Mr Seselja and I prepared deals with issues that were not adequately addressed or themes that we did not feel were appropriate.

We worked on this very diligently, as did our officers. Mr Seselja and I conferred finally at 1.30 this morning on the last changes to this document, having put in many hours on it. I resumed work on it at six o'clock this morning until it was lodged with the office at about a quarter past seven. A lot of work has gone into this; it is a considered document; it is not full of rhetoric. Treasurer, I know you will find it interesting when your Treasury officials no doubt go through it. I hope you will look at it carefully and in the constructive light in which it has been offered, in the hope that in future years some of the measures we are suggesting might be taken into account.

The budget and estimates processes tell us many things about the government, most of which I do not think the government really wants to deal with. Certainly, as is pointed out in the main report, over the past four years budgeted expenditure outcomes have continued to exceed budget estimates by about $680 million. That represents something in the order of an average overrun of about $172 million per annum. Of course,

Mr Speaker, that has in fact been acknowledged in the main report, to which your party is the dominant one, with the Greens member.

The Treasurer claims that there are good reasons for the overruns; he cites exceptional situations. I am sure you will hear them again; he was anxious to mention them in estimates. He talked about the bushfire recovery, the response to the Vardon report and the Gallop report, which have resulted in unforeseen expenditures, in his words. I do not disagree; a number of those were unforeseen. But he fails to address the inherent problem we see with this government. That is that, when situations arise in a period of continuing economic growth, it is imperative that governments redouble their efforts to find savings in other outlays in order to protect the budget bottom line.

The attempt by the Treasurer to justify the overrun in expenditure reveals the flaw of incrementalism in the government's economic management; namely treating all new expenditure as additions to existing spending with no resetting of priorities and little attempt to stay within an overall expenditure limit. Sadly, because other ministers simply do not listen to the Treasurer, the government just cannot contain expenditure.

Seeing that the government is struggling with ideas in this area, let me offer some suggestions. Areas where it could have reduced expenditure in the budget, especially when current spending is exceeding current revenue by about $356 million, include the $12 million for the international arboretum. That is a figure that I heard from the Chief Minister on radio the other morning from Japan. I do not know if he was jet-lagged, but he basically admitted on radio that it was already up to $20 million.

There is the $10 million that has been saved on the convention centre that has been squirreled away for other projects. We have this nearly $2 million that the Treasurer wants to spend out on Phillip Oval; there is the long-running saga of the human rights commission and the community inclusion board. I imagine Mr Seselja will focus on that; he did in the hearings. That is another area of considerable cost with questionable benefit. And, of course, we cannot let go through to the keeper the cost of the Chief Minister's decision to intervene in the bushfire inquest and the attempt to avoid the prospect of adverse findings. The costs of that, in relation to the defence of the particular individuals pursuing that, have already reached, at taxpayers' expense, more than $1.5 million.

There is rapid expansion in the cost and size of the government's communications unit; and the decision to build the new busway service, at substantial amounts with negligible timesaving for commuters, is a very substantial component of the government's outlay. Another one that we heard about in estimates was the $6.7 million for a real-time information system on bus arrivals, despite claims in the same evidence that there is a 99 per cent punctuality rate for the buses. It begs the question: why, in a period of deficit budgeting, do we need to make these sorts of outlays at this time?

There is little doubt that the government is not really trying to make any significant efforts to control its expenditure. The general government sector total expenses in 2005-06 will be 46 per cent higher than they were in 2000-01, yet in the same period the ACT gross state product has increased by only 32 per cent. In other words, the ACT government will be absorbing a greater proportion of total ACT output. I question whether that is what the people of Canberra want. Do they want less for themselves and

more for the government? I think that, in many respects, the government contradicts itself. Its economic white paper says that the government wants a larger private sector and reduced reliance on government employment; yet, in practice, the ACT government has been moving in the opposite direction.

I remind members opposite that big government is not necessarily good government. In the area of health, estimates show what a mess we are in in this area. ACT expenditure is significantly above the national average and, according to the Australian Institute of Health and Welfare, the cost of ACT hospitals on a casemix adjusted separation basis is about 30 per cent higher than the national average. On that basis, Canberra's public hospitals are spending $104 million more than the average of other similar hospitals in Australia for doing the same job. The Treasurer says it is generally recognised that health costs escalate seven to eight per cent each year but, of course, his budget includes provision for only about four per cent growth in health expenditure over the forward estimates period.

The government seems to show no sign of dealing with this contradiction. Indeed, the minister said he was working on the cost problem but could offer no plan for tackling the causes of inefficiency, and offered no hope of securing better value for the taxpayer's dollar. It seems clear to all but the government that the budget provisions for the health portfolio will be exceeded perhaps by a substantial amount. Indeed, my colleagues and I came to the conclusion that the health minister has not the slightest intention of meeting the budgeted target, even though it is a directive that he is meant to adhere to. As far as he is concerned, the Treasurer can whistle Dixie.

I think we will find that the Treasurer will be tearing his hair out over this in the months to come because I did not sense any real commitment on the part of Mr Corbell to try and live within the budget that he has been set. We know, and he has acknowledged, that his public hospital administration costs are $14 million higher than other comparable hospitals in Australia. He has indicated—in *Hansard* of 19 May at page 304, for those who are keen followers of what I am saying—that he has no reason to dispute the figures he is citing. His chief executive said that the health department and the ACT Treasury are not relaxed about the matter, a clear indication that there is room for savings.

In fact there is no plan for achieving those savings. The government might say it intends to reduce these gaps in comparative costs, but it is not moving quickly to do so, and estimates has failed to show how it will do so. The one thing for sure that came out of estimates is that you cannot believe the budget. Health will blow its budget by a large amount. I am very confident in that prediction. I am not happy about that prediction but I believe it will be proven correct. I suspect the Treasurer knows I am right.

There are some issues with the main report. They talked about consultation. There are pages on this, Mr Speaker. I found your ruling that matters in private meetings are no longer off limits for the Assembly to disclose to be quite unusual. I do not wish to reflect on the chair but it surprised me. It may be that, in the future, thought will be given to that decision because I suspect that that is not the case. I do not intend to go down that road but I will say that the opposition members are concerned about the entire inclusion of this exercise on consultation.

I do not have a problem with consultation but the reason I am concerned is that I fail to see any evidence, through the entire estimates hearings, that justifies all this material that finishes on page 33 and is embraced on the preceding pages. It seemed to have been largely an area of interest for one member and probably suits the government, given that they launched their consultation strategy the other day. I would have thought that the estimates process should have related to what was brought before us. We have tried quite diligently in the dissenting report to avoid straying into areas of personal interest but to confine ourselves to matters that were considered by the committee. I would ask that that be noted and I express my concern in relation to that.

We also spoke about policing. Whilst the police minister ducked and weaved as to the numbers of police available, the game was given away by one of his officers. I do not know whether he has been dispatched to the Northern Territory or somewhere else, but we were fascinated to hear that the ACT is at least 112 police officers short of what is needed to protect our community at the national average standard. I was quite amazed to hear the chief of police—I notice he has gone—strenuously attempting to tell us that there had not been a problem in the inner south of Canberra and that there had only been five property crimes.

As Mr Pratt has told this house on many occasions previously, there has been much more. When I tabled an exhibit that showed 62 incidents over a few nights in one district of Canberra the chief of police and the minister looked a bit dismayed. That exhibit is part of the estimates report. It points to the fact that there are real problems out there. I sympathise with the incapacity of the police to deal with this and I certainly felt sorry for the chief of police, who had to sit there and try to defend a situation that he knew in his heart was one that was caused simply by the lack of numbers. We will hear more about that, no doubt, in the debate.

The minister of course continues to argue that police numbers are not the issue; that productivity is what counts. Ms Gallagher and I have had many discussions on productivity. She does not believe in that concept; she believes that productivity is all about lowering the standard of living. In the case of the police, we do not look at numbers apparently, we simply look at productivity. That is an interesting perspective.

As a former tax official I was also quite intrigued to hear Dr Sherbon struggle his way through the FBT issue with the health department employees. Whilst a number of these documents remain privileged, all I can say is that the recommendation in here, Treasurer—and I would urge you to take heed of this; it is in the main report—I believe is that we urge that tax office advice be sought very rapidly because there is preliminary information that suggests that we may be in some difficulty in relation to these arrangements that were the subject of considerable discussion.

I have no issue with employees receiving benefits, but I worry that people who are working in good faith in the public sector who rely on their employer to get it right may have found themselves caught up in a tax arrangement that could result in them receiving adverse assessments. This is not good. I would urge the Treasurer to speak to his ministerial colleague, get this right, get accurate rulings and not rely on extrapolated advice from New South Wales or elsewhere.

There is limited time available to me to comment further. I will look forward to dealing with other matters next week. I am pleased that there are recommendations in relation to asset management. That was an area we discussed at length and a position advocated before the committee by the Canberra Business Council. I am troubled that the Auditor-General's Office has not received the funding they need to keep this government's administration under the appropriate level of scrutiny and accountability. I am pleased that the committee has recommended that additional funding which, in fact, was presented and recommended to the Treasurer by the public accounts committee.

There are other issues that should be noted, particularly the recommendation that the government review the stamp duty on commercial conveyances in light of the GST windfall, a position accepted by the committee, not just by the dissenting report provided by Mr Seselja and me. Mr Speaker, I cannot let it be lost that we understand the limited resources under which you are operating here within this Assembly. I am pleased to advise that we have recommended that, within the budget, $129,000 be reallocated to ensure that the staffing needs you have cited or requested are in fact met, in order that the Assembly secretariat can do the job it is charged with.

There are concerns about the way in which estimates were handled. I do not want to labour that issue at the moment. Ms MacDonald, I think to her detriment, spent most of her time having a go at me. I am afraid I am not that rattled by all of that but it was a disappointing performance. I think, though, that the real messages we need to look at here are not those peripheral issues so much as the matter of the way in which the territory's budget is now heading. It is heading into a difficult situation, which is compounded by overspending.

I understand the factional problems that face the Treasurer in trying to get his colleagues to stop spending money. I understand the difficulties the industrial relations minister has in being unable to secure productivity trade-offs that are anything better—in the words given to the committee—than turning the lights off as power savings when people were given the time off between Christmas and New Year. It is difficult to believe that those words came from officials charged with negotiating sensible working arrangements. I commend our dissenting report for consideration by the Assembly.

DR FOSKEY (Molonglo) (11.04): I want to speak about the estimates committee process in my capacity as the deputy chair of the committee. I preface my remarks by saying that I will be focussing on the process. I believe that next week we will be talking in some detail about the actual content of the report as it relates to the appropriation bill. I want to mention for Mr Smyth's benefit that I will refer only to events that occurred in public and are available to everyone through the transcripts. I am certainly not going to talk about deliberative meetings.

People will remember that a couple of months ago—it feels like about three years ago—there was a bit of a debate in this house about my role on the estimates committee and with the benefit of hindsight and experience I want to reflect on some of the issues related to that. I wanted to be on the estimates committee—and I believe this has been borne out by my experience—so as to have the chance to learn about the breadth of government activities. Remember that I am on only a couple of committees—the public accounts committee and the legal affairs committee operating as the scrutiny of bills

committee—and the estimates committee has given me a chance to see the whole breadth of government workings. I really appreciate that. It also has given me an opportunity to engage in processes of responding to the budget—processes such as how do budgets work and how do we then analyse budgets? These are all new things for me. I am not an accountant and I appreciated gaining the skills that I believe I developed during this process. Finally, of course, it was appropriate to ensure that the third voice of the Assembly, the Greens' voice for which a significant number of people voted, was represented.

I played my role on this committee in good faith. However, the Liberal Party was unhappy that the Greens were represented on the committee, to the extent that they tried to move a censure motion in the Assembly. Perhaps it would have suited the political agendas of both major parties to have had the estimates committee to themselves but I suspect it would have been an even more unpleasant example of a dysfunctional committee had that been the case.

In the event, I must thank the chair, Ms MacDonald, for doing a good job, although she was severely tested at times. I believe she worked hard at maintaining impartiality and the transcripts show that those who complained the loudest about the process got the lion's share of the time to ask questions in the hearings. No doubt that was always part of the agenda. Of course, the chair was caught between the demands of her party and the shrill and, at times, bullying tactics of the two Liberal members of the committee and ministers in her own party, I expect. I believe that Ms MacDonald did as good a job as anyone could have in those circumstances.

Mr Speaker, in politics we tend to divide people up along party lines. In this committee, however, there was a gender division as well as a party-line division. I am not going to go into this matter in depth because I know how certain members feel about women and women's rights and the role women play in creating the society that we have. But with three members, including the chair, being women and the committee being served by women secretaries, the contrast in the ways that we preferred to work was very stark.

The Liberals, who perhaps incidentally were men—or perhaps the men who were incidentally Liberals—chose to complain and to be confrontational when they were not the questioners, and to bludgeon rather than negotiate. I do not know whether this is because they were acting out roles that they had seen in the federal parliament and thinking that this was appropriate behaviour for politicians in a small committee, which has the potential for dialogue, consensus decision making and tolerance of other points of view.

Despite the problems of the process, I believe that we have ended up with a pretty good estimates report, and I want to say that that report benefited from the contributions of every member of that committee. Everyone had a go. There were some very good meetings and there were some very good times. There were times when I believe that the Liberal members of the committee and I worked well together but I believe that there was a lot more potential for that than occurred.

The production of an 80-plus page dissenting report indicates that the Liberal members may have decided at the start of the estimates process that they would exploit the process to have on the transcript points that they had already decided upon. I think this was

unfair to the rest of the committee who persisted in good faith. It was not until the last minute that we learned that there would be a separate dissenting report. In fact, by its size, it is actually more of a manifesto than a report.

As you will see, I have provided a couple of pages of additional comments. I will talk about these and the estimates committee report in more depth next week when we discuss the appropriation bill.

I want to finish by making some final comments on the process. As I said before, there were times when Mr Mulcahy and Mr Seselja and I worked well together. These were the times when I saw how the estimates committee could work and why it is important that the government should not have a majority on the committee. I do believe that. However, the Liberal members mostly chose not to recognise me as someone in opposition. As you will have seen, they have chosen to see me and they have presented me in their dissenting report as someone who was coopted—I think they used the word "duchessed", which would suit perhaps the royalist approach of the Liberal Party—because this suits their political purposes.

The experience of estimates, the influence of the Greens on the report and my contribution to the process indicate that the Greens are as much a part of the opposition as the Liberal Party. We work differently, however, and I see the committees as a place where we can put aside the posturing and the name-calling and the personal politics that I believe have come to play too much a part in this place. It is a time when we can put that aside and work together for the benefit of the Canberra community, as I believe they expect us to.

You need only to go to the transcripts to see what a nasty place this Assembly could be if the politics that were brought to the estimates committee by those members were allowed to dominate in this chamber. So I think that is the lesson we all learnt from the estimates committee. However, despite all those difficulties, we came out with a pretty good report and we actually felt quite warm towards each other at the end of that process.

I do not think we need to put ourselves in boxes and call each other names the whole time. We are all here because we care about Canberra. We might have different priorities but what we have here is a process that enables us in good faith to show the community that every one of us, every party in this Assembly, has a role to play. That is what the estimates committee does. I hope that we have seen the last of some of that behaviour and that we can now go forward.

MR SESELJA (Molonglo) (11.13): Mr Speaker, I would like to start by echoing what was said by the chair of the estimates committee and express my thanks to the secretariat, in particular Jane and Siobhan, for their very hard work during the estimates process. I think it has been a challenging experience for all of us for probably different reasons. As a new member it has given me an opportunity to scrutinise government to see what goes on in each of the portfolios and so it has been a valuable learning experience from that point of view. But I do acknowledge the secretariat's very hard work in making things run smoothly and keeping us in line where necessary.

Before I respond to some of Ms MacDonald's assertions and some of the things Dr Foskey said, I would like to give a summary of our dissenting report. In summary, our

dissenting report highlights a number of serious deficiencies in the budget that we think are worth raising. We think it is important that they should be raised. We think most of them are not reflected, certainly not to any large extent, in the main report, which is why they are in the dissenting report.

Some of these major deficiencies include in particular the persistent failure of the government to control expenditure; the profligate use of revenue windfalls; the related increase in taxes and charges to be paid by ACT residents and businesses; incremental spending instead of resetting priorities; failure to allocate expenditure to high priority community needs; the waste of scarce public resources on items of essentially passing interest and ideological indulgence of little use to the vast majority of the community; the lack of proper provision for the future, with several programs underfunded; failure of the government to abide by its laws; and the difficulty faced by the committee in analysing the budget because of deficiencies in the budget's presentation, including a lack of transparency and the absence of historical data on expenditure and revenue. That summarises our position, which is reflected in our significant report. This significant document deals with a lot of these issues, and I would commend it to members to read, compare and contrast with the budget.

The chair has raised the issue of scrutiny and the importance of the estimates process in scrutinising the government regardless of who the chair is. I think it is clear that the theme in respect of the government's willingness to submit to scrutiny was set very early in this process. Initially it was proposed that there be a majority of government members and certainly it was a case of having control of proceedings through the committee chair as a result of a deal with Dr Foskey, and in my opinion that was played out throughout the proceedings.

Ms MacDonald spoke about the relative levels of cooperation by the opposition. It seems that the ideal level of cooperation would have been for me and Mr Mulcahy to just go home or to not argue anything. It seems that whenever there was an argument, whenever we put an alternative point of view, that was somehow being obstructionist and that was somehow slowing the process down and affecting the ability of the estimates committee to do its work. I put it to the house that what we did was completely the opposite—that we were upholding what the estimates process is about, and that is scrutiny of the government and engaging in vigorous debate on the issues. We were certainly prepared to debate those issues. It is unfortunate that on most occasions the numbers were used to shut that down so there was not any real debate in the process.

Before I move on to some of the issues in the report, I would like to refer quickly to a couple of matters that have been raised. We heard Dr Foskey talk in her rather intriguing fashion about how the process affects men and women. She also talked about the chair being impartial. I agree that impartiality is a crucial aspect of chairmanship. But this quality was frequently and sadly lacking. I might extract one comment from the transcript that shows some of her impartiality. The chair said:

> You might like to comment as well, Chief Minister, on our ability to purchase and build buildings and then have Liberal governments sell off the entire farm.

I do not know about you, Mr Speaker, but that does not sound like impartiality to me. That sounds like partisanship on the part of the chair, and that is something that was in

evidence throughout proceedings. It is regrettable and unfortunate that that was the way things went. But we had to deal with that and often that meant having a fight when we were getting shut down—when ministers were uncomfortable and we were shut down from asking further questions that would make them feel more uncomfortable. If I have time I might come back to that but I want to deal with a couple of the issues.

Breaches of section 19 (2) of the Human Rights Act with respect to Quamby are of significant concern to the opposition. There is also the issue of over-18s or adults mixing with children, some it seems as young as 11. This is a serious issue. It makes a bit of a mockery of the Human Rights Act when we have the minister for youth and the Attorney-General saying, "Well, yes, we're breaching the law but that doesn't really matter. We are going to fix it at some stage but because there are no penalties it doesn't matter." This, essentially, was what the Attorney-General said in response to a question. Firstly, he demonstrated that he did not quite understand how international law works. He said:

> The law did not change with the introduction of the Human Rights Act for us;

Well, that is news to the Canberra community. I would have thought that when you bring in a piece of legalisation the law does change. That is why you do it. International covenants are well and good but until they are incorporated as a domestic law they have no effect. This showed a certain level of ignorance. Mr Stanhope seemed to be saying that because there were no penalties it did not matter. He said in response to a question:

> This is really quite a simple nonsense. Give me an example of a law that you are thinking of. This is not a criminal code. The Human Rights Act does not contain penalties. We are not offending against a law.

I guess the question is: when you breach the Human Rights Act, what are you doing? Are you breaching a law? If you are not, this should be explained to the Canberra community. It has always been suspected that this has been a bit of a toothless tiger, and the Attorney-General really just confirmed that for us.

We had the issue of section 76 of the Education Act and the failure of the minister to consult with the Non-government Schools Education Council, as she is required to do under section 76 of the Act. The additional comments in the response of Ms MacDonald and Ms Porter clearly do not go to the issue. The response was that "it did not appreciate the reasons as to why the Non-government Schools Educational Council could not be convened". The minister put forward no reasons why it could not be convened. The fact is that the act was passed in March of 2004. So the government had a whole year to get its act together to have this council in place so that it could comply with the statutory obligations to ask for and consider the advice of the council in formulating its budget.

We also saw the failure to establish a working party in relation to Quamby. Recommendation 7 of the Assembly's Standing Committee on Community Services and Social Equity says:

> The Committee recommends that the Government establish a working group to examine the adequacy and appropriateness of the programs currently available in Quamby, having specific regard for the need to have:

- social competence training for all detainees;
- pre release life skills programs; and
- increased opportunities for therapeutic interventions.

When the minister was asked whether the working group had been established, no-one, including officials, seemed to know whether it had been. We were given an answer to a question on notice that said, "Well, yes, actually we have established the working group and the first meeting was on 6 June 2005." This was after the question was first asked. The question was: when was the working group actually established? This did not come out in the hearings and we look forward to the minister informing us. But it seems odd that the first meeting of this working group that was recommended and agreed to by the government in August occurred some eight months later and only after a question was asked in the estimates committee. Certainly, opposition members found that somewhat odd.

I do not have time to deal with all the other issues but I will quickly refer to the dragway. It emerged during the process that the government really has no plans to build this dragway. It has promised $8 million. It says with every other project that there is an escalator, yet on this one the Chief Minister says, "No. It doesn't matter when we build it, it is only going to be $8 million." So we can only conclude from that that the standard of this dragway, if it is ever built, will continue to get worse and worse as delays continue and as the costs blow out. So the government has demonstrated that it has no intention of building this dragway.

Mr Speaker, I might wrap up my comments, as I do not have the time to deal with other issues. I enjoyed the estimates process and I enjoyed the ability to scrutinise the government. This is a good dissenting report. The chair should not be offended that we have come up with a very good dissenting report and I commend it to her and to the Assembly.

MS PORTER (Ginninderra) (11.23): Mr Speaker, it gives me great pleasure to stand up in this place and, along with my colleague Ms MacDonald, commend the report. Firstly, I would like to thank the committee secretaries for the dedication and commitment that they have put into this estimates process. The committee system in this place is upheld by some very talented individuals who time and time again prove their value to us as members. Thank you to all the secretaries, particularly, of course, Siobhan Leyne and Jane Nielson who exemplified this fine reputation during this process.

I would also like to record my thanks to Ms MacDonald for her efforts as chair of this committee. Ms MacDonald proved her ability to maintain order and keep the process running smoothly, sometimes, as I am sure many observed, in difficult and trying conditions created by those opposite. I thank her also for the guidance that she showed me during my first estimates process. I must say that I was disappointed by the cheap political stunts and point scoring of the opposition members of this committee, which brought the process into question time and time again.

As far as the chair shutting down the debate for those opposite is concerned, I would like to refer to some figures that show that the Labor members of this committee used up just under 21 per cent of the time. Dr Foskey used slightly more with nearly 22 per cent of the time. But those opposite, the two Liberal members, actually took 57.26 per cent of the time. So we can see that they were shut down and not allowed to talk!

During my time in estimates over the past few weeks examining in detail every appropriation made in this budget, I was impressed by the management and leadership shown by the ACT cabinet. I believe the role of the estimates committee is not to micro-manage government policy, nor it is it to pass judgment on the priorities of a government. Rather, it is to ensure that the appropriate accountability mechanisms are in place so that the Assembly can be assured of the sound financial management of the territory. Unfortunately, at times the opposition members of the committee became a little too eager to run government from the opposition benches and tried to overstep the role given to them by the voters of the ACT.

In difficult financial circumstances, with unprecedented financial pressures emanating from years of neglect by the former Liberal government in the areas of disability support and child protection and following the disaster of the 2003 firestorm, we have a responsible budget. The examination of this budget showed that this government is meeting the emerging needs of the Canberra community in a timely and responsible manner and for that I commend the government.

The government, in its decision to ensure service delivery to the people of Canberra, has called for efficiencies and this will mean alterations to the make-up of the government work force. At this stage of the cycle it appears it is necessary to make some labour force cutbacks. However, these were discovered to be in the areas of administration rather than in service delivery. Through the estimates questioning process, ministers explained where these cuts were coming from within their particular departments. This was a facet of all ministers' presentations before the committee and in my opinion the departments and their responsible ministers are doing everything in their power to minimise the social cost of the streamlining process and are looking for innovative solutions to the challenge before us.

I would particularly like to congratulate the government on their obvious commitment to the key governmental areas of health and education. The budget commits over $680 million to the health sector in the ACT, with new initiatives to minimise the risk to Canberra mothers in childbirth and significant stimulus to reduce waiting lists in dental care and in elective surgery, as well as over $2 million to install state-of-the-art medical technology in our hospitals; all of this on top of 20 extra beds in ACT public hospitals. The ACT government is committed to the health and wellbeing of ACT residents. Unlike the previous administration, it has put its money where its mouth is.

Similarly, this budget exemplifies the ACT government's commitment to education. This budget has honoured its election commitment to improve school infrastructure. In only the first year of its new term it has allocated over $8 million to this worthwhile task. Additionally, the government has allocated over $3 million to vocational education in order to address the ACT's skills shortage. These are just two areas where the ACT

government has committed substantial resources to making Canberra a better place to live.

The government has also committed to sustainable resource use, including the recycling of water; to circle sentencing and a new prison; and to revitalising the City West precinct. On top of this, this budget allows additional resources to combat domestic violence in the ACT and to improve facilitation of family friendly workplaces.

I will now turn my attention to the report that has been produced. As has been indicated by previous speakers, the report made 12 recommendations for government consideration, with the majority of these designed to improve the efficiency of the budget process and increase the readability of the budget itself.

In the main, I support the recommendations that have been made and eagerly await the impending action on each of the highlighted areas. However, there are a couple of things I would like to disagree with. Firstly, I oppose the inclusion of clause 4.8, which refers to a growth in resources for the communications unit in the Chief Minister's Department. I do not believe—and this assertion has been made by other committee members—that sufficient evidence was provided to support this. Whilst perhaps only a minor matter, I believe it is important to ensure that accuracy is maintained in a review process as important as this and that we should look at sufficient evidence before we make these assertions.

Secondly, in regard to clause 10.8 of the report, which refers to the convening of the Non-government Schools Education Council, it is my opinion that the minister accurately outlined the reasons why this group could not meet prior to the budget process. I believe that, given the circumstances, the minister met her obligations under section 76 of the Education Act.

This is a reasonable budget that ensures the long-term economic viability of the territory and at the same time delivers the essential services and infrastructure that Canberrans have been asking for. I think any criticism of the way this process was conducted certainly falls at the feet of those opposite. As I pointed out, Liberal members of the committee took up 57.26 per cent of the time. In fact, Mr Mulcahy's questioning and answers took up 273 pages or 25.1 per cent of the transcripts. So we can see that they had a fair whack of the time. I must say that from time to time—in fact, quite frequently—they made the process extremely difficult.

I appreciate the comments that were made in this place this morning by Dr Foskey. I do say that she has probably got it right as far as the gender balance is concerned. Mr Quinlan also got it right on 3 May. This budget is financially responsible and socially responsive, and for these reasons I strongly recommend that the Assembly support the report of the Select Committee on Estimates into the Appropriation Bill 2005-2006.

Question put:

> That the debate be adjourned.

The Assembly voted—

Ayes 8		Noes 5	
Mr Berry	Mr Hargreaves	Mr Mulcahy	Mr Stefaniak
Dr Foskey	Ms MacDonald	Mr Pratt	
Ms Gallagher	Ms Porter	Mr Seselja	
Mr Gentleman	Mr Quinlan	Mr Smyth	

Question so resolved in the affirmative.

Ordered that the resumption of the debate be made an order of the day for the next sitting.

Health and Disability—Standing Committee
Report 1

MS MacDONALD (Brindabella) (11.34): I present the following report:

> Health and Disability—Standing Committee—Report 1—*Report on 2003-2004 Annual and Financial Reports,* dated 17 June 2005, 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.

Thank you, Mr Speaker, and I thank members. This first report of the Standing Committee on Health and Disability is not lengthy. It deals with the scrutiny of annual reports and makes no particular recommendations. We looked at the annual financial reports of both the department of health and the Department of Disability, Housing and Community Services.

The report talks about the purpose and intent of annual reports and the conduct of inquiry. It then goes into specific areas. It talks about the ACT mental health official visitors annual report 2003, the Department of Disability, Housing and Community Services and Healthpact. It goes into the Community and Health Services Complaints Commissioner and ACT Health. At the end we acknowledge the potential impact imposed by the Human Rights and Service Review Commission, or the HRSRC, on the functions, activities, agencies and areas within the disability, housing and community

services and health portfolios. We then talk about the report content and presentation from both departments.

Mr Speaker, this inquiry was conducted late in the cycle and I am sure that Mrs Burke will speak further on this because it was an issue of concern to her. I acknowledge that we got under way quite late with these hearings. Unfortunately, we had the election in October last year—not that that was an unfortunate thing, certainly not for those of us who got elected. However, the report itself got tangled up as a result of that time frame.

We also had unusual circumstances this year in that we had a very early Easter break in March. We also had a couple of public holidays—we had the Canberra Day public holiday. As a result of that and the fact that cabinet was conducting budget deliberations at the time, I suppose the availability of both ministers was restricted. I do not believe that there was any conspiracy with regard to that. It was just a matter of the ministers not being able to make themselves available at the times we had hoped for because they were appearing before other committees. That meant that we were the last committee to have public hearings.

Also, there was a bit of blurring between the coming year's annual reports, which will be presented in a few months and on which I believe departments are working even as we speak, and the budget estimates process. There certainly is a bit of blurring every year whether or not an election, an early Easter and all those other things I talked about happen. So it was unfortunate and we have commented on that. We have asked that the government consider in future election years looking at ways to alleviate this particular issue.

Mr Speaker, apart from that, I have nothing else to say about the report. However, I would like to particularly thank Ms Trish Carling, who has been the acting secretary of the Standing Committee on Health and Disability since the beginning of this year. Trish has been a wonderful person to work with and I am quite sure that both my colleagues on the committee will agree with that. This was her first report for the committee. It will also be her last report in this place because she is leaving us in a bit over a week's time to go back to her ongoing job up on the hill where she will be looking at some particular fungus or some terrible agricultural problem.

Ms Porter: Something to do with citrus, I think.

MS MacDONALD: Citrus canker is calling Ms Carling. So thank you very much from all of us, Trish. Mr Speaker and members, I commend the report.

MR SPEAKER: Before I call Mrs Burke, I welcome, 85, I am told, students from Gold Creek school, year 4.

MRS BURKE (Molonglo) (11.41): I thank the chair for her comments regarding the report. It was a fairly painless task to put this report together. However, members should note that I did make comments that were accepted and which appear in the report at paragraphs 1.15 and 1.16 under "Conduct of Inquiry". I think the chair has succinctly and forthrightly mentioned my concerns regarding what were unfortunate circumstances perhaps, given that on 7 December 2004, 2003-04 annual reports were presented in the Assembly and referred to the standing committee. On 1 February 2005 the committee

resolved to take evidence from representatives from each of the agencies mentioned by the chair and the relevant ministers.

On 20 and 21 April 2005 the committee held public hearings with the ministers. I reiterate for the public record that the government and any future governments should note that the timing of all annual report hearings during an election year need to be carefully considered in order to ensure the relevance and usefulness of such hearings. I felt, as I am sure did other members and the people who appeared before the committee, that it was really a waste of time, given that we would be involved with estimates hearings and soon after that we would be considering the 2004-05 annual reports. So, to some extent it was a bit of a shut the door after the horse has bolted type exercise. The lateness of this year's hearings and the subsequent relevance of the evidence presented gave me cause for concern, and I am pleased to see that the other committee members were concerned about that. I believe that because of this lateness the value of the hearings and the evidence presented in relation to the 2003-04 annual reports was diminished.

Whilst there may have been, as the chair of the committee said, unusual circumstances, I note that other ministers made themselves available. I was quite disappointed with what happened because the Minister for Disability, Housing, and Community Services would have known that these hearings were coming up. Given the importance of the annual reports inquiry process, the committee would appreciate—and this is set out at 1.16 of the report—all ministers ensuring their availability to appear at the hearings in a timely manner.

The chair mentioned the word "conspiracy". I cannot and will not comment on that. Those were her words and I am not suggesting that for one moment. I am just suggesting that we need to be more on the ball and we need to be accountable to the ACT public, to the ACT taxpayer. I think doing this in a dilatory way sends a bad message out to the community.

I will not say any more than that. I appreciate the contribution made by people who presented themselves to the hearings. I thank the minister for his eventual appearance. I certainly thank the committee secretariat and Trish Carling particularly. Farewell and all the best Trish, and thank you for everything that you have done so far. And thank you members.

Question resolved in the affirmative.

Legal Affairs—Standing Committee
Scrutiny report 11

MR STEFANIAK (Ginninderra): I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 11, dated 20 June 2005, together with the relevant minutes of proceedings

I seek to leave to make a brief statement.

Leave granted.

MR STEFANIAK: I thank members. Scrutiny report 11 contains the committee's comments on eight bills, 28 pieces of subordinate legation and seven government responses. The report was circulated to members when the Assembly was not sitting.

I want to say something in relation to strict liability offences. In the report that has just been tabled the committee has drawn attention to the provisions of the Utilities (Gas Restrictions) Regulation 2005 that introduced strict liability offences in relation to the enforcement of gas restrictions. Subsection 14 (1) provides that a person commits an offence if he or she is the occupier of premises; if gas is used on the premises, in contravention of a gas restriction; and the gas restriction has been properly notified, under section 10 of the Regulations.

An offence under section 14 (1) carries a maximum penalty of 10 penalty units—in other words, $1,000. Under subsection (2), an offence under subsection (1) is expressly a strict liability offence. The committee notes, however, that subsection (3) goes on to provide that is a defence to a prosecution for an offence against section 14 if the defendant proves that he or she did not know that a gas restriction had been imposed.

Section 16 also creates a strict liability offence, also punishable by a maximum penalty of 10 penalty units, of contravening a direction given by an authorised person under section 15 of the regulation. Unlike section 14, however, no defence is provided for in section 16.

As noted in report 2 of the Sixth Assembly, the use of strict liability offences is a recurring issue for the committee. In report 2 of the Sixth Assembly, at pages 5 to 8, the committee set out a general statement of its concerns, as it had to the Fifth Assembly. The committee also referred to the principles endorsed by the Senate Standing Committee for the Scrutiny of Bills in relation to strict liability offences. In particular, the committee noted that, in its report No 38 of the Fifth Assembly, it had proposed that where a provision of a bill, or of a subordinate law, proposes to create an offence of strict or absolute liability, or an offence which contains an element of strict or absolute liability, the explanatory statement should address the issues of:

- why a fault element, or guilty mind, is not required and, if it be the case, explanations of why absolute rather than strict liability is stipulated;

- whether, in the case of an offence of strict liability, a defendant should nevertheless be able to rely on some defence, such as having taken reasonable steps to avoid liability, in addition to the defence of reasonable mistake of fact allowed by section 36 of the Criminal Code 2002.

In report No 38 of the Fifth Assembly, the committee went on to say:

> The Committee accepts that it is not appropriate in every case for an Explanatory Statement to state why a particular offence is one of strict (or absolute) liability. It nevertheless thinks that it should be possible to provide a general statement of philosophy about when there is justified some diminution of the fundamental

> principle that an accused must be shown by the prosecution to have intended to commit the crime charged. There will also be some cases where a particular justification is called for, such as where imprisonment is a possible penalty.

The explanatory statement to the subordinate law does not address these issues. As a result, in the report the committee has drawn the provisions to the attention of the Assembly as they may be considered to trespass on rights previously established by law, contrary to paragraph (a) (ii) of the committee's terms of reference.

I note that the report includes a detailed response from the Minister for Urban Services in relation to similar concerns raised in a previous report, in relation to strict liability offences set out in an earlier subordinate law. The minister's response comprehensively addresses the committee's original concerns.

The committee notes, however, that if a similar explanation had been included in the explanatory statement for that earlier subordinate law, it would not have been necessary for the exchange of correspondence to have occurred. Put simply, if the explanatory statements of legation that contains strict liability offence provisions included an explanation of why a fault element is not required and what defences are, nevertheless, available, as the committee has consistently maintained should be the case, needless correspondence between ministers and the committee could be avoided. I commend the report to the Assembly.

Planning and Environment—Standing Committee
Report 9

MR GENTLEMAN (Brindabella) (11.50): I present the following report:

> Planning and Environment—Standing Committee—Report 9—*Draft variation to the territory plan No 151—Coree block 5 Uriarra Rural Village,* together with a copy of the relevant extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The committee considered the draft variation at meetings held in March 2005 and decided not to invite submissions or call for public hearings in relation to DV 151 as there had been lengthy consultation processes with previous inquiries. There was also a strong commitment to help those families that had been relocated to get back to the community atmosphere that had been developed over the last 75 years.

As there were still seven of the 23 houses remaining in the Uriarra Village, the telecommunications and electricity supply had been fully restored and updated. The Uriarra Village has wonderful community services such as an oval, parkland and tennis courts and a school building that has in recent years been used for community purposes.

On June 3, 2004 the Chief Minister, Jon Stanhope MLA, announced the redevelopment of houses in the fire affected areas of Uriarra as well as Stromlo. These new houses will be of high quality and environmentally sustainable. With the Stanhope Labor government's commitment to the return of people to the Uriarra settlement, as well as to

other rural villages affected by the January 2003 fires, there has been an increase in the size of the settlements. The Uriarra Village will be increased in size from 23 to 100 houses.

The decision for this was a combined economic responsibility as well as a desire for residents who had lost their homes to be able to return. Another consideration for expanding the number of houses in the Uriarra Village was for others in the Canberra community to live a rural lifestyle in the village. The decision to rebuild Uriarra Village was one that was considered after much consultation and enquiries, including the ACT government's non-urban study steering committee reports entitled *Shaping our territory: final report: opportunities for non-urban ACT,* dated November 2003, and *Shaping our territory sustainability study Uriarra Village*, dated May 2004. Other reports include the finalisation of draft amendment No 34, DA 34, to the national capital plan, and the ACT government's public environment report *Uriarra Village blocks 5 and 78 Coree*, dated November 2004, and the Minister for Planning's *Evaluation report of the public environment report Uriarra Village blocks 5 and 78 Coree*, dated December 2004.

As committee chair, I would like to thank all those involved in the consultation process and in particular the committee office and secretary Hanna Jaireth.

Question resolved in the affirmative.

Planning and Environment—Standing Committee
Report 10

MR GENTLEMAN (Brindabella) (11.53): I present the following report:

> Planning and Environment—Standing Committee—Report 10—*Draft variation to the territory plan No 236—City West Commercial A Civic Centre Land Use Policies, Exemption of Preliminary Assessments and Part D—Definitions*, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Draft variation to the territory plan No 236 was considered by the committee at meetings held in March 2005 and, from those meetings, the committee invited public submissions. The committee discussed the submissions received at meetings through May and early June. With the highest number of submissions being from not-for-profit organisations and community groups, it was the committee's view that these should be considered carefully.

The committee also commends the ACT government and the ANU for working together to provide equivalent accommodation for existing City West occupants. This, along with the recommendations from the committee for concessional community rental rates, will see a cosmopolitan mix of vibrant non-government and community organisations flourish in the City West precinct.

The proposed variation to the territory plan, DV 236, has various objectives, with the overarching objective being to contribute to the revitalisation of Civic. Some of the other important objectives of DV 236 are to enable the implementation of the City West master plan, which aims to better integrate the ANU with the social and cultural life of the city. This has been taken into account with the allocation of $6 million in the 2005-06 budget to allow for the implementation of new street furniture, streetscape redesign and the redevelopment of Childers Street.

With the encouragement of new cultural facilities, it allows the opportunity for more cultural activities such as circus acts and dance and performing arts for young people. There is also the chance for new eat, meet and drink establishments to be part of the new City West redevelopment. The committee agrees with the government's view to help encourage affordable student accommodation in the city precinct and also the opportunity to facilitate a vibrant, robust and culturally stimulating environment.

Committee members recommended that the membership board of the City West precinct committee should be broadened to include a representative of community organisations and other existing occupants. In broadening this membership, the ACT government's target of 50 per cent for female appointees to committees and boards should also be applied. As committee chair, I would like to thank all those involved in the consultation process and in particular the committee office and secretary Hannah Jaireth.

DR FOSKEY (Molonglo) (11.56): I was pleased to read the key recommendations of the report of the Standing Committee on Planning and Environment into the draft variation of the territory plan No 236, commonly known as the City West redevelopment.

I was very pleased because community organisations are scared that they are being run out of town, or Civic at least, because, as our Treasurer recently commented during the estimates process, they might be more appropriately accommodated in areas that are not considered highly valued real estate. Such a comment from our government is dismissive of the role played by community organisations and the needs of the people that access them. Our community organisations provide invaluable services to the ACT people and we must ensure that they are supported in Canberra's planning and development or the community that they serve will suffer.

In this instance, government must include community organisations in the Civic west planning process. The degree of uncertainty regarding the government's plans for their accommodation and their exclusion from the detailed planning process is unacceptable. As it currently stands, community organisations do not know what their future holds in the Civic west district. The City West master plan and the ACT government and ANU deed of agreement, which set out the future with broad brush stokes for Civic west, lack definition and a commitment to the future for community organisations.

We have called on the government many times to make the ANU deed of agreement public, to assist in quelling the anxiety of community organisations about their future, but the government has not yet done so. I take this opportunity to call on the Treasurer and the Chief Minister to table that document in the Assembly today. One important factor that has contributed to this anxiety is finding the right minister to deal with in

regard to the Civic west redevelopment. Currently the Chief Minister, the Treasurer and the Minister for Planning are all claiming some responsibility for Civic west yet none of them seems to be prepared to answer questions on the issue and they continue to pass the buck.

It is time that one of those ministers took overall responsibility and offered a lead on the project. Given this fog of intention and lack of detail in the government's commitments, I fully support the committee's recommendation to include a representative of community organisations and other existing occupants on the City West precinct committee. I think at the very least the government should ensure that those organisations are brought into the creative thinking process at the earliest possible stage. I also call on the government to consider the community organisation's request to be collocated in Civic west as well as their request for adequate space, the continuation of their rental rebate and security of tenure.

Mr Speaker, since I first came to Canberra in the mid-1980s the area known as the ROCS, the residents of Childers Street, has provided all kinds of services to people like me, for instance, who were new to Canberra and interested in environmental issues, because the Canberra Environment Centre is there and the conservation council. The ANU Food Co-op, run by the ANU Food and Nutrition Society, provides cheap and wholesome food for anyone who wants it. There used to be photo access. There was a Dance Street theatre but that burnt down. That area has a heart and a soul lacking in so much of Canberra. Therefore, it is absolutely important that we do not reduce Civic west to more sterile sites limited to housing, residential development and offices, which is a pattern we are seeing repeated over and over again in this city.

Although these requests may not be in line with the Treasurer's comment about appropriate accommodation in highly valued real estate, it appears that I must remind the government of its community facility land use policy. The first objective of this policy states that the government will "ensure that adequate sites are available to meet community needs for community services and facilities in appropriate and accessible locations." I hope to hear that commitment restated in the government's response to this report.

I now turn to the issue of affordable housing. Page 64 of the City West master plan commits the government to ensuring that a minimum of five per cent of residential accommodation in Civic west is offered to low and medium income earners. While I acknowledge that the government has in the past taken some steps to improve housing affordability, although not necessarily in this budget, it is important that this commitment to provide that five per cent in Civic west does not slip in the face of the high land value.

It is a pity that in relation to affordable housing in Civic west the government and opposition did not agree with my recent motion to reconvene the affordable housing task force, which could have provided expert advice on the plans. And although I am aware that residential development in Civic west will not be fully implemented for some time, I fully endorse the committee's recommendation that the government report annually to the committee on progress in meeting the five per cent affordable housing target for City West and the policies applied for meeting the target.

I note that, in answer to a question on notice that we asked during the estimates process to find out how the mix of affordable housing that is promised for Civic west would be delivered, the government simply drew our attention to the student accommodation planned by ANU. That can only raise our concerns regarding a level of real commitment this government has to deliver on its housing affordability promises. I am pleased to see that this committee has made a recommendation that student accommodation should not be counted when monitoring progress towards achieving five per cent affordable housing.

This is a unanimous report of the committee that is composed of two Labor backbenchers and a member of the opposition. How the government responds to its recommendations is a test not only of the government's commitment to community organisations and affordable housing, but also of the effectiveness of the government's backbench. Consequently, I look forward to the government's response to this paper and hope to see it address the concerns of the community sector and social housing groups by accepting all the recommendations of the report relating to community organisations and housing affordability.

Question resolved in the affirmative.

University of Canberra Amendment Bill 2005

Ms Gallagher, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by clerk.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (12.04): I move:

> That this bill be agreed to in principle.

This bill amends the University of Canberra Act 1989. The amendments embed the national government's protocols agreed by all Australian ministers and chancellors of Australia's universities in late 2003. The protocols are specified in the commonwealth's Higher Education Support Act 2003. All Australian states and territories are working towards embedding the intent of the national governance protocols in their university legislation. The protocols represent good practice in corporate governance of the university governing bodies, most commonly called university councils. This approach ensures that the university council continues to work in the interests of the university and its students. There is a general trend nationally and internationally for corporate entities to embrace best practice in governance and this bill will ensure that our university benefits from a robust governance framework.

This bill is identical to the amendments that were first put forward as part of the government Statute Law Amendment Bill 2005. Appropriate agencies were consulted as part of the SLAB process earlier this year. Following the advice of the legislative

steering committee in late March 2005, I agreed to submit the amendments to this Assembly as an independent bill because I support the national governance protocols and I want the university to access the extra funding that flows from adopting them.

The commonwealth's Higher Education Support Act 2003 provides for increased financial assistance to universities that satisfy the national governance protocols. To quality for the increased funding, all Australian universities must embed the protocols in their enabling legislation by 31 August 2005. This means an additional 2.5 per cent in 2006 rising to 7.5 per cent in 2008. This equates to approximately $4 million for the University of Canberra by 2008. It is vital that the university have access to these additional funds for the benefit of current and future students.

The bill does not change the number of university council members or the composition of the membership. The current range of university stakeholders currently provided for in the act remains and comprises: the university executive, a person elected by graduates of the university, three members of the academic staff elected by members of that staff, a member of the general staff elected by members of that staff, two students of the university elected by the students of the university, and up to 10 persons appointed by the Chief Minister.

The amendments clearly specify the duty of the university council members, consistent with the national governance protocols, including providing for sanctions where duties are breached, amending the protections to be available to members consistent with the Corporations Act, further quantifying the circumstances in which members must vacate their office to include disqualification as a company director under the Corporations Act, amending the manner in which the deputy chancellor is appointed to the council, because the protocols specify which positions are appointed by virtue of office, and limiting the maximum term of council members to 12 years. I ask that members note that this bill moves the territory forward with an improved university governance framework that protects the interests of students and staff at the University of Canberra. The bill will ensure all council members continue to work for the good of the university.

I recognise the efforts of all governments in developing the protocols and the considerable effort put in by both the university and my department to develop these amendments. Equally, it is imperative that the territory embraces the amendments to support our university and our students, current and future. The amount of extra funding on offer from the commonwealth is not a trivial amount.

Mr Speaker, I commend this bill to members for their consideration.

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

Children and Young People Amendment Bill 2005

Ms Gallagher, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (12.09): I move:

> That this bill be agreed to in principle.

The Children and Young People Amendment Bill 2005 amends the Children and Young People Act 1999, relating in the most part to the Quamby Youth Detention Centre. This bill addresses problems that date back to the beginning of self-government in the ACT. Specifically, the problems raised and addressed in today's bill include the declaration of Quamby Youth Detention Centre as a shelter and institution under the act, the declaration of community youth justice offices, in their various locations, as attendance centres under the act, the declaration of Marlow Cottage as a shelter under the act, the validity of the standing orders used at Quamby, and the appointment of official visitors under the act.

Mr Speaker, let me address the first legal issue. Extensive searches have been undertaken by the Department of Disability, Housing and Community Services and the Department of Justice and Community Safety for the documentation in relation to the declarations of Quamby, Marlow Cottage and the attendance centre in accordance with the act. Declarations for Marlow Cottage and the attendance centre could not be located. The most recent official declaration of Quamby as a facility able to receive children and young people under the relevant legislation was made on 22 April 1988. This was made by the then associate secretary, ACT administration, as delegate for the minister of state for the arts and territories. This 1988 declaration was made under section 157 of the then Children's Services Act 1986, which was repealed by the Children and Young People Act 1999, which commenced on 10 May 2000. Further, the 1988 declaration related to the site on which Quamby operated prior to the facility's upgrade and reopening, on a different part of the site, in March 1994. This new location has never officially been declared as a facility for the receipt of children and young people under relevant legislation.

I should note that there were no statements in reports by the ACT Ombudsman, the Community Advocate, the ACT coroner, in the Vardon and Murray reviews, or in the interim report on the review of systems and processes with compliance and statutory obligations undertaken by Minter Ellison Consulting, that would have drawn our attention to these issues. Following advice from the ACT Government Solicitor's Office, on 19 May 2005, I declared—under the Children and Young People Act 1999, from that date—Quamby to be both a shelter and institution and the Community Youth Justice Offices, in Callum Offices, Woden, to be an attendance centre. On 17 June 2005, I declared—under the Children and Young People Act 1999, from that date—Marlow Cottage to be a shelter. This is a facility that is currently being used as a place to refer children and young people to from the Children's Court.

As I have earlier indicated, the status of these facilities, prior to my recent declarations, is uncertain and so it is necessary to introduce amendments that would put their legality beyond any doubt. Given the circumstances, and in order to address these matters, I propose the following amendments to the Assembly:

- a new section 420, to retrospectively declare, from the beginning of self-government, the Community Youth Justice Offices, at their various locations, to be attendance centres;
- a new section 421, to retrospectively declare Quamby Youth Detention Centre as both a shelter and institution from the beginning of self-government; and
- a new section 422, to declare Marlow Cottage as a shelter from the time of its establishment on 6 November 1995.

While the recent declarations I have made under the act provide legal certainty for the future, the amendments proposed to the act today will address the past, and together will provide a continuum of legislative and regulatory coverage dating, in large part, from the beginning of territory self-government. This is to clarify and provide certainty to the status of these places.

As I outlined earlier, the second legal issue we confront involves Quamby standing orders. The ACT Government Solicitor's Office has advised that there is no general power under the Children and Young People Act 1999 and the Public Sector Management Act 1994 for a number of the standing orders currently used at Quamby. These include the legal basis for such actions as use of force, medical examinations and video surveillance. There is no power in the act that gives specific authority for standing orders in regard to these and other such issues.

In the two periods when Quamby was part of ACT Corrective Services, the authority for standing orders may have been drawn from the Remand Centres Act 1976. The proposed amendments to the Children and Young People Act at section 403, in relation to standing orders, will give the minister the power to declare standing orders by disallowable instrument for a broad range of specified purposes. It will also allow, at section 418, for a strict 28-day period, for the minister to declare standing orders with retrospective effect. The purposes for the standing orders include powers of search, mail, phone calls, education and behaviour management strategies. Under section 419, the Chief Executive of my department will be required to review the standing orders and provide me with a report within three months of the commencement of these amendments. This clause is necessary, as the standing orders will be redeveloped over this period, on the basis of advice from the Human Rights Commissioner, in relation to compliance with the Human Rights Act 2004.

Earlier this year, after discussions between the department and the Human Rights Commissioner, the Human Rights Commissioner began a review of Quamby. The purpose of this audit is to gain her advice on what changes were necessary to enshrine the principles of human rights in the practices at Quamby. We will be guided by her advice.

Finally, I refer to the question of official visitors under the act. Members will know that official visitors are independent people appointed by the minister. They advocate on behalf of children and young people in detention, hearing complaints, making enquiries, and working to find a satisfactory solution. Our examinations have discovered that the current official visitors were appointed by way of a notifiable instrument, rather than a disallowable instrument, as required for statutory appointments under the Legislation Act 2001.

This inadvertent technical problem effectively rendered the appointment process invalid due to the procedural requirements of the Legislation Act 2001. It should be noted however that the majority of the components of the appointment process were completed correctly, including that their appointments were agreed to by the relevant standing committee of the ACT Legislative Assembly. The official visitors have since been retrospectively appointed through a new disallowable instrument for the period of their current appointment—that is from 6 February 2003 until 1 July 2005. As a precaution, the proposed section 424 to the act seeks to remove any doubt as to the validity of the appointment of the official visitors, notwithstanding the technical hitch in the appointment process.

Mr Speaker, as I have outlined, our examinations have uncovered a number of serious legislative anomalies, dating back to the beginning of self-government, regarding the legal status of Quamby, its standing orders and the official visitors under the Children and Young People Act. Since their discovery, the government has worked diligently to provide remedies that will establish, beyond question, the legal foundation required to enable us to lawfully undertake this fundamental public service.

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

Occupational Health and Safety Legislation Amendment Bill 2005

Ms Gallagher, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by clerk

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children Youth and Family Support, Minister for Women and Minister for Industrial Relations) (12.18): I move:

> That this bill be agreed to in principle.

The Occupational Health and Safety Legislation Amendment Bill 2005 amends the review-of-act requirements in the Dangerous Substances Act 2004 and the Occupational Health and Safety Act 1989—the OH&S Act. The amendments refocus the reviews on the broad operation of the regulatory regimes established by the acts, align their timing, and provide flexibility to the minister in establishing arrangements for their conduct.

Section 224 of the Dangerous Substances Act currently requires an independent review of the operation of the act, with particular reference to the assessment of the regulation of fireworks, as soon as practicable after 30 June 2005. Section 230 of the OH&S Act also currently requires an independent review of the OH&S Act and is focussed on the reforms to their compliance model established through amendments passed last year. The review is to be conducted as soon as practicable after 30 June 2007.

These review provisions were initiated through amendments of the crossbench during debate of the Dangerous Substances Bill 2003 in March 2004 and amendments to the OH&S Act in June 2004. The Dangerous Substances Act creates a modern duty-based framework for the regulation of dangerous goods and hazardous substances and anticipates international developments in integrated chemicals management. The OH&S Act, as amended, creates an enhanced compliance and enforcement framework for workplace safety in the ACT. This framework is paralleled in the compliance and enforcement provisions of the Dangerous Substances Act.

Both the Dangerous Substances Act and the OH&S Act, as amended, establish complex and innovative regulatory regimes. Legislated requirements to review the operation of significant new laws are not uncommon and ensure that following a sufficient period a sound assessment of the workability of the legislation and its effectiveness in meeting its objectives can be made. The government does believe, however, that the period of time needed to adequately and comprehensively assess the legislation should be longer than that currently specified in the Dangerous Substances Act. In seeking to amend the provisions along the lines I will now outline, this government maintains its commitment to a robust review of these important bodies of legislation.

The regulatory regime established for the Dangerous Substances Act is broad and complex and is supported by a wide range of regulations for explosives, storage and safe handling, asbestos awareness, asbestos prohibition and the licensing of security sensitive substances such as fertiliser grade ammonium nitrate. Additional regulations will be developed for health surveillance, control of carcinogens and transport in the coming period.

While the current review provision mandates a focus on fireworks it would not be sensible for the government to review such a narrow aspect of the broad subject matter dealt with under the Dangerous Substances regime in isolation. Fireworks are only one element to be examined in the extensive review of the dangerous substances legislation. The government conducts an annual comprehensive regime review of the fireworks provisions in the Dangerous Substances Act after every Queen's Birthday long weekend to assess the suitability of the current regime. The government does not pass legislation and leave it to sit unchecked on the statute books for years to come. We are continually evaluating and re-evaluating ACT law to ensure it is keeping pace with changes in the territory. Further the Dangerous Substances Act was only enacted in March last year. The government does not believe that a review only some 12 months after its introduction will enable a full analysis of the Dangerous Substances regulatory regime. Sufficient time should be allowed to pass before a review takes place so the regime as a whole can be properly assessed.

The Dangerous Substances Act and the OH&S Act establish complimentary safety regimes based on positive duties of care. The Dangerous Substances Act has a modern approach to compliance and enforcement created through a hierarchy of enforcement measures ranging from advice, education and persuasion to increasingly serious sanctions such as improvement notices, prohibition notices and finally prosecution, and an innovative mix of compliance mechanisms including notices of agreed compliance, remedial orders, enforceable undertakings and injunctions. This compliance and

enforcement regime is parallel in the OH&S Act and, along with the right of entry provisions for registered employer and employee organisations, is the focus of the current review provisions in the act.

The review of the Dangerous Substances Act is required to commence as soon as possible after 30 June 2005 and the review of the OH&S Act is required to commence as soon as possible after 30 June 2007. The government is of the view that there are potential synergies and economic efficiencies in aligning the timing of the two reviews. It would be most appropriate for these to commence in 2007. This will ensure that the dangerous substances legislation has operated for a reasonable period and that the review will be able to make a thorough assessment and reach useful conclusions.

Section 224 of the Dangerous Substances Act presently requires that reviewer must not be a public employee employed in an administrative unit that is responsible for the administration of this act or the OH&S Act, nor should the reviewer be subject to direction by the minister or the chief executive in carrying out the review. A similar review provision is found at section 230 of the OH&S Act.

Many jurisdictions now legislate requirements for the review of the operation and effectiveness of new legislation after a fixed period, commonly five years. By and large, the arrangements and terms of references for a legislative review are a matter for the minister. This has generally been the case in the ACT as well. While the government is committed to the reviews of both the Dangerous Substances Act and the OH&S Act, it questions the need for the current specific requirements regarding arrangements of their conduct. The exclusion of public servants involved in the administration of the legislation in the role of reviewer unnecessarily limits the options a minister may wish to consider in establishing a review process. The current requirements could potentially impose considerable costs on the conduct of a review through the need to engage an independent reviewer.

The public servants who develop this legislation are experts in the area and their core duty is to develop and evaluate the appropriate legislative regimes. The work of an independent reviewer will undoubtedly duplicate much of this work. The merits of an independent review and the public expense it will attract should be a matter for the minister to take into consideration when a review is being set up. The government recognises that a serious review exercise requires the reviewer to proceed in an objective and impartial manner. This imperative should inform the conduct of all reviews. A requirement that the reviewer not be subject to direction by the minister or chief executive when carrying out the review, however, is not representative of the general approach to legislative reviews. This could place unnecessary constraints in the framing of the review's terms of reference and its arrangements, which go beyond the objectivity, and independence of the findings. This requirement is also the subject of amendment in the bill.

Finally, the Occupational Health and Safety Legislation Amendment Bill also introduced technical amendments to the Long Service Leave Act 1976 to remedy unintended changes to the treatment of service by the passage on 6 May 2005 of the Long Services Amendment Act 2005. In late May 2005, the Housing Industry Association alerted my office to the consequences of changes to the treatment of temporary service outside the

ACT and of certain service with the defence force by amendments to the Long Service Leave Act.

A consequence of the reorganisation of provisions governing the treatments of periods of services and continuity of service is that two examples of interruption to the normal course of employment in the territory, certain defence force service and temporary employment outside the ACT that were previously counted as periods of services, are not regarded as periods of service in the amended Long Service Leave Act. These changes were unintended and are not in the public interest. The amendment in clause 5 of the OH&S Amendment Bill 2005 addressed this situation and passage of the bill will limit the possibility of employees being disadvantaged as a result.

Mr Speaker, the Dangerous Substances Act and the OH&S Act, as amended, are landmark legislation. There is a strong case for reviewing the regulatory regimes that they establish, and this government is committed to undertaking such reviews. The conduct of these reviews will represent a considerable allocation of public resources regardless of who is ultimately selected to undertake them. It is very important that these resources be put to the best possible use and achieves an outcome that benefits the territory. The amendments proposed in the bill will promote a thorough analysis of the workability and effectiveness of these two complex and complementary regimes after a reasonable period of operation has passed.

Mr Speaker I commend the Occupational Health and Safety Legislation Amendment Bill 2005 to the Assembly.

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

Passage of legislation
Statement by member

DR FOSKEY (Molonglo): Mr Speaker, I seek leave to register an objection to the brief period between the tabling of these bills and debate.

Leave granted.

DR FOSKEY (Molonglo): I seek leave to register an objection to the brief period between the tabling of these bills and debate on them.

Leave granted.

DR FOSKEY: I want to make the point that it is very difficult for members to consult fully as they will and to give these pieces of legislation, some of which are quite substantial, the attention that they deserve. I am quite sure that Ms Gallagher would be able to give me quite good reasons why this has occurred in these three cases but, nonetheless, I feel it is very important that wherever possible we allow legislation to be tabled and fair opportunity be given for scrutiny by the public and members before they are debated.

MR SPEAKER: This is only the introductory stage and it has been adjourned.

DR FOSKEY: I understand that some of these pieces of legislation will be talked on next week and I am registering my objection on the basis of that understanding.

Sitting suspended from 12.29 to 2.30 pm.

Ministerial arrangements

MR QUINLAN (Molonglo—Acting Chief Minister, Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming): Mr Speaker, I advise the Assembly that in the absence of the Chief Minister I will be taking questions relating to his department and Ms Gallagher will be taking questions relating to the Attorney-General's area and environment, arts and heritage. Also, in the absence of Mr Corbell, Mr Hargreaves will be taking questions on health and I will be taking questions on planning. Good luck to all today!

Questions without notice

Vardon report

MR SMYTH: Treasurer, this is a question for you in your portfolio. You have made a number of comments recently about the significant costs that have been imposed on the ACT through having to respond to the recommendations of the Gallop, the McLeod and the Vardon reports. In answer to a question on notice during the recent estimates hearing, you provided advice on the cost of implementing each of these reports. In this advice you said that $1.6 million had been spent during the 2002-03 financial year and $9.5 million during the 2003-04 financial year in implementing the government's response to the Vardon report. Treasurer, as the Vardon report was only tabled on 22 June 2004, how was it possible to spend these funds implementing recommendations arising from this report in the two financial years before the report was tabled?

MR QUINLAN: Okay, I can answer that quickly as we are only playing semantics here. We know that there was an identified child protection problem, which this government moved very promptly to redress, and I want to congratulate the minister for the prompt work that she has done, having picked up a problem that certainly pre-existed the election of a Labor government in 2001. Even though there have been some attempts to try and invent a situation where the problem just occurred overnight, I repeat my congratulations for the minister's prompt action. In terms of the detail, because I don't have it in front of me, we are happy to supply you with a schedule of the expenditure of when and where and what it went on.

MR SPEAKER: Do you have a supplementary question, Mr Smyth?

MR SMYTH: I would be delighted to receive the schedule. Treasurer, why are you hiding behind the claimed costs of implementing these reports when clearly you were just carrying out ordinary government business to explain you government's excessive spending?

MR QUINLAN: Let us get some perspective. What we have had since the budget is Mr Smyth and Mr Mulcahy claiming that the government had overspent by $688 million.

They have said that in public. Of course, the only expenditure that this government can undertake is that which is approved in appropriation bills. The changes to bottom lines from year to year are subject to accounting vagaries and vagaries in relation to accruals, et cetera, which are not about the government spending money but the very extensive investments in health and superannuation—those sorts of things—and other accounting changes. This opposition we have has I think, either out of gross stupidity or gross dishonesty, set out to mislead the public of the ACT.

Mr Smyth: Point of order, Mr Speaker. There is no attempt to mislead and he must withdraw that and the imputation of dishonesty.

MR SPEAKER: No, I don't think the Treasurer has accused anybody of misleading the Assembly. He talked about misleading the community and I think that is an entirely different matter.

Mr Smyth: And the "dishonesty"?

MR SPEAKER: I don't know that he assigned that to any group or individual.

Mr Smyth: He said, "this opposition".

Mrs Burke: Yes, he did say that.

MR SPEAKER: I think the Treasurer should withdraw that.

MR QUINLAN: Okay, I will withdraw it but I need to qualify that. There can only be two reasons that Mr Smyth and Mr Mulcahy—

Mrs Dunne: Point of order, Mr Speaker. I would like your ruling on whether Mr Quinlan has actually withdrawn, seeing you asked him to withdraw.

Mr Seselja: He said he would qualify it.

Mrs Dunne: He went on to say that "I need to qualify it". I thought that withdrawals had to be unqualified withdrawals?

MR SPEAKER: Well, that is true but I think—

MR QUINLAN: I am seeking, Mr Speaker, to clarify that and, to set Mrs Dunne at ease, I am qualifying the statement that I made before.

Mrs Dunne: Okay, that's fine.

MR QUINLAN: So rest easy, Mrs Dunne. So what we have is a couple of guys over there who are claiming that this government went out and spent something close to $700 million over four budgets—over and above the original budgets. Now that just ain't true. If you think it is true then you know very, very little about budgets and appropriations. I expected that from Mr Smyth, who has made some other statements in this place that—

Mr Smyth: Like economic—

MR QUINLAN: Well, like $344 million. That just is not true; I expected that from Mr Smyth, who has exhibited ignorance on a regular basis, but I didn't think Mr Mulcahy was going to fall for the same line. In fact, to assist in this process, I tabled in the estimates hearing a schedule that showed what additional appropriation bills there would be, what additional expenditure the Assembly had approved while Labor was in government and then all the other changes to the—

Opposition members interjecting—

MR QUINLAN: You do not want to hear this do you? You do not what to hear this.

Mrs Dunne: I am all ears, Mr Quinlan.

MR SPEAKER: Order! I do: so please observe some order.

MR QUINLAN: I went to the extent of tabling in estimates a schedule that said, "Here are all of the items that result from accounting accruals and here are the actual expenditure items over and above budget that this government has incurred", and still you continue. That means either you don't understand or you don't want to understand for convenience. But to go out and say that the government spent nearly $700 million more than was budgeted is nonsense. You have been provided with quarter by quarter reports explaining the changes to the bottom line. You have been involved in the debates on appropriation bills. There is only one element that I can remember you did not vote for and that was a small business commissioner, about $300,000. You have approved every dollar that this government has expended over four years and it is nothing like $700 million over the budget. You are simply entirely wrong.

Gungahlin child and family centre

MR GENTLEMAN: My question is directed to the Minister for Children, Youth and Family Support. I understand that some innovative consultation techniques were used in developing the new Gungahlin child and family centre. Could you provide information to the Assembly on these techniques?

MS GALLAGHER: The Stanhope Labor government is committed to engaging with all members of the community, including children. I launched the ACT children's plan on 15 June 2004. That plan guides government in developing policies, programmes and services for children up to 12 years of age. Importantly, it acknowledges that children are more than just future adults; they are already active members of our local community. The plan challenges government to consult more fully with children to increase their participation in the Canberra community and to determine what services are important to them.

In light of this challenge, the Stanhope government undertook a unique approach to developing the new purpose-built child and family centre in Gungahlin. The Gungahlin child and family centre is, of course, the major initiative of the Canberra social plan. The centre provides a range of services, including child health and maternal clinics, general

parenting advice, and family support activities. Psychologists, speech pathologists, early education specialists, maternal and child health nurses, nutritionists and social workers are available to offer information and support.

A temporary child and family centre commenced in Gungahlin in August 2004 and began full service delivery in January. However, it is the purpose-built centre, currently in the design phase, that is truly exciting. Recognising that they are key stakeholders in such a centre, children have been intimately involved in the initial consultation stage. A reference group of 21 children from the Gungahlin community has been formed. This group began meeting in April and has met regularly through the design phase of the centre. The group will continue to be involved through the launch of the centre and will then provide input into service delivery and development.

Through these meetings, a variety of age-appropriate methods were used to engage the children to obtain their ideas and viewpoints in relation to the development of the centre. A cross-section of children is represented on the reference group, and they are drawn from local government and non-government primary schools. The recruitment process also had an emphasis on attracting a diverse range of participants, including those experiencing disability or economic disadvantage, males, females, indigenous, and linguistically and culturally diverse students. The members of the group are aged from seven to 12 and were nominated by their schools.

Already the group has put forward practical and inspiring ideas about creating a welcoming place for families. The children are very conscious of issues ranging from wheelchair access and safe playing areas through to water conservation for landscaping. The children have participated in six sessions. Each session has focussed on issues of diversity, accessibility, disability, indigenous and multicultural awareness, building and construction, design, and youth participation. To raise the children's awareness of these issues, a range of guest presenters attended the sessions, including Larry Brandy, an indigenous storyteller; Rick Small, the architect; and Linda Dobbs, an interior designer.

In addition, the children have completed activities involving prams, wheelchairs, multicultural posters and blindfolds to better understand the experience of people with diverse backgrounds and needs. The children have also conducted surveys within their school community on paint colours and design for the interior walls of the centre. This has informed the architect's decision on how the design and construction should proceed. The reference group has led to changes being made to the design to ensure that it caters to one of its major stakeholders effectively.

To date I am delighted with the outcomes of the consultation. The Stanhope government will remain committed to engaging with all members of the community using the most innovative and appropriate methods available.

MR GENTLEMAN: Mr Speaker, I have a supplementary question. Minister, is this the first time children have been consulted in this way? Are there plans to undertake similar consultations in the future?

MS GALLAGHER: It is anticipated that this consultation strategy will become part of the broader children's consultation framework. Early evaluation of the consultation has

indicated that the children have thoroughly enjoyed their participation in the process. They have indicated their desire to be involved in similar projects in the future.

The government has already used similar consultation techniques to develop the children's plan and in developing the new statutory Office of the Commissioner for Children. In developing the children's plan, particular input was sought from children and their families. I sent a letter to 19,000 primary school children in the ACT inviting them to provide input into the process. I thank the schools for their assistance in encouraging their students to respond. We received 2,200 responses to that request.

Some 2,500 individuals and organisations were consulted about a children's commissioner and how that could assist in making Canberra a better place for children and young people. The views of 360 children and 145 young people on things that could be done to improve their lives were included in the emerging themes and public submissions reports that arose out of those consultations.

A cross-section of children was among those who responded to this consultation. Fifty two per cent were aged eight to 12 and some 7.5 per cent were five years of age or younger. The views of children were accessed through primary schools, early childhood education and care settings, women's refuges, and hospitals. Views were also sought from children residing in foster care and from children with disabilities. A special survey sheet was developed to record these responses, which included an opportunity for children to provide artwork expressing their views.

The Office of the Commissioner for Children will continue to develop these consultation techniques. The final outcomes of the innovate Gungahlin project will inform these developments.

Budget—rates and charges

MR MULCAHY: My question is to the Treasurer. I refer to measures within the budget wherein you have announced increases in general rates. Disclosed within the budget papers is advice that the additional increase in rates will be imposed for all properties on a 50/50 basis of fixed charge and valuation charge. In producing your forward estimates can you advise the projected growth in average unimproved value upon which you have relied to determine likely movement in values over each of the next three years?

MR QUINLAN: Would you like it off the top of my head?

Mr Mulcahy: I thought you would know that.

MR QUINLAN: I think it is important to recognise that the unimproved value is used to differentiate between properties in the application of rates, but it is not used solely to determine the level of rates. Forget this increase for the time being. In the past we have said, "Rates will increase by CPI plus physical growth"-the growth in numbers in premises. That overall level of gross rates to be collected is then apportioned over all the individual properties according to their unimproved value. That system still obtains today. If you want, I will look up *Hansard* and work out exactly what you are asking and we can give you the estimates. But it is not as material maybe as your question implied.

MR MULCAHY: I have a supplementary question. I will look forward to that more detailed information for the projection—

MR SPEAKER: Just come to the question.

MR MULCAHY: Yes. In the event of the average unimproved value falling as a result—

MR SPEAKER: No preamble.

MR MULCAHY: It is a supplementary. My question to the Treasurer is: if there is a softening in the ACT land market, will the ACT government be applying reductions in rates based on that average unimproved value falling, or assuming it is falling under such circumstances, or is that beyond the capacity of the projected financial position?

MR QUINLAN: That is a bit of a stupid question, actually. I just explained to you how the rate system was applied. Therefore your question is a non sequitur. What we have done each year is increase the gross take by CPI. In some places people have seen their rates go down. In other places rates have increased by much more than CPI because there is a differential.

The previous system has protected the bulk of ratepayers against rapidly escalating prices. But part of the deal, part of the offset, is that if the bottom fell totally out of the market, rates would not decrease by a huge volume. Having dampened them all the way along, and we have seen property prices and values increase by much more than CPI over the last decade or more, we would not then say, "Because they are going the other way, land values actually decrease, but we will change the system."

I think you should have a better look at exactly how the system is applied. Have a look at how the system is applied and I think you might conclude that the point you are trying to bring out just does not exist.

Mr Mulcahy: No, it is the assumptions you are working on.

MR SPEAKER: Order!

MR QUINLAN: We cannot have a chat, but I will just say—

MR SPEAKER: Order! Just direct your comments through the chair, please. Mr Mulcahy, you have had your question.

MR QUINLAN: What I want to make clear is that we have had for a considerable length of time a rating system that has capped the overall take to CPI in the gross pool that is collected. That is apportioned amongst properties on the basis of the unimproved value of land, which means that there are differential shifts as between various suburbs but, overall, the average take stays at CPI. Therefore the budget, our budget and previous budgets of previous governments have not benefited from galloping property prices and there will not be a disbenefit if there is a dampening of land values. If that is too complicated, we will try and write it out for you.

Totalcare Industries

MR STEFANIAK: My question is to the Minister for Urban Services. The Chief Minister made the following pledge to Totalcare workers on 9 December 2003:

> None of the 346 Totalcare employees will lose their jobs or entitlements.

Minister, will any of these workers be made redundant as part of the loss of 80 jobs resulting from the restructuring of your department? If so, how many of these positions will be made redundant?

MR HARGREAVES: The Department of Urban Services is in the throes of a total restructure to change a silo effect. When the functions that now make up urban services came across to the ACT in 1989 from instrumentalities such as the Department of Housing and Construction, public works and the Department of the Interior they brought across a public service mentality, a silo mentality. Over the years there emerged another insidious disease of administration called the purchaser/provider split. That resulted in the Department of Urban Services being overadministered and overmanaged.

There are elements within the Department of Urban Services, as exists in other departments, where there is a greater proportion of management to service delivery, which is unacceptable in modern day organisation theory. The Department of Urban Services has taken a bit of a lead in this sense by totally restructuring, taking and putting the emphasis on service delivery, the sharp end. I have been criticised a number of times in this place because people have been dissatisfied with the level of services, whether they are talking about the removal of dead trees, potholes or other issues. So this restructure will take effect.

As has been indicated both in the estimates process and through the budget process, there will be considerable saving achieved through this administrative reshuffle. There will be a certain number of positions saved as a consequence. We need to understand that they will be full-time equivalents. This is not necessarily talking about people; this is talking about full-time equivalents, remembering that the mix is of permanent, part time, casual and body hire staff which this government inherited when it came to office. The figure indicated in the estimates period and through the budget process was a reduction from 1,086 to 1,006.

It has been put on the record before that the number of positions that will be reduced within the Department of Urban Services is 80. I have said that in estimates, I have said it in the public arena and I have said it I do not know how many times directly to staff of the Department of Urban Services. Indeed, it has been my practice since becoming the minister to go and see as many people within the department as I possibly can. I reckon I am up around 75 per cent.

Mr Speaker, it was remarked to me on more than one occasion that it was the first time that a minister had actually had conversations with people at the coalface. What I got out of those conversations was confidence in what we were doing. I said then, and I will say it again, that there will be no involuntary redundancies, none.

Mr Smyth: But how many of the Totalcare workers?

MR HARGREAVES: What part of none don't you understand? I will say it again because, clearly, the opposition have not heard it, have not read it and have not even been told about it as they have not had any conversation with people at the coalface: there will be no involuntary redundancies.

Mr Speaker, the difference between this government and its predecessor, the Liberal government, is that we talk about people. We do not talk about positions. We do not treat people as numbers. We talk about people. People are our most valuable resource. Those people are incredibly valuable to us and we will go to any lengths to make sure that they feel as though they are contributing to the amenity of our town. Mr Speaker, there will be no involuntary redundancies.

MR STEFANIAK: I have a supplementary question. Minister, why have you broken the Chief Minister's pledge to these workers?

MR HARGREAVES: I have not.

Policing—victims of crime

MR PRATT: My question is to the Minister for Police and Emergency Services, Mr Hargreaves. Minister, earlier this week the police took a 16-year-old rape victim, who obviously needed medical treatment after being beaten, drugged and raped all night, apparently, to a police watch-house cell. Later, after seeing her alleged attacker in the watch-house, she apparently became hysterical and attempted suicide.

Minister, why was the victim not taken to hospital and placed under police watch if it was in fact the case that she was in breach of bail conditions, as reported in the media? Is this an acceptable standard of police treatment of victims of crime?

MR HARGREAVES: Mr Speaker, I do not have the detail about that and I do not propose to discuss the individual circumstances of people in such trauma. I have to say that I think it is appalling on the part of Mr Pratt to try to imply anything when somebody is going through such pain. I do not propose to indulge Mr Pratt.

MR PRATT: Mr Speaker, I ask a supplementary question. Minister, will you be holding the police accountable for their actions in this case? If not, why not?

MR HARGREAVES: Mr Speaker, I have absolute confidence in ACT Policing and it is a shame that Mr Pratt does not follow suit.
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Griffin Centre

DR FOSKEY: Mr Speaker, my question is to the minister for community services with regard to the new Griffin Centre. The minister will be aware that, for some time now, community organisations that are to move into the centre have understood that the ACT government would pay for the fit out of their offices and for essential fit out of access

facilities. Indeed $1.2 million was allocated for fit out in the 2001-02 budget, as Mr Corbell articulated on 10 December 2003 in this place. Could the minister please assure the Assembly that the ACT government will cover the cost of essential communication and operational equipment such as hearing loops, talking lifts and room dividers and the basic fit out costs for those organisations the government has promised to look after.

MR HARGREAVES: I thank Dr Foskey for the question. I know there is some concern out there in the ether because I believe quite sincerely that there are some misunderstandings. I am grateful for the opportunity to correct those misunderstandings. When a building is commissioned and built there are in fact two types of fit out. Indeed I might use the example of the Canberra Centre across the road.

The building is built by a construction company to provide certain amenities and services, and it provides basic fit out, for example, the types of walls, the access, such things as whether or not there are X number of lifts, whether there is disabled access and whether there are reception areas conducive to that particular type of building being created. But contained within a building also are particular segments of it and particular tenancies within it. To take the Canberra Centre analogy again, we are talking about the shopfront facilities. It is, in fact, the responsibility of the tenants to arrange their own fit out to enable their own uniqueness to be displayed and to be applied for whatever they want to use it for, which is different from the people next door.

When the government signed a development deed with the Queensland Investment Corporation in December 2000 for the development of section 84, under the terms of the deed the QIC was responsible for funding the design and construction of the replacement building. At that point $1.7 million was allocated in the 2001-02 capital works program for additional space and fit out. Further supplementation of just over $1 million was provided in the second appropriation of 2002-03, to ensure that the appropriate plant and equipment was included in the community space. That, for example, talks about additional lift capacity—or capability, at any rate.

We have been in conversation with the board of the Griffin Centre and, on occasion, the individual tenancies. In fact, I understand that there is this misunderstanding or lack of appreciation of definition shared by people. To make sure that everybody is singing from the same hymn sheet I have asked that one particular officer, skilled in this sort of provision, be available to talk as a single liaison point with the Griffin Centre tenants. As I understand it, meetings will be held, or at least offered, on a fortnightly basis between now and the time the refurbishment or the new premises will be available. It is the government's responsibility to make sure that the building is in a fit state to receive the new tenants. I have all the confidence in the world that that will be achieved.

DR FOSKEY: Mr Speaker, I have a supplementary question. I wonder if the minister could explain how community service organisations such as the Citizens Advice Bureau and 2XX radio station, which are funded by this department, will afford the relocation costs, given that their service agreements preclude them from directing substantial funds to equipment and accommodation.

MR HARGREAVES: Mr Speaker, as I indicated to you, there is an officer specifically tasked with liaising between each and every tenant. We have to understand that the needs

of the Citizens Advice Bureau are very different from the needs of 2XX radio station, as strange as that may seem. They are very different again from some of the cultural groups that are going there. We also need to know that these groups have not hitherto operated in a vacuum. The question, of course, is whether or not what they have at the moment in their premises is appropriate for their needs in the new premises. That is an issue that has been worked through with this particular officer who has been tasked with liaison between the government, QIC and the tenants.

Griffin Centre

MRS BURKE: My question is to the Minister for Disability, Housing and Community Services. Minister, if there were two types of fit out in relation to the Griffin Centre, why did the government engage the architects to work with the tenants to design a schedule of fit out items, including loose furniture, work stations and other fixtures and fittings? I am happy to table the plan for members.

MR SPEAKER: You will need leave to do that.

MRS BURKE: I seek leave to table the fit out for members.

Leave granted.

MR HARGREAVES: I note that I have seen the sheet of paper that Mrs Burke is tabling. What she is in fact tabling is a mud map. She ought to know better than to try and table something that has greater currency than a mud map. Mr Speaker, if you seek a copy of it, you will see that it does not even have the sophistication of an architect's impression. In fact, it was an impression of what could be the case. It was an indicator.

All of them are the same. As I have just finished explaining to Dr Foskey, individual needs of individual tenants differ. It is not a one size fits all. What in fact is the case is that the obligations of the government were to provide for building fit out. There was an indication given that this is what a typical tenancy might look like.

Mrs Burke: But they believed you.

MR HARGREAVES: Mrs Burke can stand up there and be as hysterical as she likes, but all she can offer is a mud map. That just says heaps about Mrs Burke's ability to understand the basic process of building such a significant building as we are providing here.

What we need to understand and what the opposition fails to actually tell you is that the current building is falling down around people's ears. It is a decrepit old building. It is not functional. I know you have been there yourself, Mr Speaker, and it is a shame Mrs Burke has not been there. In fact, everybody would know that these tenants are going to very appropriate and nice premises. There is no recognition on the part of those opposite that in fact what is being provided is a considerably superior facility than that which those people enjoy at the moment. If all that Mrs Burke can do is hang her hat on a mud map, all I can say is all the best to her.

MRS BURKE: I ask a supplementary question. Minister, as money was clearly appropriated, where has this money now gone?

MR HARGREAVES: Those opposite do try one's patience. I have indicated to Dr Foskey already, and clearly Mrs Burke was not in the room and it was just a cardboard cut-out here, that there was $1.7 million allocated in 2001-02, I think, and a further supplementary allocation in 2002-03 of just over a million dollars. I think it was $1,093,000 and some change, and it was applied to building fit out.

The additional funds in fact were talking about additional lift capacity. We are talking about the provision of disabled access. We are talking about the type of wall that you provide, whether or not it is partitioned, whether it is properly installed. We are talking about additional kitchenette facilities. We are talking about meeting room facilities. All of those need fit out. All of those need facilities contained within them, such as sinks, kitchen equipment, that sort of stuff. What we are not talking about is the equipment, the furniture that applies to individual tenancies.

Business assistance

MS MacDONALD: Mr Speaker, my question is to the Treasurer, Mr Quinlan. Minister, last week you helped to launch the first product of a local Canberra company, Perpetual Water. What assistance has the ACT government given to Perpetual Water over the last couple of years and how does this fit in with the government policy of assisting new and innovative businesses in the ACT?

MR QUINLAN: I thank Ms MacDonald for the question. I think it is important that that question be asked because, unfortunately, the actual product launch was not handled well. Therefore, it is very unfortunate that a very innovative project did not get appropriate exposure. However, action has been taken to try to compensate for what we hope was an accident.

The product Perpetual Water—Home is a fully automated system of treating water from the bath, shower and washing machine to a class A standard, the highest possible standard for recycling water. The water can be reused for surface irrigation, for toilet flushing and for clothes washing. The system can treat up to 720 litres of grey water a day and has the capacity to reduce household water consumption by as much as 60 per cent. There are plans afoot to build smaller and larger versions of this product.

I guess the thrust of Ms MacDonald's question is what assistance has been provided? The government is very proud to say that we have provided, through the knowledge bank, about $220,000, which is recognised by the owners and principals of the company as being the money necessary to make the product possible. Certainly, they have put their own personal investments on the line but they also recognise that without the assistance they have received through the knowledge bank the product would not exist, or at least it would not exist yet; it would still be in the process of development.

It is also the case that the company Perpetual Water participated in our California bridge program. This is a program that we have built up through associations with the west coast of the United States in particular and business promotion organisations there—

organisations that we have built links with on those government junkets that you guys have been talking about. We have MOUs in place that have allowed for a whole process of distance learning in respect of the United States market. In fact, we have been able to facilitate a visit to the United States by the principals of Perpetual Water and to connect them to possible distributors, possible partners and possible venture capitalists within the United States.

I think what we have here is one fantastic product. The development of this fantastic product is a prime example of the strategy that the government has put in place in order to build business within the ACT through the knowledge bank. The figures that I have to date indicate that as a result of the investments that we have made in relation to the knowledge bank, something like 300 full-time jobs and 39 part-time jobs have been created within the enterprises that this government has assisted.

Occasionally our opposition have taken a swipe at the knowledge bank process. I think Mr Smyth once described it as the "failed knowledge bank". Well, Mr Smyth, go tell that to Perpetual Water. I notice that you put out a press release on it, Mr Smyth. I notice that you turned up for 30 seconds at the launch uninvited.

Mr Smyth: No, I was there much longer than 30 seconds.

MR QUINLAN: Certainly I am sure you were not there long enough to hear the recognition that the government and BusinessACT received from this particular company. I will close by emphasising that this is one of quite a number of companies that will grow and will enhance the ACT economy because of what we are doing with them.

Social working group

MR SESELJA: Mr Speaker, my question is to the Minister for Children, Youth and Family Support. Minister, you were asked in the estimates committee hearing about the establishment of a working group recommended in community services and social equity report 7, of August 2004. You took my question on notice and have since answered it by telling the committee that the working group met for the first time on 6 June 2005—a week after I asked the question. On what date was the working group formed? When was each of its members informed of their membership and advised of their roles?

MS GALLAGHER: I will have to take that question on notice. I will seek the information from my department. I don't know. The question you asked, which we responded to on notice was, "When did it meet?" We responded to that question but I will certainly take the question you have now asked and get some advice from my department.

MR SESELJA: Mr Speaker, I have a supplementary question. Minister, given that you were asked this question in estimates, why do you not know? Is it incompetence, or are you just hiding from the facts here? Are you just hiding the truth from the Assembly?

MS GALLAGHER: The question asked at estimates was, "Has the working group been established; and when did it meet?" The answer to that is yes, it has been established; and we gave you a date for it. We took it on notice at the hearing.

MR SESELJA: Had it been established when the question was asked?

MS GALLAGHER: I was not aware of the status of that working party. There are numerous working parties within departments. Ministers cannot be expected to know when every single one of them was established, when they meet and who is on them. It was quite appropriate that we took it on notice. We have done so, and we have provided you with an answer. Subsequently you have come and asked another question which is quite different from the one asked at estimates. So your supplementary is flawed and the assumptions you make are wrong. We will get back to you.

Parkwood Road recycling estate

MRS DUNNE: My question is directed to the Minister for Urban Services and relates to his treatment of tenants at the Parkwood Estate—people whom you, Mr Speaker, have been championing for a number of years.

I refer to documents obtained by my office under the Freedom of Information Act, specifically a document titled "Parkwood Road recycling estate review of management arrangements", which states that ACT NOWaste is to—and I quote—"establish mechanisms /frameworks to weed out non-contributors". It is also clear, from the FOI documents, that you yourself have sought advice on how to get rid of non-contributing tenants.

Minister, why do you support the stated policy of getting rid of established small businesses that do not contribute to the NOWaste strategy vision? Why do you think they should be weeded out? And why are you and your officials trying to put honest working people out of business?

MR HARGREAVES: I thank Mrs Dunne for the emotive and over-the-top question! The assertion at the end of that barbed question was that we are trying to put honest working people out of business. That is just a joke. I expected better from Mrs Dunne. I thought she was the performer on the other side of the fence; I might have been wrong.

When we talk about landfill estates and the NOWaste strategy, we are talking about precincts that can contribute to this particular strategy. Using emotive terms such as "weeding out"—

Mrs Dunne: They are your terms!

Mr Pratt: Are you flabbergasted?

MR SPEAKER: Order! Mr Pratt.

MR HARGREAVES: It is not the first time in the history of mankind that those sorts of emotive terms—that phraseology—have been used inappropriately. Let me put this on the record: if there are people who have taken offence at that terminology, I now apologise to them. I have no difficulty with that at all. But I take issue with the assertion that there is some sort of insidious plotting going on to rid the place of something. It is

not so. I reject that. I am concerned that waste facilities operate at the optimum to achieve the NOWaste strategy.

I am still receiving advice about this particular estate. I am not fully committed to an action on this. But I am not convinced, at this stage of the game, that the activities that go on in that estate contribute to the NOWaste strategy.

MRS DUNNE: Mr Speaker, I have a supplementary question. Minister, will you be trying to "weed out" larger businesses, such as the mini-mix operation run by Boral, which is not a recycling business, or are you just going after the smaller father and son businesses?

MR HARGREAVES: These either/or questions are really priceless. The Parkwood Road recycling estate is part of the old—

Mr Smyth: Good! Answer it.

MR HARGREAVES: I will tell you this because you are clearly using these people's emotions for your own purposes and it is wrong. The Parkwood Road recycling estate is part of the old West Belconnen landfill site. The estate is intended to provide land for small and sunrise recycling businesses—I repeat: "recycling businesses". There are currently 37 licence holders, tenants. Nine tenants use their blocks for waste management, and 28 are engaged in semi-industrial activities. Some of the tenants have occupied the blocks since before ACT NOWaste assumed responsibility for the estate.

Since taking on the responsibility of the estate, ACT NOWaste has undertaken a number of improvements, including new fencing, roads, water supply and drainage. Current improvements in 2004-05 include provisions for a central toilet facility, individual metering of water for blocks, increased security patrols and increased maintenance of roads.

The agreed terms of current licences include a provision for an independent valuation of the blocks to be conducted every two years to ensure that appropriate market rents are charged. Accordingly, ACT NOWaste has had the Australian Valuation Office undertake a valuation of the blocks and rents. The rents were subsequently adjusted accordingly over four quarters. Tenants have raised concerns about the level of rate increase, as is their right. ACT NOWaste has responded to this by providing the AVO advice to tenants and commissioning a separate valuation as a check.

Mrs Dunne: Mr Speaker, I rise on a point of order. Under standing order 117, the answer must relate to the question. My question was: is he trying to weed out the mini-mix operator, who is not a recycler; I am getting a general history of the Parkwood estate. I asked a specific question about the mini-mix recycler.

MR HARGREAVES: No, you did not.

Mrs Dunne: Yes I did.

MR HARGREAVES: No you didn't.

MR SPEAKER: We have been over this a number of times.

Mr Quinlan: You talked about fathers and sons.

MR SPEAKER: Order! Members, Mr Quinlan! According to the standing orders, the minister has five minutes to address the question that you asked. I cannot direct him to respond in the way that you might wish.

MR HARGREAVES: I will repeat it: ACT NOWaste has commissioned a separate valuation as a check on the AVO advice to make sure that they are talking the same language.

Another major concern with tenants is the tenure to be offered with new licences. This goes to what Mrs Dunne is insinuating. ACT NOWaste is negotiating with tenants on tenure as part of agreeing new licence agreements. Short-term licences would allow ACT NOWaste the mechanism to free blocks in the future for innovative recycling and resource recovery businesses to establish. ACT NOWaste continues to consult with tenants to resolve issues and is currently undertaking a review of the rents in tenure. Because of inputs from tenants, current licences have been extended for three months until the end of this month to allow issues to be resolved.

In answer to Mrs Dunne's direct question as to whether we are targeting anybody specifically: no.

Community engagement

MS PORTER: My question is to the Minister for Disability, Housing and Community Services. Before arriving in this place, I was involved in the community sector. As the minister knows, as part of that work I sat on a working group for the implementation of the community engagement initiative and I have an abiding interest in this initiative. I would like the minister to inform the Assembly about the government's recently launched community engagement initiative.

MR HARGREAVES: I thank Ms Porter for the question and acknowledge her continued commitment to this issue. Indeed, Ms Porter was instrumental, in her previous role with Volunteering ACT, in contributing to this initiative and I was pleased to see her at the launching of the initiative the other day.

Everyone here is aware that the ACT government is unique in that it has responsibility for both local and territory governance. That means that we engage with the community on everything from rubbish collection and potholes to education, health and policing. That is for the information of Mr Pratt, who has not yet figured it out. Whilst our population is relatively small, it is highly educated and informed and is keen to engage government on many issues. This engagement is something that the government welcomes and fosters.

In February last year, the Chief Minister released the Canberra social plan. Its aim was to set priorities and provide a long-term focus for the government's interaction with the community on all matters, small and large, that contribute to community building. It was

in this context that the community engagement initiative was shaped. It represents a fundamental shift in the way that government interacts with the people that it serves.

Under the previous government's purchaser/provider model, the community were regarded as consumers of government services, not partners. On coming to government, we were determined to entrench a partnership philosophy as the guiding principle of community/government relations. Instead of seeing the community as consumers of government services, we see them as fundamental partners in developing and implementing policy.

A broadly representative community engagement working group was established to evolve the engagement process and to devise tools and strategies to assist government to develop quality and sustainable partnerships with the community. Following significant consultation, four communication products were developed. It was with great pleasure that last week I stood in front of over 100 people from many different community groups across Canberra and launched these materials that so many of them had contributed to and that aim to help agencies better engage with the community.

The package includes a community engagement manual to assist government agencies engaging with the community; the community engagement service charter, which is a statement of principles that embody the ACT government's commitment to community engagement; an ACT community engagement link on the DHCS web site, providing up-to-date information, resources and contact details for community and government staff involved in community engagement activities; and a community engagement learning and development strategy to effect the cultural change required within government organisations to embrace partnership.

All agencies will be required immediately to include community engagement principles and practices in their strategic plans and identify officers to act as contact points for all engagement activities. The government is committed to engaging with and listening to our community and we encourage all Canberrans to engage in the issues that affect them.

Since becoming the minister responsible for community services, I have done just that; I have gone out and seen a whole heap of community organisations and individuals. I have visited something like 20 or so multicultural groups, I have spoken to non-government organisations and I have been to many sites just to see how people are doing, and I have engaged with them deliberately. As I move about the place, I see Mr Gentleman, I see Ms Porter, I see Ms MacDonald and, very occasionally, I see Mrs Burke.

Mrs Burke: I did not see you on Saturday at the forum, Mr Hargreaves.

MR HARGREAVES: Perhaps Mrs Burke would like to stand up and correct the record, Mr Speaker, because she did see me at the forum. As a matter of fact, Mr Speaker, I did not see Mrs Burke at, for example, the refugee effort. I did not see Mr Smyth either. I understand that Mr Smyth was told that he could not speak because he would not sign the refugee charter. I am told—

MR SPEAKER: Order! Come to the subject matter of the question.

MR HARGREAVES: Mr Speaker, this is about engaging with the community. Mr Smyth would not engage with our refugee community and he stands condemned for his actions.

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

Papers

Mr Speaker presented the following papers:

Study trips—
Report by Mr Steve Pratt MLA—Sydney, December 2004.
Report by Ms Mary Porter MLA—Western Australia and South Australia, February/March 2005.
Report by Mr Brendan Smyth MLA—Sydney, 28 and 29 April 2005.
Report by Mr Richard Mulcahy MLA—Sydney, 28 and 29 April 2005.
Report by Mr Zed Seselja MLA—Sydney, 28 and 29 April 2005.
Report by Mr Wayne Berry MLA—Visit to Queensland and Northern Territory Parliaments by the Speaker and Clerk of the Legislative Assembly for the Australian Capital Territory, 19 to 22 April 2005.

Mr Quinlan, on behalf of **Mr Stanhope**, presented the following papers:

Executive contracts

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
Long-term contracts:
Michele Bruniges, dated 29 May 2005.
Mike Lyons, dated 21 February 2005.
Paul Grimes, dated 2 June 2005.
Short-term contracts:
Andrew Taylor, dated 11 May 2005.
Fiona MacGregor, dated 23 May 2005.
Hilton Taylor, dated 23 May 2005.
Ian Primrose, dated 11 March 2005.
Kate Neser, dated 23 May 2005.
Kirsten Thompson, dated 3 March 2005.
Loretta Zamprogno, dated 18 May 2005.
Phillip Tardif, dated 27 April 2005.
Sandra Lambert, dated 10 and 13 May 2005.
Susan Jane Marriage, dated 11 May 2005.
Schedule D variations:
Geoff Keogh, dated 10 and 16 May 2005.
Gordon Davidson, dated 2 June 2005.
Kirsten Thompson, dated 3 March 2005.
Maureen Sheehan, dated 12 and 16 May 2005.
Philip Mitchell, dated 1 April 2005.
Philip Mitchell.
Phillip Tardif, dated 27 May 2005.
Phillip Tardif, dated 8 and 31 March 2005.

Remuneration Tribunal Determinations

Remuneration Tribunal Act, pursuant to section 12—Determinations, together with statements for:

Chief Executives and Executives—Determination No 172, dated 29 April 2005.

Commissioner for Public Administration—Determination No 174, dated 29 April 2005.

Full-time Holders of Public Office—Determination No 173, dated 29 April 2005.

Members of the ACT Legislative Assembly—Determination No 171, dated 29 April 2005.

Part-time Holders of Public Office—

Canberra Partnership Board—Determination No 170, dated 24 February 2005.

Commissioner for Surveys—Determination No 175, dated 29 April 2005.

Commissioner for the Environment—Determination No 177, dated 29 April 2005.

Salary Packaging—Determination No 176, dated 29 April 2005.

Travel Allowances for Full-time and Part-time Holders of Public Office—Determination No 178, dated 29 April 2005.

Ms Gallagher presented the following papers:

National Classification Code, dated 23 June 2005.

Classification of Films and Computer Games—Guidelines.

Classification of Publications—Guidelines.

Mr Quinlan presented the following papers:

Financial Management Act—

Pursuant to section 14—

Instrument directing a transfer of funds within the Department of Economic Development, including a statement of reasons, dated 15 June 2005.

Pursuant to section 17—

Instrument varying appropriations relating to Commonwealth funding to the Department of Education and Training, including a statement of reasons, dated 10 June 2005.

Instrument varying appropriations relating to Commonwealth funding to the Department of Justice and Community Safety, including a statement of reasons, dated 15 June 2005.

Pursuant to section 18—

Authorisation of Expenditure from the Treasurer's Advance, including a statement of reasons, dated 31 May 2005.

Authorisation of Expenditure from the Treasurer's Advance, including a statement of reasons, dated 14 June 2005.

Mr Quinlan presented the following paper, which was circulated to members when the Assembly was not sitting:

Financial Management Act—

Pursuant to section 26—

Consolidated Financial Management Report for the financial quarter and year-to-date ending 31 March 2005.

Mr Quinlan, on behalf of **Mr Corbell**, presented the following papers:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approvals, together with background papers, copies of the summaries and reports, and copies of any direction or report required—

Variation No 244 to the Territory Plan—Duffy part Block 2 Section 56—Stromlo Settlement, dated 5 May 2005 .

Variation No 151 to the Territory Plan—Coree Block 5—Uriarra Rural Village, dated 31 May 2005.

Mr Hargreaves presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2005—Disallowable Instrument DI2005-70 (LR, 19 May 2005).

Agents Act—Agents Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-10 (LR, 27 May 2005).

Health Act—Health (Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-72 (LR, 26 May 2005).

Heritage Act—

Heritage (Council Chairperson and Deputy Chairperson) Appointment 2005 (No 1)—Disallowable Instrument DI2005-63 (LR, 28 April 2005).

Heritage (Council Members) Appointment 2005 (No 1)—Disallowable Instrument DI2005-62 (LR, 28 April 2005).

Hotel School Act—Hotel School Acting Appointment 2005—Disallowable Instrument DI2005-76 (LR, 2 June 2005).

Land (Planning and Environment) Act—

Land (Planning and Environment) (Further Rural Lease Grant Conditions) Determination 2005 (No 1)—Disallowable Instrument DI2005-74 (LR, 30 May 2005).

Land (Planning and Environment) Criteria for Direct Grant of Leases (Small Parcels of Contiguous Land) Determination 2005—Disallowable Instrument DI2005-67 (LR, 9 May 2005).

Magistrates Court Act—Magistrates Court (Litter Infringement Notices) Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-9 (LR, 5 May 2005).

Mental Health (Treatment and Care) Act—

Mental Health (Treatment and Care) Mental Health Facility Approval 2005 (No 1)—Disallowable Instrument DI2005-77 (LR, 6 June 2005).

Mental Health (Treatment and Care) Mental Health Facility Approval 2005 (No 2)—Disallowable Instrument DI2005-78 (LR, 6 June 2005).

Nature Conservation Act—Nature Conservation (Special Protection Status) Declaration 2005 (No 1)—Disallowable Instrument DI2005-64 (LR, 5 May 2005).

Occupational Health and Safety Act—Occupational Health and Safety (Sexual Services Industry) Code of Practice 2005 (No 1)—Disallowable Instrument DI2005-68 (LR, 10 May 2005).

Public Sector Management Act—Public Sector Management Amendment Standard 2005 (No 5)—Disallowable Instrument DI2005-71 (LR, 19 May 2005).

Radiation Act—Radiation (Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-61 (without explanatory statement) (LR, 5 May 2005).
Rehabilitation of Offenders (Interim) Act—Rehabilitation of Offenders (Interim) (Sentence Administration Board) Appointment 2005 (No 2)—Disallowable Instrument DI2005-75 (LR, 30 May 2005).
Road Transport (General) Act—
Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No 7)—Disallowable Instrument DI2005-69 (LR, 12 May 2005).
Road Transport (General) (Driver Licence and Related Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-82 (LR, 10 June 2005).
Road Transport (General) (Vehicle Registration and Related Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-80 (LR, 10 June 2005).
Taxation Administration Act—Taxation Administration (Rates) Determination 2005 (No 1)—Disallowable Instrument DI2005-81 (LR, 9 June 2005).
Utilities Act—Utilities (Variation of Industry Code) Determination 2005 (No 1)—Disallowable Instrument DI2005-65 (LR, 5 May 2005).
Utilities Act and Utilities (Gas Restrictions) Regulation—Utilities (Gas Restriction Scheme) Approval 2005 (No 1)—Disallowable Instrument DI2005-73 (LR, 30 May 2005).
Vocational Education and Training Act—Vocational Education and Training Authority Appointment 2005 (No 1)—Disallowable Instrument DI2005-66 (LR, 5 May 2005).
Water Resources Act—Water Resources (Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-58 (without explanatory statement) (LR, 22 April 2005).

World Refugee Day 2005
Ministerial statement

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services): I seek leave to make a ministerial statement concerning the 2005 World Refugee Day.

Leave granted.

MR HARGREAVES: I rise today to pay tribute to the countless men and women who come to our shores seeking refuge from conflict, calamity, torture and persecution. This year's theme for World Refugee Day is courage, to recognise the bravery and strength of millions of refugees who rebuild their lives away from their own homes, away from the support of family and friends, away from their cultures and traditions.

There are currently more than 22 million refugees and asylum seekers worldwide and about 12,000 come to Australia annually. In Canberra, about 100 settle each year. Many successfully become part of our community and make a significant contribution to the social, economic and cultural life of our city. In Canberra, the first migrants came as refugees. Throughout the 1940s and 1950s, significant numbers of people from Europe came to live in Australia and later, in the 1960s and 1970s, arrivals from the United Kingdom and Asia further diversified our population.

Their contribution, especially in the sporting, social, cultural, religious and architectural fields, has been fundamental to the shaping of our multicultural society. These, though, are the good stories. Unfortunately, countless refugees are still struggling to be accepted and continue to suffer from persecution, bigotry and uncertainty. All round Australia there are thousands of refugees living in limbo. These people are already recognised as refugees but are given temporary protection visas and are denied the right to settle permanently in Australia.

Most of the temporary protection visa holders in Australia come from Afghanistan and Iraq. Although the United Nations has declared that it is unsafe for them to return to their countries, the Australian government continues to refuse to grant them permanency. These people are in danger of being put back into detention or forcibly returned to their dangerous and uncertain circumstances.

The Australian government's use of mandatory detention as a deterrent to people-smuggling in particular is both wrong and inhumane. The ACT government recognises the need to stop people-smuggling, but this should not be at the expense of legitimate refugees and asylum seekers who, under international law, have the legal right to flee from their countries to escape torture and persecution and seek asylum in another country.

Mandatory and indefinite detention, particularly of women and children, is unacceptable and is a violation of their fundamental human rights. This is especially the case when more than 80 per cent of detained asylum seekers are found to be genuine refugees. It is unfortunate that Australia has notoriously distinguished itself as the only nation in the world that implements the arbitrary and indefinite detention of children. We have stolen the childhood of these children. Our history is peppered with the theft of childhood joy and it saddens me that we have apparently learnt nothing from the stolen generations.

The long-term physical and psychological effects of indefinite detention are well known and well documented. According to Amnesty International:

> Day by day, ongoing detention leads to mounting stress and tension. This often results in depressive illness and thoughts of despair and helplessness.
>
> Some detainees show strong aggressive-impulsive and self-harming behaviours, reflected in suicide attempts, acts of mass violence, group breakouts, rioting, burning of facilities and hunger strikes.
>
> A wide range of psychological disturbances are commonly observed among children, including mutism, withdrawing from contact with others, bedwetting, refusals to eat and drink, as well as acts of self-harm and attempts of suicide.

Mr Speaker, as a signatory to the 1951 Convention on the Status of Refugees and the 1967 protocol, Australia is bound to accept refugees seeking protection from persecution regardless of the manner of their arrival, and whether or not they have valid documentation. The recent incidents involving Cornelia Rau and Vivian Alvarez Solon, and possibly numerous other nameless refugees, are obvious displays of the abhorrent and callous manner in which the Australian government treats some of the most vulnerable in our community.

Today, as we celebrate World Refugee Day, I call on the Howard government to heed the voice of reason and humanity and immediately end the detention of refugees, particularly of women and children. I note, Mr Speaker, the announcements of the Prime Minister in recent times. I also note the comments of Marion Le, and I accept the comments of Marion Le.

The ACT government has consistently expressed its commitment to and support for the protection and wellbeing of refugees. In 2003, Chief Minister Jon Stanhope signified his government's support to declare Canberra a refugee friendly town. Under the ACT government's refugee settlement services plan refugees, especially those on temporary protection visas, are provided with free short-term accommodation, free English classes at CIT and free childcare for those attending English classes. The ACT government also provides public education, medical treatment, concessions on government services such as electricity, public transport and dental care, and access to translating and interpreting services.

This is in response to the failure of the Australian government to provide support for the most vulnerable of refugees, legitimate asylum seekers who are found to be genuine refugees but are granted temporary protection visas. In fact, we have allocated over $104,000 in the 2005-06 budget to fund our settlement and other support services for refugees in the ACT.

In July of last year the ACT government, with the support of the community, welcomed to Canberra eight Afghan families on temporary protection visas after their release from the detention centre in Nauru. Presently, these families are settled in their new homes, some of them have gained employment and their children are attending school while the parents have completed two semesters of English classes.

Another initiative by the ACT government to ensure the protection of the rights of vulnerable sectors of our community is the 2004 Human Rights Act. I am happy to note that we are the first and only jurisdiction in Australia to legislate its commitment to human rights. I also note that in the dissenting report concerning the estimates there is an undertaking by the Liberal Party to abolish human rights legislation, which is a shame.

This year the ACT government has been actively involved in the celebrations of World Refugee Day. In partnership with the United Nations High Commission for Refugees in Canberra, we have supported the production and flying of flags from 15 to 21 June 2005 on Commonwealth Avenue, the Kings Avenue bridge and the Russell roundabout. These signal a celebration of the courage of all refugees, acknowledging the contribution they make as members of our community.

This month, as the minister responsible for multicultural affairs, I signed the Australian Refugee Council's charter of refugee rights. I did not need the permission of my party room to sign it. I join the Australian Refugee Council and the rest of the community in promoting this charter. I reiterate our support for refugees and their right to be treated with dignity and the respect they deserve.

Incidentally, Mr Speaker, let me state for the record that when I signed that charter I saw your good self presiding over that particular gathering and I saw Ms Porter,

Ms MacDonald and Mr Gentleman. I did not see anybody else. I beg your pardon, Mr Speaker. I did see, I acknowledge, Dr Foskey and I wish to recognise Dr Foskey's presence at the rally and also on Saturday. Those members of this chamber who were not there should hang their heads in shame.

Mr Speaker, I am saddened by the fact that refugees are denounced for exercising their rights under international law to flee from war and persecution to another country. I leave you with another powerful statement from Amnesty International:

> Refugees are not a threat. They are survivors, people who have experienced horrific human rights abuses—and lived. They may carry the physical and mental scars of their ordeals, but they are seeking a future free from torture and persecution. They deserve our compassion and welcome.

Mr Speaker, we have in this chamber a number of people whose family roots are in another country, probably most of us if you think back long and hard enough. We need to ask ourselves: why did those people come to this country? The answer to that question is that it was because they could. The answer to that question is that it was because our forebears—in my case my parents—wanted a better life.

Is it so different for refugees? They want a better life for themselves and they want a better life for their children. Is that so much different? The real difference is that they have come across our doorstep bleeding and in pain and they are not welcome whence they come. What do we do, Mr Speaker? We turn them away at some island in the Indian Ocean or in the Pacific. As soon as they arrive on our shores they say; "I'm here. Thank God I'm here," and we treat them like criminals and put them in jail. It is just not on. Mr Speaker, these people knock on our doors for help. Let us not turn them away. Let us not treat the disenfranchised as criminals. Let us open our hearts and take them in.

Education

Discussion of matter of public importance

MR SPEAKER: I have received letters from Mrs Burke, Dr Foskey and Ms Porter proposing that matters of public importance be submitted to the Assembly for discussion. In accordance with standing order 79, I have determined that the matter proposed by Ms Porter be submitted to the Assembly, namely:

> The impact of federal government policies on ACT education institutions, staff and students, particularly at the University of Canberra.

MS PORTER (Ginninderra) (3.44): Mr Speaker, this matter is of paramount importance not only to the Canberra community but also to the education-based communities around the nation. As members would be aware, one of Canberra's most significant international competitive advantages is based upon the quality of its universities and, more specifically, the communities that have been developed within these universities, around these universities, and servicing these universities.

The contribution that students and staff make to the general communities around their university campuses cannot be underestimated. As part of my work as a member for Ginninderra, I have regular contact with university community members who are doing

their utmost within their power to further improve the strong relationship between the University of Canberra and the Belconnen region. Indeed, the ACT government has demonstrated its understanding of this relationship through the proposal for the City West development.

That commitment, unfortunately, has not been recognised by the federal government, which is laying the foundations for an assault on the university sector after 1 July. For staff of Australia's universities, the most brutal aspect of this assault comes in the form of the new higher education workplace relations requirements. These changes have been specifically designed to test the implementation of the politically motivated industrial system of the Howard government. The fact that higher education institutions and their staff, both academic and non-academic, are being used as workplace reform guinea pigs is deplorable.

These requirements will force universities to place their employees on Australian workplace agreements in place of their existing enterprise bargaining agreements. Consequently, it will mean inferior working conditions for university employees, deteriorated wage negotiation positions and limited scope for representation within the workplace. Don't believe me? Just watch this space. The administration of that alone will be disastrous for smaller campuses such as the University of Canberra. The pure red tape associated with administering up to 1,000 AWAs compared with a central enterprise bargaining agreement will dramatically affect the efficiency of university administration.

However, the much larger problem associated with the implementation of this individualistic culture within the university community is productivity. Members of the staff of the University of Canberra have told me that productivity increased dramatically during the implementation of the enterprise bargaining arrangements in the early 1990s. This statistic makes perfect sense. Staff actually work harder, more efficiently and effectively when they are secure in their employment. With the introduction of the federal government's so-called reforms, university staff will no longer have the benefit of this security.

The Howard government is attempting to introduce industrial relation reforms for universities under the guise of productivity gains. However, expert analysis released today by 17 of the most eminent labour market academics in Australia contradicts such a claim. Through their spokesperson, Russell Landsbury, the academics, who are from nine of Australia's most reputable universities, have called on the Prime Minister to abandon the reforms on the basis that the legislation would decrease productivity due to staff unease.

As many other industrial relations practitioners have already said, staff are more productive when they are secure in their employment and happy in their workplace. I do not think that one needs to be Einstein to figure that one out. Such characteristics only emerge from positive working conditions and collectively bargained contracts, which can only result from effective representation within the workplace.

Mr Speaker, there is a real need right now for our federal government to listen to the experts. The legislative program they are presenting currently will not improve the productivity of our universities, it will not improve Australia's international standing as an education provider and it will not improve the community aspects of our universities.

It is time that the federal government listened to the experts in the community and to its constituents, who are those same productive workers.

Traditionally, university employees—in particular, academic staff—have been supportive of the role of trade unions within academic institutions. The National Tertiary Education Union has one of the largest proportional memberships within the trade union sector. It is no matter of irony that some of the nation's most highly educated employees are also strong advocates of the right of workers to collectively organise in the workplace.

Academics, along with employees in a diverse range of sectors, recognise that union representation and the role of union representation in agreement-making negotiations have positive outcomes for their members. The new higher education workplace relations requirement, combined with the impending abolition of universal student organisation membership, is changing the culture of education, changing it to our detriment.

Universities used to be the centrepiece of education-based communities, places where scholars and interested students could learn, participate in their community and gain the skills to actively contribute to their society. Instead, Mr Speaker, we are increasingly seeing the formation of corporate universities with boards of control, boards which after these reforms are implemented will have reduced staff and student representation, so that five years from now we may have a situation where Australian universities are simply run by boards of directors whose bottom line includes no mention of educational outcomes and which have no active involvement from staff or students.

The subject of today's matter of public importance should hit home particularly to those opposite who represent the electorate of Ginninderra. In a community the size of the Belconnen region, the services provided by an institution such as the University of Canberra are vital and must be protected. This MPI should serve as a wake-up call to both Mr Stefaniak and Mrs Dunne that they should sit up and take a bit of notice of how their Liberal Party colleagues in the house on the hill are damaging the community fabric of their very electorate and realise what the leadership of their party is doing to the facilities and the services on which their constituents rely so heavily.

The University of Canberra alone employs over 800 staff and has approximately 9,500 students enrolled from almost 80 countries. These are not disembodied people who are somehow just locked away in a university. They are members of our community, living amongst us, taking part in the fuller life of our community beyond the hallowed halls of learning. We need to support them in their fight to keep their proper working conditions and not allow the federal government to ride roughshod over their rights and bring higher education to its knees, which would be to the detriment of us all, as I have said before.

I encourage all members of this place to recognise the importance of higher education to the life of Canberra and in particular to the important contribution of the staff and students of the University of Canberra. Federal government legislation is threatening their very livelihoods and we, as their elected representatives, have a responsibility to stand up and fight for that livelihood.

MRS DUNNE (Ginninderra) (3.52) The Liberal opposition greatly values the contribution to higher education in this territory and greatly values the contributions of our tertiary institutions—all of them, not just the ones in Ms Porter's electorate and my electorate—but I will not speak for very long on this matter of public importance. Ms Porter could only run for about nine minutes anyhow when she had 15 minutes, so I do not think it is particularly important even to her.

Ms Porter spoke very early in her presentation about politically motivated attacks of the Howard government, or words to that effect. I would think that Ms Porter's short-run matter of public importance was nothing more than yet another politically motivated attack on the Howard government, the second in succession in the last half hour, and I do not think that it is necessary for us to grace Ms Porter's nine-minute matter of public importance with any more comment than to say that it is politically motivated and that we should get on with the business of governing the ACT.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (3.53): I will speak in support of Ms Porter's matter of public importance. I thank her for bringing it to the attention of the Assembly. One of the great opportunities with MPIs is for the Assembly to engage in debates on matters of importance to the local community. Usually, during the discussion of those MPIs, there is a range of views expressed. Certainly, I have been part of a number of MPIs discussed in this place where one would question some of the time spent on debate. Obviously, the Liberals have chosen not to engage in this matter, probably the first time I can remember where they have been short of a word or two in using up their full allocation of time.

Tying funding for higher education institutions to the ability of employees to negotiate their industrial conditions is an important issue. Across all sectors, the ACT government makes no secret of its support for the rights of workers to organise and collectively bargain consistent with the International Labour Organisation conventions and the Workplace Relations Act, the law under which we operate in Australia, certainly in the ACT. We have shown that in a number of ways. One of them was in developing the ethical suppliers principles for contracting arrangements.

The ACT government has emphasised the need for employers and subcontractors to fulfil their industrial relations obligations. These obligations include complying with awards, agreements and relevant legislation. As an employer and industrial party, the ACT government has expressed its strong preference for collective bargaining. We have shown that in various ways, particularly through the way we engage in negotiations with our own staff in relation to certified agreements in the public sector.

The federal government is linking its contribution to a range of projects it funds in building and construction, higher education and the national water initiative. There is no doubt that this tying of funds is being done to enable the federal government to forcibly impose its industrial relations reforms. It has been trying to do so for a number of years but has never been able to do it. It has been the subject of funding negotiations, certainly in my ministerial areas, for almost three years. The federal government, because it could not get its way through the parliament, imposed these conditions through the agreements and made its contributions to the states dependent on the states signing up to industrial

relations reforms that the states were opposed to and that at the time the Senate was opposed to.

We all understand that we are working in a new world and that, come 1 July, the chances of the federal government getting its industrial relations reform through the Senate are much more likely than they have been in the past. Therefore, some of the requirements to link it to funding might be a bit outdated. But there certainly is a focus on limiting the involvement of employee representatives in the bargaining process and requiring parties to include options for individual agreement making.

Whilst this MPI concerns the University of Canberra, we have been told in relation to the schools agreement, for example, that in order to get $35 million from the commonwealth government, which does not employ one teacher in our system or run one school, we have to offer AWAs to all of those teachers, that they will no longer be allowed to operate under a collective agreement. It is highly unusual for someone who has an 8 per cent stake holding to say that this is a 100 per cent requirement across our system. It is something that is going to present some real challenges to the ACT government as it negotiates and finalises those agreements with the commonwealth. We are seeing this imposition of industrial relations reform in probably every area of agreement making with the commonwealth, certainly in any funding agreement with the commonwealth.

The higher education requirements came into effect on the announcement date, 29 April 2005. Universities will need to comply with these requirements and the governance protocols, which were tabled in the Assembly today with the legislation, in order to be eligible to receive increased levels of commonwealth grants scheme funds. Universities must have a certified agreement and workplace policies and practices that comply with higher education requirements. In practice, that means, essentially, that a university must offer its employees AWAs as an alternative to a certified agreement.

The federal government's higher education requirements disempower employees and threaten the security of job tenure. The ACT government believes that this can only have a negative impact on the ability of staff to provide the first-class education that we expect and we demand for our students in the territory.

Ms Porter's MPI referred directly to the University of Canberra, which employs more than 150 casual and 900 full-time staff, academics, cleaners, researchers and librarians. All these staff provide a direct service to students. The University of Canberra is expected to meet the federal government's higher education requirements to ensure that it is eligible for rather small increases in federal government funding. However, these measures can only have a negative impact on the services and industrial relations culture at the University of Canberra.

Certainly, in all of the discussions I have had with the federal industrial relations minister and other ministers who have been negotiating agreements through the education and training portfolio, none of them has been able to say what is the current problem. They say that it is about creating productivity, creating jobs and allowing choice within the workplace and then in the same breath they say, "Look at how many jobs we have created. Look at the productivity improvements," and that employees already have choice.

There is no doubt that they stand by their record of 1996 when they introduced amendments to the Workplace Relations Act. This is one step further and really does not support the arguments that they have put in place in relation to improved productivity. As I said, all the indications are that these measures can only have a negative impact on the environment within which the University of Canberra operates. The student union proposals are an aspect of these changes that will have serious implications for universities across Australia, but particularly here as we are discussing the University of Canberra.

I think that the issues that have been brought to the attention of the Assembly today are important. Ms Porter is right in raising these issues. This is an appropriate forum for discussion of them in relation to our local universities, but this matter goes further than just the universities. It is about the CIT, all our schools and all our training providers that are going to be asked to operate within the framework set by the commonwealth. It is right to bring it up quite often as we see this campaign rolled out to make sure that we are monitoring the impact of these changes and that we are constantly talking about the diversity of opinion in relation to this matter.

I know that Mrs Dunne has a very different opinion on these matters than I do, but this is a forum in which to express your views and in which to stand up for what you believe in as it relates to the Canberra community. I would argue that over the next few years there will be serious implications for workplace relations and negative implications for families in the territory as we see workplace conditions removed, protections removed and individual being pitted against individual as they fight for their right to employment without the protections that have existed. Certainly, that is not the sort of Australia in which I want to operate and it is not the workplace system in which I want my daughter to grow up. It is not the workplace system that I was given, with protections and rights. We, as elected representatives, should be arguing against that and making sure that we protect the rights of future generations to enjoy the benefits that we have had as workers as we have come through the system.

MR GENTLEMAN (Brindabella) (4.02): The consequences to universities in the ACT of the federal government's policies, particularly the University of Canberra, should not be considered in isolation. Just some of the policy changes being brought about as of 1 July 2005 are to ban universal student unionism and to encourage AWAs. The main point I want to talk about today as part of Ms Porter's matter of public importance is the federal government's introduction of voluntary student unionism, or VSU.

The amendment to the Higher Education Act comprises yet another attack on higher education. Originally part of the post-budget amendments to higher education and arising out of the crossroads review, the amendments introduced in 2003 form the backbone of these attacks. They operate from the principal objective that education is a commodity and that it should be paid for just as for any other provision of a service.

I recognise that there is a fundamental disagreement in this chamber about this proposition and that this debate is unlikely to change that. But it is important to consider these changes in the context of the current attack by the federal government on student unions because when education is a commodity, it follows that only those who can afford

to pay are able to access those services, and similarly with the essential services provided by student organisations across the country and in the territory.

The question the Liberals are asking is, "Why should I pay for a service I don't want or need?" To this I would say a couple of things. First, as with the commodification of education, student organisations provide a vast variety of services, from subsidised food and drink and subsidised sporting and recreational facilities and activities to the provision of essential support services such as welfare advice, free legal advice and childcare. I would suggest that there is a service in there for everyone so that, while students may not universally access the same services in the same way, they individually are enabled to access the variety of services from which they can choose to use and in which to participate.

For some students, however, the choice to utilise these services arises not out of desire, but out of necessity. Ideally no student or staff member on campus would need to access sexual assault referral services because they would not have experienced assault. Ideally no student would be living in poverty, necessitating an application for an emergency loan. Ideally all students would have safe and secure housing and so would not need to access the housing services provided by student organisations. Unfortunately this is not the reality. These services are essential. They are needed and utilised every day on campuses here in Canberra.

The qualification to this statement is, however, the presumption that those needing these services have a place on campus. Of course this statement jars! But it jars for someone who believes in quality, accessible and affordable tertiary education, for someone who believes that education is an essential community service that requires a commitment from government, providers and the community to facilitate its process and its lifelong accessibility. The people needing these services on campus are not exclusively those who, with the increasing commodification of territory education, will otherwise be unable to access it. They also include these who would be able to pay. The proposed introduction of the federal government's VSU legislation will not provide students with choice; it will deny them of it. When services that are essential are no longer available or not as readily available, there is no choice. You cannot choose to pay for a service that does not exist.

Another issue facing those educators and staff at universities in Canberra and around the country, as my colleague has just mentioned, is the introduction of AWAs over more employee friendly enterprise bargaining agreements. This is an issue that was raised by staff and educators at the University of Canberra. The outcomes of the EBAs that were encouraged at the university in the early 1990s have seen the university grow and become the thriving educational facility that we see today. The federal government's introduction of AWAs across the workforce in the ACT will discourage those who come to study at the University of Canberra from some 80 countries around the world. The impact this will have in the territory will be significant. It will also impact strongly on educators and staff at UC having to sign AWAs and will discourage a safe and friendly atmosphere for students and staff alike.

Finally, with the story today coming out in the *Canberra Times* stating that the University of Canberra is considering a rise in fees for HECS places by another 5 per cent, there is another problem facing students. With the absence of full government

grants, most public universities have been forced to raise their fees by the full 25 per cent agreed to by the ACU. It is stated by the president of the UC's student association that a further hike in fees will reduce enrolments at the university by approximately 18.5 per cent. All these issues facing our universities are a follow-on effect of the federal Liberal government's changes to education policies across the board. They are seeking to undermine this important contribution on the premise that to preserve choice we must limit options. I would like to thank Ms Porter for raising this important issue today and for encouraging this insight into universities in the ACT.

DR FOSKEY (Molonglo) (4.08): It is certainly well known that the Greens have strenuously opposed the federal government's attempts to impose harsh new industrial conditions on workers at vocational colleges and universities. We believe that the government's plan to force education workers on to individual agreements and deregulate casual employment will lead to poorer educational outcomes for students and undermine the quality of higher education. We generally oppose the federal government's anti-union industrial relations agenda and we are particularly concerned that the government is using nationally funded programs and sectors to implement changes.

It is our understanding that there is little or no support in the sector itself for the government's changes, not from teachers, staff, management, vice-chancellors, state governments, territory governments or students. My colleagues in the Senate will vote against any legislation that seeks to blackmail the post-secondary education sector into undermining staff working conditions. As a party we will support industrial action brought in defence of working conditions and the quality of Australia's education system.

We are also opposed to the Australian government's plan to abolish compulsory student unionism. We believe that this will have a significantly detrimental effect on tertiary students in the ACT, including those at the University of Canberra. The Greens representatives in the Australian Senate have voted with the opposition and the Democrats to successfully block previous attempts to enact this legislation, which we believe has no policy merit and is simply part of the coalition government's anti-student worker organisation agenda.

There is very little community support for the legalisation. Students are, on the whole, opposed except, I suppose, for those members of the Young Liberals. University administrators and staff are also opposed. Major representative groups, such as all the student unions, the Group of Eight, the vice-chancellors, and the Council of Australian Postgraduate Associations have all expressed opposition. The only group in favour of this legislation appears to be the Australian Liberal Party. We can find no evidence of any other community group that supports the bill.

It is very unfortunate in this case, then, that the Australian government's impending majority in the Senate will allow it to proceed with uninformed and undemocratic legislation, ignoring the wishes of students and undermining their ability to provide necessary services to university students. The potential impact of this legislation is particularly significant for the ACT because Canberra is a student town, 16.6 per cent of our population being aged between 15 and 25 years, substantially higher than the

national average of 14.1 per cent. We currently have the highest proportion of young people of all states and territories.

We are concerned about the potential loss of campus services such as advice and advocacy, welfare and legal services. We are also concerned about losing student unions, which provide an important democratic voice representing tertiary students. We have recently seen the importance of student associations in lobbying against increased HECS fees. Like Mr Gentleman, this morning I read in the *Canberra Times* that the Canberra University is considering increasing these fees.

ACT student associations have been involved in this fight and have also been active in providing advocacy and support for international students. I believe that Canberra students experience specific costs due to their location in Canberra. While a number of our students are home grown, a lot come to Canberra for their university education, both from regional areas and across the country, more so as our universities are recognised as being very high quality institutions. But they also come from overseas.

I myself have seen the isolation and the impact this has on students where there are not services to integrate them into the student community. I have observed that the student population from elsewhere does feel isolated from the rest of the Canberra community. I was recently at an event at a college where I asked students how many read the *Canberra Times* or listened to Canberra media and not a single hand went up. What we have here is a group of people who, while they live here, are not engaged in our community. I think that that is actually a little different from students in towns like Sydney and Melbourne and it is perhaps something that we could think about in this place.

They also have a problem of a lack of affordable accommodation. They have a problem of sparse and often difficult to understand public transport and road systems and, as a result of the smaller universities in our town, a lack of the diverse choices that are available to students in larger universities.

We do know that practically all students, unless they come from particularly wealthy families, which is probably going to be increasingly the case under this regime, need to supplement their Austudy with work. I have seen for myself as a teacher the detrimental impact that this has on their studies. Most of them are involved in the hospitality industry, which works around their university timetable, but often involves very late nights. Those are the times when most students who have got the opportunity are writing their essays. So guess who is doing really well at university these days? The people who do not need to have jobs, and that is a very small bunch.

An attack on student associations will also threaten jobs. The student association and student union at the ANU employ around 140 people and the student association and the student union at the University of Canberra employ around 120 people. Many of these jobs provide much needed employment opportunities for students and young people undertaking vocational training. You can be sure that the Greens will do whatever we can to support local student unions and other groups opposed to the proposed Commonwealth legislation.

MR TEMPORARY DEPUTY SPEAKER (Mr Gentleman): The discussion is concluded.

Gaming Machine Amendment Bill 2005 (No 2)

Debate resumed from 5 May 2005, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (4.15) The Liberal opposition does not have any real problems with the legislation. On the superficial side it seems that this is a streamlining of measures for the clubs. It will cut down on their paperwork and there will be a net gain, or at least a net doing away with an embuggerance of paperwork for clubs. I think they are the issues. I suppose we can say something constructive.

MR STEFANIAK (Ginninderra) (4.16): I thank my colleague Mrs Dunne. I was in another place and I managed to get here.

From discussions with the clubs, indeed with the gaming commission, I am pleased to say that it would appear that the removal of the GST credit scheme is fairly revenue neutral. For smaller clubs there might be a slight benefit. For bigger clubs there might be initially a slight increase. But the reduction in paperwork will be very beneficial to the clubs. That does not seem to be a particular problem.

There is, however, a big problem in other areas of gaming. This bill will enable the budget to be actioned ultimately in terms of an increase in revenue to start from 1 July 2007. I just raise this issue because it is important. This bill is not going to have a huge impact on clubs. It may actually lead to some improvements and is not really, it seems, necessarily going to hurt clubs. But I come back to that increase, and that actually will cause some significant problems for clubs.

The Treasurer—this is also in the explanatory statement to the bill—stated that when the tax is increased from 1 July 2007, some $5.3 million will be raised. It was either in the Treasurer's speech or in the explanatory statement. I noticed that somewhere. Two years is a long time. A lot of water can go under the bridge in two years, and I think it will. But already we are seeing, and we saw it last week, the clubs expressing a lot of concern about a drop in revenue. There will be a drop of some $6 million in poker machine revenue as a result of reforms taken in this place by most of us, I must say, in the act that was passed last year.

In addition, some quite controversial reforms to smoking legislation that were passed in this Assembly are not too far around the corner and will impact on clubs. I think the opposition were proposing a much later date of 2008, but that will actually start now in 2006 and will have a significant impact on clubs.

We are already seeing the impact in terms of the amendments relating to note acceptance. There are no more $50 notes or $100 notes accepted and the clubs are putting that down as one of the main reasons for a significant drop in revenue—$6 million. There are some very strong arguments for and against that. The Assembly has taken a view, and I am not going to reflect on the Assembly in relation to that, but that does have a significant impact on clubs, which we are seeing now.

I have spoken to a number of clubs and they have indicated that they are going to have to drop by about 40 per cent the money they give out to the community. When you are looking at about $9 million a year which is paid out to sporting groups, especially grassroots sporting groups, the junior sporting groups, when you are talking about $15 million worth of community contributions going to all manner of good things in our community, that is very significant. Where is that shortfall going to be made up?

I urge the government to look very closely at this $5.3 million extra revenue it thinks it is going to get on 1 July 2007. When we talk about gaming, we are talking about poker machines and we are talking about, effectively, clubs, and we are starting to see some real problems now. A number of clubs are really struggling. A number of clubs have gone to the wall already. Medium sized and even some larger clubs have struggled in recent times, and that looks as if it is going to continue.

I wonder whether even an increase like this, which the Treasurer I am sure would describe as modest, might actually kill the goose that laid the golden egg. Is the Treasurer actually going to get this money in two years time if a number of big clubs or even medium sized clubs go to the wall and those business simply are not there to generate the poker machine revenue that he seems to assume will be forthcoming and will provide this extra $5.3 million as at 1 July 2007? The government has obviously got a little bit of time to have a look at that. I suspect it might well have to revise its thinking there. That will have a bottom line effect on the budget, too. But perhaps more about that when we come to debate the budget later on this week and next week.

That certainly will have a bottom line effect on the budget because the government is anticipating an extra $3.5 million of revenue, and that simply might prove to be quite impossible. It has two years. It can, of course, bring in further amendments. It has got another budget to bring in. But I do flag some significant problems there. That $5.3 million might yet turn out to be some wishful thinking by the Treasurer. He might need to come back to us with some further amendments, not only to the Gaming Machine Act, but also perhaps in the next budget as well. I make those points to the Assembly. I also again thank Mrs Dunne for her sterling effort.

DR FOSKEY (Molonglo) (4.22): I will be supporting this piece of legislation. However, I would like to make a comment regarding the minister's statement that a number of clubs are presently experiencing some financial pressure. I also note that Clubs ACT has recently appeared in local media foreshadowing a reduction in community grants by clubs due to a drop in gambling revenue.

It is my understanding that recent and unexpected drops in gambling revenue have been attributed to placing limits on note acceptors on gaming machines. It is worth remembering that the original harm minimisation strategy recommended by the gambling and racing commission was the removal of note acceptors altogether and that limiting the notes accepted by machines was a partial measure only. As much as we might value the investment that clubs make in providing services to the community, a drop in gambling revenue resulting from an important consumer protection strategy such as limits on note acceptors should be hailed as a positive social outcome. This is likely to mean that some people are spending less on gambling.

Given that people on low income tend to spend a higher proportion of their incomes on poker and gaming machines, we can hope that some low-income households are better off as a result of this strategy. We can also trust that some people are less likely to experience problem gambling. By the way, it was the Productivity Commission that identified that it was people on a lower income spending higher proportions of their income on gaming machines.

Today I just mention a new report that indicates that older women are proving to have particular issues with problem gambling. The evidence that they are having problems is when they start going on their own to clubs and working the machines. Often what will start off as a social outing, a way of being with people, becomes something a lot more secretive and done in isolation. Of course the poker machines are just perfect for that sort of one-on-one gambling, not that one imagines there would be a lot of personal satisfaction in that activity.

In his speech the minister also mentioned that clubs are likely to be adversely affected by the introduction of more stringent smoking restrictions at the end of next year, at least in the short term. It may be that gaming revenue will drop again when smoking restrictions are introduced, but I urge the government and clubs to recognise that the social and health benefits of this far outweigh any negative impact. I also refer to an article I read recently that in Ireland, where smoking has been banned absolutely inside pubs and all other public facilities, people stopped going to these places but after a very short time they are back almost to the original level of attendance. So I really think that there is a big beat-up about the impact of smoking.

We do not want to lose our clubs. They are an important part of Canberra's social fabric. However, the viability of clubs should not be set up against strategies to reduce spending on gambling and prevent problem gambling or public health initiatives. When we were visited a while back by representatives of Clubs ACT, they acknowledged that the changing demographics of Canberra are at least as much to blame for a drop in use of clubs as anything else and that, as generations move through, the younger generation are not flocking to the clubs in the same way perhaps as their parents did. That is an issue that is for the clubs to solve, not for us. However, I would like to see the government commission an independent study into the viability of clubs and develop strategies to assist them to achieve sustainable operations that are less dependent on gambling revenue.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.27), in reply: I thank the house for its support. I will just pick up on a couple of points that were mentioned.

In relation to the note acceptors and the recent expression of concern by clubs, if my intelligence is in any way correct, that was stirred by one club and by an individual within a club who happened to be connected to the newspaper and it left poor old Clubs ACT in the cleft stick of either defending their members or not defending their members in the public forum. It probably is a story that, in fact, collectively the clubs would not have wished to go through.

I think Mr Stefaniak used the figure of $6 million. You will notice that the clubs that are claiming a decline in revenue are starting now to talk about the gross number that was lost and not the percentage turnover that has been lost. Because, without a return to the previous levels, there has been something of a normalisation in more recent months in terms of poker machine take. The argument is starting to lose a little of its impact.

In relation to the figure that we have set in our budget for the out years, giving clubs time to digest the changes that we have made, including the change that I think society is imposing, and that is the banning of smoking in closed places, public places, if they pay that additional figure, they will be still paying the lowest rate of tax on poker machines in Australia, equal to that paid in Victoria even after one takes into account the compulsory community contributions that we impose upon them. Since the time that we have set that figure, I notice that Victoria has now levied the owners of poker machines, Tattersalls and Tabcorp, significantly, which is likely to flow through to the premises that operate poker machines. This means that the ACT will return to being the lowest, clearly, by itself, the lowest regime in Australia, including the requirement for the community contributions.

I have said in the debate, and I am happy to say it in this house, that the Labor Party's policy of containing, in the main, poker machines to clubs is based on the role that clubs play in the community and the contribution they make to the community. So it follows in logic that, if clubs reduce their contribution to the community and effectively become entities that just want to survive because they were there yesterday—the negative entropy I think it was called when I studied cybernetics a thousand years ago—if they do reduce their contribution to the community, then it follows that the rationale behind their monopoly, the only monopoly, I think, in Australia, other than the Western Australian situation where it is only the casino, they weaken the argument for retention of that monopoly.

We should understand the way clubs are operating now. You can go to my little club at Weston, the Weston Labor Club, on a Thursday night and buy a schooner of VB for $2.80, which will cost you $3.40 or $3.60 in a pub, and you can buy a sirloin steak for $8.90. It is not as if there is not some room to move in relation to how clubs operate and it is not difficult to divine from those figures that they have a competitive advantage by the fact that they own poker machines and they are in fact delivering a considerable slice of what they are taking from a portion of their members in poker machines to the rest of their members and not necessarily to the wider community.

In the overall context I believe that clubs in the ACT do a fantastic job. Due to the way the town has evolved over many years, our community collectively is probably more reliant on the club structure than communities elsewhere other than, say, country towns in New South Wales. I think that would be about it. I think we need to keep in perspective where clubs do sit and the advantages that accrue to them. They have had over the last eight or 10 years a tremendous advantage and a tremendous growth in the level of revenue that they have taken because of the changing technology of machines. The technology that takes money from people through poker machines has advanced tremendously over the last few years. You can have 15 line bets and so many units per bet. You can skip through 50 bucks in no time flat with the current technology, and we

really need to be concerned that we are not in fact exacerbating the incidence of problem gambling.

Life will get a bit tougher, but it will only change a little bit from what existed for so many years before this very rapid escalation in the technology. In relation to smoking, well, I do not think there is any person in this place now who really would attempt to sustain an argument against the banning of smoking in enclosed spaces. That is the reason why we have not imposed additional taxation—at this stage it is still the minimum in Australia—to allow some breathing space, and excuse the pun, for clubs and allow them to digest the changes that will occur after the imposition of a smoking ban. I would be fairly certain that it is likely that the gross poker machine take will decrease permanently by some margin with the full smoking ban. Smokers who cannot give up, but do not like to go and sit out on the half veranda or whatever is going to be built, will go home earlier so they can have a fag, or they will walk outside and then think, "Why don't I go home?" I think that will create a permanent change, but I do not know that it is necessarily a bad thing. It is adopting a standard that the community now accepts, and nobody argues with it.

So there will be some changes, but I think at the end of the day we will have smoking banned inside like every other state, every other jurisdiction in Australia. We will have the lowest taxation regime and we will have still a monopoly accruing to clubs. So I do not necessarily think they are in a bad position. If anybody had been at their annual meeting in Penrith last November they would have heard the representative of the New South Wales club industry telling our ACT industry just how well they have got it by comparison. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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

Remainder of bill, by leave, taken as a whole.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.37): I seek leave to move the amendments circulated in my name together.

Leave granted.

MR QUINLAN: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 1 at page 2120]*. The explanation has been distributed with these amendments. I do not think they would qualify as controversial.

Amendments agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Cemeteries and Crematoria Amendment Bill 2005

Debate resumed from 15 March 2005, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR PRATT (Brindabella) (4.40): The opposition will be supporting this amendment bill but I have some concerns that I would like placed on the public record. The amended legislation was tabled in this Assembly by the minister in March 2005 as the Cemeteries and Crematoria Amendment Bill 2005. As the urban services minister said in his tabling speech, the Cemeteries and Crematoria Act 2003, or "the act", as I will now refer to it, and its regulations came into effect on 27 September 2003.

Under section 10 of the act, the Minister for Urban Services is required to determine a suitable perpetual care trust, or PCT, percentage for each cemetery and crematorium to ensure that cemeteries and crematoria will be continually and adequately maintained after they close for new burials, the interment of ashes and memorials. Currently under the act cemeteries and crematoria must open a PCT trust fund account at an authorised deposit-taking institution, or ADI—eg a bank or similar—to contribute a percentage of income received for each burial or interment service.

Although the right has now been established for perpetuity of tenure, there is only a limited guarantee that there will be sufficient amounts in PCT funds for maintenance once a cemetery or crematorium closes. That is why the government has ensured that a long-term financial model has now been independently developed that has calculated the percentage of income to be invested in the trusts to ensure that cemeteries and crematoria will be adequately maintained. That is an initiative we supported then and continue to support.

The amended act ensures that there are improved clear and consistent legal bases for the continued operation of the PCT funds and the PCT reserve, yet these amendments propose that the minister should also determine a PCT reserve percentage, equivalent to the PCT reserve amount, which is to be deposited into a separate account in each PCT trust fund. The government has stated that the amendments establish the way in which the PCT reserve amounts are preserved and managed, and how safeguards ensuring maintenance and perpetuity are to be achieved. The amendments also set out the legal obligations of cemetery and crematoria operators, including how they contribute to, keep records of and manage the trust funds, as well as spelling out the responsibilities of the Public Trustee and the minister.

Overall, the legislation would seem to be a sensible move towards ensuring perpetuity of maintenance. It will tighten up the legislation accordingly, and we welcome that. It certainly ensures that there will be an adequate PCT reserve for ongoing long-term maintenance of the cemetery or crematorium held by the Public Trustee. However, there are some concerns. I do not say these are large concerns; they are just issues to be identified.

One concern is that the amendments will now give the minister direct control over determining the calculation of percentages for future maintenance and also the percentage required to be invested in the PCT reserve. This direct control over the management of the PCT needs to be watched closely to ensure that it is fairly dealt with by the government and that operators are not treated unfairly when determinations are made by the minister. I do not necessarily think that is going to be case. I must say that, until we know a bit more about the way the systems works, that is simply a question we raise. I will be happy to wipe that off the slate in the months to come as we see the operation put into play.

A major question the opposition has is whether or not the totality of investment profits held by the Public Trustee is returned entirely to cemetery and crematorium maintenance, or whether the act governing public trustee investments allows any, or all, of the investment revenue—i.e. the profit component, not the capital investment amount—to be paid to the Public Trustee for the management of the funds or to be redirected to other causes. I will be very happy if the minister wishes to clear that up to enable me to have a better understanding of how this works. As I say, I am pretty happy with it as it looks, but that is an issue I would like clarified.

While I presume that this cannot be the case, I must ask—and again the minister might want to clarify this—can a percentage of the investment return be creamed off the top and redirected to other non-cemetery or crematoria operations? I do not have a strong view that that might be the case but, again, it is an obvious question to ask. A bit of clarification will put that to bed, I am sure. As I said in my opening comments, the opposition supports the Cemeteries and Crematoria Amendment Bill 2005, with the qualification that the powers of the minister need to be examined in relation to the management of these funds over the next couple of months—that would be sufficient—and in relation to the minister's direct call over use of the profits achieved via investments.

DR FOSKEY (Molonglo) (4.45): The ACT Greens also support this legislation. This legislation amends the Cemeteries and Crematoria Act 2003, which already provides a good legislative basis for the management of public cemeteries and crematoria in the ACT. This bill provides additional certainty and security in the management of cemeteries and crematoria in the ACT, both during the time of their operation and after they have ceased operations. This is important for people making arrangements for deceased relatives and friends, as it should remove any uncertainty that the cemetery or crematorium will provide memorial space into the future.

We are lucky in this town that we do not have to consider the terrible task of relocating cemeteries, due to demand for more space for the living. We need to remember, too, the functions cemeteries serve as repositories of history, open space for contemplation, walking and, in some cases, preservation of some species, particularly grasses in our region.

This bill provides for the establishment of a reserve for perpetual care trust accounts, which will provide for long-term maintenance of cemeteries and crematoria. The legislation also requires that cemetery and crematoria operators must use the ACT Public Trustee as the trustee and manager of all perpetual care trust accounts. This requirement

assists the long-term security of the funds, as the ACT Public Trustee is publicly accountable, and its functions are as perpetual as we can make them in a public institution. One measure of a society is the way it respects its dead. This legislation provides, as far as possible, for perpetuity and it therefore provides a base for ongoing remembrance.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.47), in reply: As members would be aware, this bill provides for the establishment of a perpetual care trust for cemeteries and crematoria, as has been indicated. The trust will be used to ensure the ongoing maintenance of the cemeteries and crematoria. I will be responsible for ensuring that there are sufficient funds in the trust to provide maintenance, both now and into the future. The perpetual care trust percentage applies to the total amount of money collected for each burial, interment of ashes, and for memorials at a cemetery or crematorium.

The bill provides for the Public Trustee, who has extensive experience in managing trusts, to be the trustee of the perpetual care trust. This will enable the funds to be pooled, and to be invested in a diverse portfolio of investments. The bill will also guarantee maintenance in perpetuity now and in the future—that sounds a bit tautological—even if the cemetery or crematorium closes, as Dr Foskey said.

For the benefit of Mr Pratt, in terms of profits, we are talking about an amount of money put into the trust; it is not the totality of the profit a crematorium might make. The answer is that whatever profits the company makes must be net of the payments it puts into the reserve, for acquisition of further land, for example. That is quite possible. I think one of the issues you were concerned about was protection of the funds. There are a couple of protections within the act. Section 16 says that an amount forming part of the reserve of a perpetual care trust is not available for any payment without prior approval of the minister. In other words, it cannot happen. It also says that there are penalties.

Section 15 (1) says that the operator of a cemetery or crematorium commits an offence if the operator applies an amount in the perpetual care trust for a purpose other than the purpose for which the trust is established. Where we are talking about that reserve, any application of funds other than for the maintenance of that particular area is an offence and carries with it 50 penalty points. There are other offences, and I refer the member to clause 16A. The other thing is that the operator of a cemetery or crematorium commits an offence, in accordance with 16B, if the operator fails to have the accounts and records mentioned in 16A audited by a person who is a registered company auditor within the meaning of the Corporations Act, which carries another 50 penalty points.

From the financial aspect there are a lot of penalties applied if those offences are committed, but the overarching protection is that the moneys must go into the Public Trustee, and the Public Trustee is therefore accountable to the people. Whilst I do not share Mr Pratt's concerns, I understand them and I think the act addresses them. Certainly we will be able to look at them further down the track if anything emerges. If members get a smell of something going wrong I invite them to alert me to that fact and I will do something about it pretty smartly. I take the point Dr Foskey made—and I think it is the most important one of all—that the measure of our society is how we treat those who have left our company. I thank members for their support for the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Australian Dance Week

MR SMYTH (Brindabella—Leader of the Opposition) (4.52): Mr Speaker, for the information of members, I wish to talk about Ausdance ACT and Australian Dance Week 2005, which ran from 9 to 15 May. While many of us were distracted by the budget season, Ausdance ACT encouraged Canberrans to get moving with the slogan "Every body can dance".

Australian Dance Week raises the profile of, and focuses on, the values, importance and many cultural contributions of dance to the Australian community. Dance week celebrations, coordinated by Ausdance, are held annually across Australia in May. All states and territories present an impressive array of dance performance, provide workshops and forums, and encourage community participation in a host of free activities.

On Wednesday, 11 May, young choreographers performed on stage at Theatre 3, showcasing their creative skills in Ausdance ACT's young choreographers evening. Lauren Bersinic, Katherine Brockway, Rachael Junakovic, Raquel Madaffari, Courtney Seal and Ashley Whild from Daramalan College performed an upbeat street funk number. Alice Taylor, Ann Sharrock and Liz Wensing presented modern dance on the theme of autumn. Peter Deards, John Graham and Tim Whittle, students from Mount Stromlo high, performed *Badaboom,* "one for the ladies".

Tess McGinness and Bridget Munro incorporated scarves into a stunning piece about freedom. Liza Yeum and Katrina Bourke combined hip-hop and funk styles with belly dancing. Briana Ganesharajah, Melissa Sorrentino, Natalie Kasunic and Ellen Walker, also from Daramalan College, utilised street funk style in their choreography. This is the first year that Daramalan College has run a dance program and the students are definitely enjoying it.

The audience was also presented with a preview performance of *Reckless Valour*, a moving tribute to young Australians in war, by the Quantum Leap Youth Choreographic Ensemble. The section was entitled "Faces of the Enemy" and was choreographed by Rowan Marchingo in collaboration with the dancers in an intensive

rehearsal period in April. The music for the section was composed by Mark Webber, a young Canberra composer.

The dancers for "Faces of the Enemy" were Jessica Ausserlechner, Millicent Malcolm, Amy Meldrum, Leena Spry, Alison Tandy, Alenka Csomor, Emily Chapman, Jamie Winbank, Jacqui Cornforth, Anthony Di Placido, Jake Fraser, Cain Holgate, Josh Mansfield and Garrett Kelly. Quantum Leap will return to the Playhouse in July with a full-length performance of *Reckless Valour* by these young people, featuring an original music score and choreographed by emerging professional choreographers from all over Australia.

The week also included a come'n'try dance day at Gorman House and a seniors dance day at the Hughes community hall where even 99-year-olds got up and danced around. Belconnen Markets hosted two days of *Performance in the Piazza* on their specially built dance stage and dancers across the city put on performances and offered classes in dance styles from ballet to belly dancing, tango to tap and everything in between.

Dance week is supported by Belconnen Markets and HealthPact and Ausdance ACT is assisted by the ACT government through the cultural council. The "Every body can dance" dance week in 2005 was coordinated by the Ausdance ACT office through their new director, Roslyn Dundas, who is well known to us all, and Paula Nesci.

Refugees

DR FOSKEY (Molonglo) (4.56): Yesterday was World Refugee Day, as has been pointed out by Mr Hargreaves. Consequently, I am making refugees the theme of my adjournment speech.

The recognition of prior occupation reminds us of where most of us stand: we are all migrants or their offspring. Knowing that, one would expect compassion and empathy to be our first and overriding response to those who continue to come to our country for a better life and to escape oppression. Indeed, I believe that, with full information, that would be the response of most Australians. However, as we know, most Australians are not given full information. The stories of the people we lock up in detention centres, as told in theatre, in books and occasionally in the media, reveal people we would welcome into our communities if we had the opportunity.

Canberra is a town with a heart for refugees. Ann-Mari Jordens has spelled this out in her historical writings and it is, of course, exemplified by the field of hearts. Ann-Mari Jordens, in her article in the *Canberra Historical Journal* of September 2003, mentions the many groups of individuals who have added to Canberra's multicultural society. The first migrants to come after the war were refugees: Estonians, Lithuanians, Czechoslovakians, Poles, Croatians, Slovenians and Jews, followed by immigrants and refugees, including Serbians, Greeks, Germans, Austrians, Italians and Spaniards. Members will note the European flavour of that group.

In the early years of immigration it was believed, much as it was about indigenous people and exemplified in policy, that non-British migrants would assimilate into the local community and disappear. However, they did not become invisible; they changed the face of Canberra forever from its Anglo-Saxon, bureaucratic, home-based social

scene. They introduced the new sports of soccer and basketball. They brought new vegetables into our markets and changed the menus in kitchens and restaurants. Coming from denser, more vibrant cities, they wanted different things from Canberra's built environment to the suburbs that the planners of those times preferred.

Mr Smyth's list of names tells the story. Canberra is now home to people from more than 200 different countries. Since 1970 there has been an increase in the percentage of migrants coming from Asia. The Whitlam years with Al Grassby as Minister for Immigration, someone who knew what it was like to come from a background other than Anglo-Celtic, made the definitive difference. Of course, the war in Vietnam created a situation where lots of people needed refuge, thus leading to the next wave of refugees who are primarily Indo-Chinese.

We saw an increase in ethnic community organisations arising spontaneously out of the new communities. As the number of new settlers increased, government looked to those organisations to provide the services at the grassroots level. In Canberra there were a number of ethnic community organisations that provided a welcoming place for new migrants and maintained cultural continuity. In the process, they also educated people from other ethnic groups about the culture of the diverse ethnic groups they represented.

The Ethnic Communities Council was founded in 1978 with delegates from 30 communities. In 1980 it had no permanent office and no funding. When it changed its name and adopted a formal framework as the ACT Multicultural Council in 1998 it had 168 member organisations. In 1983, the Migrant Resource Centre was established in the Griffin Centre, starting with a library with works in a variety of languages. Since then it has played a special role in building bridges between ethnic communities and between those communities in the broader institutions of society.

When we look back at how migrants and refugees have helped build Canberra, we must ask ourselves what talent and energy is being wasted in the detention centres where refugees now languish. It is amazing to think how far backward the policies of mandatory detention have taken us in our understanding of the needs of people from elsewhere and our own society's need for the vitality that new people can bring. It is not just compassion that should guide our approach to refugees; it is investment in our future as a territory and a country.

Fiji cultural night

MR GENTLEMAN (Brindabella) (5.01): Mr Speaker, last Saturday night, I had the fortunate opportunity to represent the minister for multicultural affairs, Mr John Hargreaves, at the Fiji cultural night held by the Fiji Australia Association of Canberra. The Fiji Australia Association initiated the celebration as a means of bringing together the Fijian, Samoan and Indian Pacific communities to celebrate their culture.

Those members of the Assembly who stayed in Canberra the weekend just gone would have observed the less than inviting weather that fell on Saturday. Do not misinterpret me: I, like all, Canberrans, was and always am thankful for rain, but I was impressed to see 500 attendees brave the weather to come out and participate in this wonderful cultural event.

The master of ceremonies, Mr Kanti Jinna, opened the night and was followed by a warm welcome from a group of Fijian children. It was great to see Kanti once again and catch up with him. He and I worked together in the mid-1990s in the Government Printing Office. Kanti had made a special effort to get there that night after returning from Fiji some three hours earlier. I must commend him as well for his cookery expertise. I have the first of his personal cookbooks, with two more on the way.

Mr Akilesh Kumar, president of the Fiji Australia Association, and Ms Evisake Kedrayate from the Fijian High Commission also welcomed the gathering. What followed was a vibrant display of Fijian culture in its many forms, with songs by Raj Subrail and the performance of a Fijian meke and a tauolunga, a Samoan dance, followed by the Rotuman Group and performances by the Bollywood Dreamz Dance School. Those who attended, including my Assembly colleague Steve Pratt, Mr Joe Bailey, the head of the Anglo-Indian Association, and Kate Scandrett from the department of multicultural affairs, were offered the opportunity to sample Fijian food. The food was as colourful and enjoyable as the performances.

As I did on the evening, I congratulate the Fiji Australia Association for creating the opportunity for the Fijian community and friends to gather in a harmonious celebration of culture. I also wish to congratulate the Fijian community for its ongoing participation in the National Multicultural Festival. It is the commitment of local communities like the ACT Fijian community that has made the festival the exciting and all-embracing event that we have seen over many years.

I am very pleased that the ACT Labor government, through its grants program, has been able to assist the ACT Fijian community in its participation in the festival and with the staging of other cultural events and the publishing of its community newsletter. As outlined in the Canberra social plan, the ACT government is deeply committed to building a stronger community by encouraging people to contribute to and participate in community life, especially in celebrating the culture and diversity of Canberra.

Arising from this commitment is the establishment of the multicultural centre, which is due to open at the end of this year. The first in Australia, this exciting resource will enhance opportunities for multicultural groups to express their unique experience and share it with the whole community. The government's strong commitment to multiculturalism is underpinned by a strategic plan called "Facing up to racism". This four-year strategy provides the framework within which government agencies will advance initiatives, activities and services designed to combat racism and advance positive growth in attitudes.

Events like the Fiji cultural night are proof that the people of Canberra are proud to celebrate their culture and heritage and prouder still to share them with the wider community. I again congratulate the Fiji Australia Association for the great success of the Fiji cultural night and offer my sincere thanks for the opportunity to be part of that night.

Unit titles legislation

MR STEFANIAK (Ginninderra) (5.05): Mr Speaker, I want to bring to the house's attention a specific problem in relation to one lot of units at Belconnen, but I suspect the problem may have wider application. Mr and Mrs James of Belconnen have written a quick letter in relation to their problem. I will read it out and then make a couple of comments. The letter reads:

> Having widely discussed the issue of Body Corporate problems experienced within Owners Corporations, we now put forward suggestions as follows: -
>
> At present the Unit Title Act provides through the rules that are imposed under the Act that an owner can only erect or alter any structure in or on a unit in accordance with the permission of the owners corporation.
>
> That means that if you wish to enclose the garage, enclose a verandah, put sails upon your verandah or make other changes to a unit that you own the other owners can refuse permission and there is no need for them to justify the refusal and there is no appeal.
>
> The Unit Titles Act needs to change so that as an owner you can make alterations to your unit unless the owners corporation can point to some disadvantage to the other owners in the complex.
>
> I would suggest that any proposal should be submitted to the other owners who should have, say, one month to object however, any objection must have written reasons attached.
>
> In the event an agreement cannot be reached an owner should have access to a tribunal that has power to make the final decision. There should be a mediation process first to see if a satisfactory agreement can be reached by negotiation.
>
> At present difficult owners in the complex for any reason including spite can simply reject any proposal no matter how sensible without being in any way responsible, or have to give any reasons for their rejection and the owner can do nothing about it.
>
> An owner pays good money to purchase a unit and they should be able to exercise a right to modify the unit unless it can be shown that it materially disadvantages other owners.

Mrs Fran James also rang the Chief Minister on ABC talkback radio some weeks ago and put her particular problem to him.

One of the big problems for this unit—I understand that it applies to a number of unit complexes in Canberra—is vandalism and burglary. I understand that over the past 18 months the Jameses have experienced about 17 or 18 instances of goods being stolen or damage being done to their car. In fact, I was speaking to Mrs James the other day and was told that it was only last week that the latest lot of damage had been done to their car and stuff stolen. Their particular problem was about putting up a cage to protect their car, which was apparently something that another unit provided but was a problem at their unit. In this particular complex, it seems, 60 people who have residential units have

problems with doing that, but there are some commercial units and apparently it is no problem for them to have alterations.

There may be some initial points in relation to this particular complex, but I do understand that there are real problems with vandalism and theft in relation to a lot of the large unit complexes. There are some big security issues there and Mr and Mrs James may well have made some good points about possible changes to the law being of assistance to unit owners to—not so much curtailing, as I do not know if you could ever completely curtail crime—largely alleviate some of the problems that these unit dwellers in our city are facing. The Jameses certainly are not Robinson Crusoe and it appears that their complex also is not Robinson Crusoe in terms of suffering a lot of vandalism, damage and theft to property at the units.

Given that it seems that more and more people are attracted to unit living, which has lots of benefits, I think that it is important that we look at ways to ensure that issues like this are resolved. If there are problems with the body corporate and the laws governing that, suggestions like this need to be taken on board. For that reason, I mention that to the Assembly. It is certainly something that the opposition will be looking at.

Philippines—anniversary of independence
Refugees

MS PORTER (Ginninderra) (5.10): Mr Speaker, on Saturday night just past I was fortunate to represent the Chief Minister at the celebration of the 107th anniversary of the independence of the Philippines. This event was organised by the Filipino Australian Association and it was a colourful and happy occasion attended by over 400 people. I congratulate the association for this wonderful evening.

The evening marked a period in the history of the Philippines when the citizens rose up and overthrew a regime under which they had suffered greatly, and this freedom was not won lightly. We are so fortunate in this country to have had a relatively peaceful history in the development of our democracy and we are fortunate to have a system of government that allows participation by all citizens in selecting their representatives and in the way we are governed.

As Dr Foskey just mentioned, World Refugee Day was celebrated last Saturday, if "celebration" is the word one should use. I signed the refugee charter on Thursday last and was present at the rally and met some of those recently arrived refugees now resident in Canberra and, thankfully, now outside the razor wires. Why do these people flee their homes? They flee their homes, often leaving many members of their extended family behind, to seek to avoid persecution, but also to find a place where they can have a voice at last in their affairs and can take their place in the community as full participating citizens. Let us welcome them all to Canberra.

Question resolved in the affirmative.

The Assembly adjourned at 5.11 pm.

Schedule of amendments

Schedule 1

Gaming Machine Amendment Bill 2005 (No 2)

Amendments moved by the Minister for Racing and Gaming

1
Proposed new clauses 3A and 3B
Page 2, line 9—

insert

3A **New section 39A**

in division 3.2, insert

39A **Compliance with requirements for issue of licence**

It is a condition of a licence that the licensee—

(a) continually meets each requirement for the issue of a gaming machine licence; and

Note For the requirements for the issue of a gaming machine licence—see s 12 and s 13.

(b) continues not to do anything that would, if the licensee were applying for a gaming machine licence, cause the licensee to be refused the licence.

Note For the grounds for refusing to issue a gaming machine licence to an applicant that is a club—see s 14.

3B **Other conditions of club licences**
Section 55 (h), (i) and (j)

substitute

(h) only members and signed-in guests can play gaming machines in the club.

2
Proposed new clause 9
Page 3, line 26—

insert

9 **Dictionary, definition of *net revenue*, paragraph (b)**

omit

15%

substitute

24%