



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY
SIXTH ASSEMBLY
WEEKLY HANSARD

30 June

2005

Thursday, 30 June 2005

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Thursday, 30 June 2005

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

Crimes (Sentence Administration) Bill 2005

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.32): I move:

That this bill be agreed to in principle.

On 7 April this year I introduced the Crimes (Sentencing) Bill 2005, a bill that would create an enormous improvement to our sentencing law. Today, I introduce the counterpart to that bill, the Crimes (Sentence Administration) Bill 2005. The purpose of this bill is to set out the law that requires offenders to complete their sentences and enables ACT Corrective Services to supervise sentences imposed by the courts. The bill sets out the framework for the lawful management of sentences. The bill modernises a range of existing sentencing law and provides for the management of new sentencing options created by the Crimes (Sentencing) Bill 2005.

In a democratic society every person and every institution is obliged to abide by the rule of law. This bill aims to strengthen community confidence in the criminal justice system by ensuring that there are clear obligations upon everyone who must serve a sentence, and that these obligations will be enforced. In this spirit, the bill also articulates the powers and functions of any agency managing sentences. The government and its departments are obliged to ensure that people found guilty of breaking the law are themselves treated lawfully. This is an example of human rights in practice.

The bill will protect offenders against arbitrary acts because it openly expresses the law that would apply to those serving sentences. The bill upholds the authority of corrections officers to manage and enforce sentences by clearly expressing their powers and responsibilities. The rights of offenders and the powers of public authorities are best protected if these rights and powers are laid down in law that is publicly known, equally applied and effectively enforced. To this end, the bill creates a standard model for administering and enforcing each sentencing option. The bill sets out the obligations upon offenders for each type of sentence, full-time detention, periodic detention and good behaviour orders. The bill openly sets out the consequences for any offenders failing to meet their obligations.

One of the most useful sentencing options in the territory is periodic detention. Periodic detention is part-time imprisonment. An offender is in full-time custody for a period, usually over a weekend. This arrangement allows both the imposition of a custodial sentence and the maintenance of an offender's positive contribution to the community,

such as family life, work or study. As I explained when I introduced the Crimes (Sentencing) Bill in 2005, the government has opted for a form of periodic detention linked to a sentence of imprisonment. A court may set a period of periodic detention if a sentence of imprisonment is imposed.

The bill I present today simplifies the procedures for managing periodic detention and addresses breaches of periodic detention. ACT Corrective Services has the responsibility of implementing the periodic detention; the Sentence Administration Board has the responsibility of addressing any breaches of periodic detention and, if necessary, recommitting the offender to full-time imprisonment.

As I said, the bill requires the Sentence Administration Board to supervise critical aspects of periodic detention, parole and release on licence, such as breaches and amendment of conditions. Consistent with these changes, the bill introduces modern provisions for the board's proceedings and inquiries. The aim of the new provisions is to enable the board to increase its workload through a more flexible division of labour and clearer decision-making obligations. The supervision of probation, community service and rehabilitation is all under the auspices of good behaviour orders, consistent with the structure of these orders in the Crimes (Sentencing) Bill. The bill introduces consistent procedures for dealing with breaches of good behaviour.

I note that Mr Stefaniak introduced some bills relevant to sentencing last week. I believe the government's bill stands in complete contrast to his bills. The government's bill is the result of three years of hard work, three years of consultation, three years of working out the best approach for the Australian Capital Territory, not what is best for New South Wales or any other jurisdiction. Perhaps the easiest characterisation of the opposition's bills is "the fish John West rejected". Hollow assertions of being tough on crime do not solve problems and do not reduce crime itself. In contrast, the government's bill is aimed at reducing crime and providing a rigorous framework to implement management and enforce sentences. The laws, the penalties and the obligations of a sentence mean nothing if we cannot enforce sentences consistently and lawfully. I look forward to debating Mr Stefaniak on these and other issues in the Assembly.

I would like to take the opportunity to commend the officers of ACT Corrective Services as being an essential part of reducing crime in the ACT. Corrections officers have a deep understanding of criminal behaviour, how to manage criminal behaviour and of offenders themselves. I believe ACT Corrective Services will benefit greatly from this bill. Officers managing community-based sentences, for example, will be able to use one piece of law instead of several. Transport officers will have a single source of authority to take custody of and transport offenders.

Part three of the bill provides the crucial link for the ACT between the court's jurisdiction to determine and impose sentences of imprisonment and the executive government's role to carry out and supervise the sentence. Officers in charge of the remand centre and the prison will have a clear authority to allocate remandees or offenders to an appropriate facility, whether it is in the ACT or New South Wales. To achieve this, the bill creates a clear distinction between the role of the courts to remand and sentence people and the role of executive government to take these people into custody and determine where they should be detained.

The bill consolidates and simplifies ACT Corrective Services' powers to manage the logistics of a corrections system. It is the government's intention that this bill will provide corrections officers with greater certainty about their powers. The bill will also reduce the amount of time corrections officers currently waste checking or reconciling various laws. More time will be available to assist in the rehabilitation of offenders and the prevention of further crime. The bill restates existing provisions dealing with the interstate transfer of prisoners, the international transfer of prisoners and the interstate transfer of community-based sentences. The language is modernised, but the substance remains the same as the existing national schemes.

The bill's preamble is an expression of the fact that the executive arm of government does not have unlimited power in managing the sentence of convicted offenders or the remand of alleged offenders. In order to maintain the community's confidence in the criminal justice system, the government is bound to ensure that people found guilty of breaking the law are themselves treated lawfully. The rule of law and the protection of human rights are inseparably linked.

As with the limitation on government power, the rights of an individual are also limited within the context of a community. The rights of an individual and the interests of the community are sometimes in harmony and sometimes in conflict. Few rights are absolute and, within defined boundaries, certain limits placed on rights are necessary as part of balancing competing needs. The ACT's Human Rights Act protects fundamental rights. Limits on these rights are permissible only if the limit is authorised by a territory law, is reasonable and demonstrably justifiable in a democratic society.

The preamble also refers to key principles that may assist in determining the boundaries between lawful administration of sentences and unlawful treatment of offenders and alleged offenders. Conversely, the government considers the bill's provisions that are directive to offenders' obligations to be consistent with the principles expressed in the preamble. The limitation that would be imposed upon offenders as a consequence of their sentence is, in the government's view, reasonable and justifiable in our democratic society.

Finally I would like to note for members' information that I intend to introduce a third bill this year to provide for imprisonment and remand. This third bill will set out the powers and functions of the prison, the remand centres and the periodic detention centre. Once introduced, and if enacted by the Assembly, the three bills will be the body of ACT law that covers sentencing, from conviction to the fulfilment of a sentence. This is the second bill in a trilogy of sentencing bills and culminates three years of consultation, research and innovation, for which I thank the department of justice. I commend this bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2005 (No 2)

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.40): I move:

That this bill be agreed to in principle.

I seek leave to have my in-principle speech incorporated in *Hansard*.

Leave granted.

The incorporated document appears at attachment 1 on page 2642.

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

Mental Health (Treatment and Care) Amendment Bill 2005

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

Title read by Clerk.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.41): I move:

That this bill be agreed to in principle.

I have today presented the Mental Health (Treatment and Care) Amendment Bill 2005. Over the last three years it has become apparent that the Mental Health (Treatment and Care) Act 1994 is not able to respond quickly enough for a very small number of people who have a serious mental illness, are incapable of consenting to appropriate treatment and require electroconvulsive therapy in order to save their lives. The limitation is that the act requires that three days must elapse before the Mental Health Tribunal can hold an inquiry.

This notification is important so the person, their agent or legal representative, the Community Advocate and others can be notified of tribunal proceedings. However, advice from the chief psychiatrist over the last three years has indicated that the delay associated with this notification period has put the lives of a small number of patients at risk. While in cases of extreme depression medical literature indicates that administration of ECT is the most effective treatment, electroconvulsive therapy is a controversial topic in the community; so the amendment contains strong safeguards for the human rights of the person. This bill has been presented after a comprehensive public consultation process. During this process a wide variety of opinions were expressed, from strong support to strong condemnation of the proposed amendments.

I have presented a bill today that provides an allowance for involuntary and emergency electroconvulsive therapy only to save a person's life. The full bench of the Mental Health Tribunal will hear the matter, giving the president of the tribunal the expertise and

advice of a tribunal psychiatrist and community member. The Community Advocate, discrimination commissioner and the person's agent or legal representative all have the right to attend and give evidence at the hearing. It is worth noting also that the bill does not propose to make provision for emergency ECT treatment for minors under the age of 16 years.

It is predicted that this order will be used only in exceptional circumstances, for around two people per year. I will be monitoring closely the circumstances and the number of times this amendment is invoked. In the longer term Mr Stanhope, as the Attorney-General, and I have committed the government to a full review of the Mental Health (Treatment and Care) Act 1994, starting during this calendar year. This amendment will be part of that review. It is five years since the recommendations of the last review were implemented in the 1999 amendments. Mental health acts require frequent review to be kept current with mental health and human rights best practice. I commend the bill to the Assembly.

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

Human Rights Commission (Children and Young People Commissioner) 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) (10.45): I move:

That this bill be agreed to in principle.

The Human Rights Commission (Children and Young People Commissioner) Amendment Bill 2005 is a further step in the government's delivery of its vision for children and young people in the ACT. Complementing its introduction is the Public Advocate Bill 2005. The Public Advocate Bill 2005 contains rewritten provisions from the Community Advocate Act 1991 and changes the name of this position from Community Advocate to Public Advocate. All the provisions that were in the Community Advocate Act have been transferred to the Public Advocate Bill. In addition, statutory provision has been made for the delegation of functions relating to the appointment, as a guardian or manager under the Guardianship and Management of Property Act 1991, of senior officers within the Office of the Public Advocate.

The government is committed to establishing an independent Children and Young People Commissioner to promote and protect the interests of children and young people in the ACT. The Human Rights Commission (Children and Young People Commissioner) Amendment Bill 2005 amends the Human Rights Commission Bill 2005 to establish the role of the Children and Young People Commissioner within the Human Rights Commission.

The commissioner's functions relate to the oversight of services for children and young people in the ACT. This bill puts into action the vision and words of the children and young people who participated in consultations over the role of the commissioner. Children and young people had strong views on this. Some saw the commissioner as a person who "can change the lives of children in the ACT" and a person "who needs to look at current services to see if they are doing the right thing by young people".

Children and young people represent around a quarter of the ACT population. The establishment of a commissioner acknowledges the importance of supporting and respecting these members of the community, and working to address their unique needs. That is why they must be given special representation. Children and young people have limited economic or social power, no right to vote and limited influence over the choice or composition of bodies responsible for decision making. Children's and young people's dependence and developmental state make them particularly vulnerable, as they are more affected than adults by the conditions in which they live, such as poverty and poor housing.

This bill builds upon section 11 of the Human Rights Act 2004, which expresses the paramount importance of protecting the family and children, and seeks to put into practice article 12 of the United Nations Convention on the Rights of the Child. As a member of the Human Rights Commission, the functions of the commissioner are to consult with children and young people to promote their participation in decision making; investigate complaints about services for children, young people or their carers and establish processes for the resolution of these complaints and contribute to the review and improvement of these services; ensure that the Human Rights Commission is accessible to children and young people and sensitive to the linguistically and culturally diverse backgrounds of children and young people; work with other commissioners to ensure that the rights and interests of young people are taken into account in the matters before them; and request that the Public Advocate individually advocate for children or young people in care.

The commissioner, as a member of the Human Rights Commission, will have particular responsibility for statutory oversight of matters to do with services for children and young people. As the Public Advocate has had functions relating to the protection of the rights of children and young people in the care of the chief executive, it is clear that there will be some areas where the functions of the commission in relation to children and young people and the functions of the Public Advocate will intersect.

When a child or young person is not legally capable of taking action on his or her own behalf, the parent or guardian can represent the child or young person. A child's or young person's parent or guardian may make a complaint if they believe the child or young person is aggrieved by the way in which a provider or other person has acted and, as a result, the parent or guardian thinks there are grounds for making a complaint. Children and young people also will be able to make a complaint to the commission through the provisions if they wish.

The Human Rights Commission has discretion to handle matters differently on occasions, if it considers it is appropriate to do so. For example, the bill allows the Human Rights Commission to consider important matters regarding services without the

need to receive an individual complaint. It may also receive a ministerial direction to inquire into a matter.

The commissioner is empowered to set up advisory committees to help the Human Rights Commission make good decisions in relation to services for children and young people. Children and young people with relevant experience or expertise can be appointed to an advisory committee. The executive will appoint the commissioner for a period of up to five years. Conditions of appointment are agreed between the commissioner and the executive, but are subject to determinations made by the Remuneration Tribunal. The bill does not include provisions for child death review, employment screening or an expanded role for the Official Visitor, which were identified as possible functions for the proposed Children and Young People Commissioner.

Further policy development and consultation is required to put in place an effective structure. In addition, some further policy development in relation to the Official Visitor and Children's Services Council will be addressed in amendments to the Children and Young People Act 1999. By strengthening the ability of children and young people to participate in the issues that affect them by giving them a voice through the commissioner, we are all contributing to making our community a stronger and safer place for children and young people. I commend the bill to the Assembly.

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

Public Advocate 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) (10.51): I move:

That this bill be agreed to in principle.

The Public Advocate Bill 2005 is designed to change the name of the Community Advocate. It carries out the commitment this government made last year in the position paper *The right system for rights protection* which was released in response to the report of the review of statutory oversight and community advocacy agencies conducted by the Foundation for Effective Markets and Governance, or FEMAG. The review looked at a broad range of statutory oversight and community advocacy bodies, taking a holistic view of the system.

One of the recommendations was that the name of the Office of the Community Advocate should be changed. The government agreed to make a change, choosing the name preferred by the Office of the Community Advocate itself, which was "ACT Public Advocate". This bill achieves that change and, at the same time, puts the provisions around the Public Advocate into more modern language. This bill makes little change to the current legislative framework that provides for the Community Advocate. All the

provisions that were in the Community Advocate Act 1991 have been transferred to this bill, with a more modern drafting style. This will ensure that the Public Advocate continues to do the same excellent job, supporting vulnerable members of our community, as the Community Advocate has done to date.

FEMAG recommended that the name "Community Advocate" be changed to better reflect the role of that office in the community. The name "Public Advocate" is intended to reflect the wide range of advocacy roles that the office carries out. It is important that we, as a community, provide for more vulnerable members to have someone who can advocate on their behalf when they need to deal with service providers or bureaucratic processes. The Public Advocate Bill provides for the Public Advocate to be there to advocate on behalf of individuals.

At the same time as it is introducing this bill, the government is introducing the Human Rights Commission (Children and Young People Commissioner) Amendment Bill 2005, which will create a new commissioner within the Human Rights Commission to have particular responsibility for statutory oversight of matters to do with services for children and young people. As the Community Advocate has had functions relating to protection of the rights of children, it is clear that there will be some areas where the functions of the Human Rights Commission in relation to children and young people and the functions of the Public Advocate will connect. There will be a similar connection in relation to people with a disability.

The Public Advocate Bill makes clear that the main focus of the Public Advocate is to promote the interests of individuals. This is individual advocacy that ensures that the Public Advocate will work to achieve the best outcomes for individual clients in their unique circumstances. Experience tells us, however, that the cumulative experience of a number of individuals may point to systemic concerns. Those systemic issues are the things the Human Rights Commission will focus on dealing with, so a new requirement has been included in this bill for the Public Advocate to refer those issues to the commission for consideration. Complaints about services for children and young people will become the responsibility of the Human Rights Commission but the Public Advocate will continue to be able to investigate concerns, complaints and allegations about matters relating to the functions contained in this bill.

Another minor but important change has been to provide for the Public Advocate to listen to the concerns of children and young people. This is because, although there was a provision allowing people to make complaints or allegations, research indicates that children and young people are reluctant to make complaints. Instead, they are more likely to want to talk about concerns. The new provision allows the Public Advocate to hear those concerns and deal specifically with services for children and young people.

The Public Advocate Bill now contains a provision that was previously located in the Children and Young People Act 1999 which protects people who, for genuine reasons, give information to the Public Advocate. This ensures that people who believe that they have information the Public Advocate ought to have in order to properly carry out the task of protecting the rights of children and young people and people with a disability will not be committing a breach of confidence, professional conduct rules or ethics. The aim is to ensure that the Public Advocate has access to all available information to work in the best interests of its vulnerable clients.

Three other changes are worth noting in the bill. The Public Advocate's functions relating to children and young people and people with a disability have been clarified by including definitions of "child" and "young person" and using the term "people with a disability" to refer to people who are forensic patients or who have a physical, mental, psychological or intellectual condition that makes them vulnerable to abuse, exploitation or neglect.

The definition of "forensic patient" has been altered to include a reference to mental illness as well as mental dysfunction, in order to bring it in line with the definitions used in the Mental Health (Treatment and Care) Act 1994. This makes it clear that all forensic patients are entitled to help from the Public Advocate without there having to be a determination about whether their behaviour is caused by mental illness or mental dysfunction.

A provision has been included to allow the Public Advocate to delegate guardianship and management functions to senior officers within the office. This allows emergency decisions about people for whom the Public Advocate is the guardian or manager to be made, even when the Public Advocate is on leave, ill or for some reason cannot be contacted immediately. Previously this was achieved through a special acting appointment made by the executive, but the new provision will make the process less cumbersome. I have made clear in the past how much I and the government value the work done by the Office of the Community Advocate. That excellent work will continue under the new name of Office of the Public Advocate. I commend the bill to the Assembly.

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

Domestic Animals (Cat Containment) Amendment Bill 2005

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

Title read by Clerk.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (10.58): I move:

That this bill be agreed to in principle.

The Domestic Animals Act 2000 came into effect on 20 December 2000 and the Domestic Animals Regulation 2001 commenced on 12 June 2001. This bill amends both the act and the regulation, introducing new provisions for domestic cat management in the territory.

The need to amend the act arose from the Assembly's decision of March 2004 to ensure that domestic cats would be permanently confined to premises at all times, either indoors or outdoors in cat enclosures, in the new suburbs of Forde and Bonner in Gungahlin. The purpose of this initiative is to protect the diversity of native wildlife in the nearby

Mulligan's Flat and Gorooyarroo nature reserves, and to protect four native bird species listed as vulnerable under the ACT's threatened species legislation from cat predation. The existing act provides for declaration of a cat curfew area to achieve its objective, and the Chief Minister announced the government's intention to do so to the Assembly on 14 May 2004. Bill Wood notified the Domestic Animals (Cat Curfew Area) Declaration 2004 No 1, which includes Forde, Bonner, Mulligan's Flat and the Gorooyarroo nature reserves in the cat curfew area, in September 2004. This disallowable instrument took effect on 18 February 2005. No other cat curfew area has been declared in the territory.

These amendments signal the government's commitment to promoting responsible cat ownership and usher in a new era of cat management policy and practice throughout the territory. Effective identification of domestic cats is the key to effective cat management. Cat registration is not being proposed.

The bill amends the act and the regulation in five main ways. I refer firstly to cat containment in the curfew area. For keepers of cats living in the cat curfew area it will be compulsory for cats to be identified by microchip. This will take effect as soon as the bill becomes law, well in advance of the planned residential development in Forde and Bonner. Cats in the cat curfew area must be confined to a keeper's premises at all times. "Premises" means within a building, a purpose-built cat cage or a vehicle. The keeper or carers will be committing an offence if they allow their cats to roam free in the cat curfew area without reasonable excuse. On-the-spot fines will allow rangers to quickly deal with stray cats seized in the cat curfew area whose owners can be identified.

Secondly, for cat identification outside the cat curfew area, these amendments will introduce compulsory microchipping for all cats over a three-year period. Currently, outside the cat curfew area all cats must be identified by either collar and tag or microchip. From commencement of the act it will be compulsory for all cats over 12 weeks of age to be implanted with a microchip at point of sale. Therefore, except for cats that are microchipped or cats sold after the act commences, identification must be by collar and tag until 30 June 2008, after which it will be compulsory for all cats in the ACT to be identified by microchip. This will bring the ACT's cat identification laws into line with those of New South Wales. Microchipping is permanent, avoids cats becoming accidentally hanged or trapped by their collars in trees or vegetation, and allows lost cats to be quickly reunited with their owners. The unique number recorded on an embedded microchip can be easily read by a trained operator using a hand-held microchip reader.

A person will be committing an offence if they keep or sell a cat that is not properly identified as required by the regulation. Cats are identified by storing their ownership details against the unique number on Australia-wide computer databases accessible by the retail cat industry, vets, authorised officers and rangers. These details include the keeper's name, address and telephone number. Amendments to the regulation specify that microchips are to be implanted only by authorised people and the procedures to be followed and they provide for approval or withdrawal of authorisation and review of decisions by the Administrative Appeals Tribunal.

Thirdly, rangers will need the power to seize cats found roaming free in the cat curfew area or if they have reason to believe cats are being kept without proper identification. These cat seizure provisions are similar to those already in place for dogs under the act.

Fourthly, given that the ACT has no cat pound, cats will need to be housed while their ownership status is determined. Temporary housing will be provided by the RSPCA, or by commercial catteries, on a fee-for-service basis. For seized cats whose owners can be identified and notified, cat owners will be charged the temporary housing and other costs on a full cost-recovery basis, using the existing act's powers to set fees. For seized cats with no owners that are either sold or destroyed, the government will meet housing, feeding and any veterinary costs.

The fifth way concerns the release and disposal of seized cats. The amendments for the release of seized cats to their owners are similar to those already in place for dogs. In cases of hardship, there is provision for waiving all or part of the fees payable by owners of seized cats and, as minister, I may develop guidelines for this purpose. Owners may give up ownership of a seized cat if they wish. These cats may be either sold to new owners or destroyed. There is a seven-day holding period for cats while ownership is determined, the same as for dogs.

My department will fund the costs of implementing these amendments within the priorities established for 2005-06 in the budget development process. Media, education and signage costs are estimated at \$30,000 over two years. The estimated cost of training for rangers, vehicle outfitting and one additional half-time ranger is \$75,000 in 2005-06 and \$50,000 per annum thereafter. Veterinary and database services are estimated at \$20,000 per annum. The cost of introducing compulsory microchipping in the cat curfew area and at point of sale, progressively over a three-year period, will be met by the local pet industry and cat owners, not by government.

My department has developed a two-stage media and education strategy to coincide with the introduction of the bill. The first stage media strategy explains the government's objectives in declaring a cat curfew area in Gungahlin and the second stage will explain to the public the detailed legislation changes. I commend the bill to the Assembly.

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

Visitor

MR SPEAKER: I acknowledge the presence in the gallery of a former MLA, Michael Moore. Welcome, Michael.

Litter Amendment Bill 2005

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

Title read by Clerk.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.07): I move:

That this bill be agreed to in principle.

I seek leave to have my in-principle speech incorporated in *Hansard*.

Leave granted.

The incorporated document appears at attachment 2 on page 2646.

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

Executive business—precedence

Ordered that executive business be called on forthwith.

Standing orders—suspension

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

That so much of the standing orders be suspended as would prevent orders of the day Nos 1 and 2, Assembly business relating to the Report of the Select Committee on Estimates 2005-2006 and the Government response, to be called on and debated cognately with order of the day No 1, Executive business—Appropriation Bill 2005-2006 and be called on in sequence immediately after the resolution of any question relating to the conclusion of consideration of order of the day No 1, Executive business, relating to the Appropriation Bill 2005-2006.

Appropriation Bill 2005-2006

[Cognate papers:

Estimates 2005-2006—Select Committee—report

Estimates 2005-2006—Select Committee—report—government response]

Detail stage

Schedule 1—Appropriations.

Proposed expenditure—Part 1.11 ACT Health, \$530,072,000 (net cost of outputs), \$19,964,000 (capital injection) and \$18,631,000 (payments on behalf of the territory), totalling \$568,667,000.

Debate resumed from 28 June 2005.

MR SPEAKER: I remind members that this is a cognate debate and, in debating order of the day No 1, executive business, they may also address their remarks to the relevant parts of orders of the day Nos 1 and 2, Assembly business, relating to the report of the Select Committee on Estimates 2005-2006 and the government's response to the report.

DR FOSKEY (Molonglo) (11.10): Members will remember that I was speaking when the debate was adjourned. I have very little left to say, but I just want to recap on what I think is a major point which I made on Tuesday—because it is major, I do not want it to get lost—that is, my concern about the failure of the government to invest in mental health. We have had publications, the ACT mental health strategy and action plan, the

ACT mental health promotion prevention and the early intervention plan 2004-08, and yet there was nothing in the budget to expand mental health. I want to reiterate that point; it is a very important one.

To conclude: I understand that the Health Protection Service is currently finalising guidelines for approval of waterless composting toilets. I did ask in the estimates hearings about that and I was informed that there was a very low level of applications to date. This is an important area of innovation, with the potential to improve water conservation. I think it is an area that we could find more applications on if people knew that it was an option available to them. If we are going to encourage individuals to take steps to conserve the use of water, it is important that processes for installing technology such as composting toilets are straightforward and accessible.

Furthermore, I believe there is a lot of confusion about safe systems for installing grey water recycling technologies. I have had visits from constituencies about this issue and visits from people who are champing at the bit to do the work to install grey water recycling but are limited by the regulations or, should I say, lack of regulations at the moment about what is permissible.

It is really important that ACT Health pull out the stopper and do the work so that people can be provided with guidelines, not just on composting toilets but also on grey water recycling, so that the ones who want to—and I feel quite sure that there are a growing number of people who do want to—can reduce their use of potable water and can recycle as much of the water as they can so that they can continue to garden and do so without danger to their and their community's health.

MR MULCAHY (Molonglo) (11.13): I have a few observations to offer in relation to ACT Health. I am sorry that the health minister is not in the chamber, notwithstanding the fact that a former health minister is in the gallery.

Health is a legacy of the failure of successive governments to control costs and focus on the efficient delivery of services. As I have said before, although occasionally there have been attempts to misconstrue it, the fact of the matter is that Canberra's hospitals are costing at least \$104 million per annum more than they really should. I am basing that on the Australian Institute of Health and Welfare's data, which has been accepted by the minister as sound. It does reflect adversely on the efficient administration of health care in the territory.

What those figures basically show is that, if Canberra hospitals did the same medical job on a casemix adjusted separation basis as they are doing now, but at the same cost as the average of other similar hospitals in Australia, it would be costing us a considerably lower amount than we are presently outlaying. This, in fact, is reflective of an enormous waste by government—

Mr Corbell: As has always been the case.

MR MULCAHY: The minister, who has arrived back, has interjected that that is the way it has always been. If the measure of success in life is never to improve the state of affairs, then it is a sad and sorry day for the people of Canberra if that is the maximum

level of ministerial competence. I am sure that, notwithstanding the difficulties that the previous minister encountered, at least he had a go at trying to improve the situation.

We also see, of course, that the problem is that the administration costs \$14 million more than that of the average for comparable hospitals, but we do not see any evidence that the problem is able to be fixed. The minister said in estimates that he was working on the cost problem but, in fact, he could offer no plan for how he was going to tackle the causes of the inefficiency and offered no hope of securing better value for the taxpayers' dollar. Indeed, in those discussions, I recall the minister expressed the opinion that they are in discussions with Treasury. If one could take a message from it, one sensed an apparent lack of enthusiasm for that whole process.

Curiously, the government says—and these are not the opposition's words; they are those of the Treasurer—that the health costs always rise by around seven to eight per cent each year nationally; yet the budget only allows for an average growth of four per cent. There is no doubt that the 2005-06 budget allocation, averaging a four per cent increase per year over the next four years for expenditure growth, represents a marked shift from the pattern of recent years, when expenditure has increased at a rate somewhere in the order of triple the level that is now contemplated.

Even after allowing for plans to increase the efficiency of service delivery, clearly the government is budgeting for decidedly slower growth in public health care than has been the case. It does not really sit very sensibly with a lot of the explanations we have had for growth in waiting lists and the like, much of which has been attributed to an ageing population and the numbers of people racing over the border here for health care.

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, we suspect that the health minister has little intention of meeting his budget target. I look forward, down the track, to hearing an appropriation bill coming in which will give credence to the predictions that we are continuing to make in relation to the health budget. Indeed, I would say, with a fair degree of confidence, that in the next financial year the government will come back to the Assembly for additional appropriations of at least \$30 million for health.

In the course of the estimates hearing, we also had another alarming revelation. It concerned the matter of fringe benefits tax. We managed to flush out a tax arrangement by which all but 87 of the health department's employees are to be given an FBT exemption for being classified as utilising some of the provisions of the FBT laws under the deductible gift status. Under this deal, the ruse is to classify bureaucrats in head office in this category.

You know when there is a scheme that is a contrivance, and this must surely be it. I pointed out in estimates that subsection (57) (a) (ii) of the Australian Taxation Office ruling—and this was the one that was cited in a memo to employees—says, in part, that the duties of employment of the employee must be exclusively performed. That is my emphasis, “exclusively”, but it is in the decision. It is not associated with or an extrapolation of what happens in New South Wales, which is what Dr Sherbon clutched at during his defence of his actions.

I went on to express the view that the health department, obviously and dramatically, has strayed from the relevant tax office ruling. The overall impression that I gained from the hearing was that ACT—

Mr Corbell: You are such an expert on tax law, aren't you? You are a real expert on tax law.

MR MULCAHY: The health minister questions my knowledge on tax law. I am glad that he would say that because I have been very closely involved with fringe benefits tax law for a long time and worked very closely with the Australian government on those changes which, in fact, came in 20 years ago, minister. So I do profess some knowledge of FBT law and would be more than happy to have that debate on any occasion he would like to initiate it.

Certainly, the overall impression gained from the hearing was that ACT Health had employed tax consultants to work out a way for DGR status to be applied to ACT Health by comparing it to the New South Wales Area Health Service. As well as being an apples versus oranges comparison, the benchmarking was ill advised since specific advice from the ATO on the status of what they are now doing was not sought. And this has been admitted and confirmed.

To add to the absurdity, estimates was told that staff in the nursing and midwifery office, the genuine people involved in health care, did not qualify under ACT Health's interpretation of the ruling, but the finance unit did. Isn't that surprising? Where do you think the advice on payroll comes from? This was despite Dr Sherbon indicating that service delivery staff qualified for the exemption but those performing policy roles did not.

On the face of it, the decision to extend the FBT exemption appears to be wrong and may be based on erroneous advice from the consultants and a profound misreading of the ruling. This practice puts those employees claiming it at risk of understating their tax obligations and receiving an adverse tax assessment. They are the people we ought to be concerned about.

We have heard so much about the rights of workers in recent days and the terrible things that the commonwealth government is doing in trying to get rid of some anachronistic provisions in industrial relations but here we are, in our own backyard, putting at risk 4,000 or so of our own employees. It was disturbing to hear one of the people—I think one of the senior spokeswomen for the Australian Taxation Office—say that they were going to be looking at health service professionals as part of the crackdown this year on different occupations.

What troubles me is that there are assurances now going to be needed, I think, for people working in ACT Health that, if there is an adverse ruling received in relation to their position, then they should feel some measure of comfort that the government will address that themselves. Why should they be penalised for a scheme that was designed to shift the cost of employment to the commonwealth, which is effectively what has been accomplished by this device? It is one thing to seek to increase employees' take-home

pay; it is quite another to engage in these tax schemes, which ought rightly to be challenged and questioned. The question I also ask is where the minister—

Mr Quinlan: A lot of people are going to thank you for this, Richard.

MR MULCAHY: I think the people will thank me, because they rely upon employers. If you are a public sector employee, you have absolute reliance on your employer to do the right thing. I know some of the larger companies may have schemes that bring them into trouble, but you do not expect it if you are a public sector employee.

In the limited time I have available, let me say that I am pleased that, after our encouragement and strong pressure, the government has now decided to go to the Australian Taxation Office for advice, as was confirmed recently. That, I guess, is fair evidence of the fact that they do not feel they are on safe ground.

If it is confirmed that everything was in order, that would be terrific. But I think they have been cavalier in their approach. I use that term sensibly but appropriately. They have been cavalier in their approach in embarking on this scheme without, in fact, going ahead and getting a clear sign-off from the Australian Taxation Office.

There are procedures in place. They should have been employed and, if they had absolute confidence in the veracity of the advice they had and the correctness of their conduct, they would not have engaged in this risky undertaking and put employees at risk. People cannot afford to be facing the prospects of tax penalties. The government will need to consider what to do if this situation arises. It will lead to a significant increase in employee costs, and it is one about which they ought to be concerned and should never have taken the risk in the first place, without getting appropriate advice.

There are many areas in this area of administration that warrant attention. I have only touched on some; my colleagues will cover others, I am sure. But clearly this is one of the most poorly managed areas of ACT administration. It is regrettable and I hope the Assembly will scrutinise this part of the bill.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.23): Mr Speaker, what we have from the Liberal Party on this particular line is a maze of contradictions when it comes to what they would do to address the pressures that are occurring in our health system, as they are indeed occurring in health systems right around the country. I would like to characterise it as the spend less but spend more approach, because on the one side we have Mr Smyth and Mr Mulcahy, both in public commentary and also in the dissenting report on estimates, saying the health system costs too much.

What do they recommend, if their concern is that the health system costs too much? They recommend that we spend more. That is the Liberal Party's muddle-headed approach to this issue. They say it costs too much; it is inefficient; we spend too much money—according to Mr Mulcahy and Mr Smyth, probably over \$100 million too much in any one year. So what do they recommend? What does the shadow Treasurer recommend that we do to address this issue that they assert is of concern?

They assert in their recommendation—and I will just turn to it here—in their dissenting report: reallocate the balance of about \$15 million to health. They recommend that we spend more. What sort of muddle-headed, absurd approach is that from the Liberal Party? On the one hand, they want to criticise what they believe is inefficiency; but then they want to increase the total of the budget. I would accept that, if they asserted there were inefficiencies, they would identify areas within the health portfolio where funding should be reallocated within the portfolio—working within the same total but redirecting the money within the portfolio into areas of focus that they believed were appropriate in the portfolio.

But that is not what they have done. Instead, they have dragged more money into the portfolio. They have not bothered to look at what the opportunities are for efficiency within the portfolio. Instead, they criticise the amount of what they believe is excessive expenditure in health, excessive costs of the system, and say, “We will fix this by putting more money into it.” That is the assertion from the Liberal Party, and it is an absurd one.

Mr Mulcahy also raised the issue around fringe benefits tax treatment and, in particular, issues around salary packaging. Mr Mulcahy walks in here and decides that he is some sort of self-confessed expert on salary packaging arrangements. I am sure that Mr Mulcahy has looked very closely at salary packaging in his previous lives. But that is not the point. The point is that Mr Mulcahy could not demonstrate that the department of health had acted in any other way, except an appropriate way, in making an assessment about salary packaging benefits and opportunities for ACT Health staff.

In fact, Mr Mulcahy and Mr Smyth went as far as to call it a rort, without any substantiation, without any way of proving what was wrong with the arrangement. In fact, the arrangement, from the advice I have received from the department, is an entirely appropriate arrangement. It recognises that our department, ACT Health, has a very large percentage of its work force engaged in work which supports the activities of public hospitals and that they are entitled, under tax law, to certain benefits because they support the activities of public hospitals.

Mr Mulcahy: Why have you gone to the ATO for a ruling?

MR CORBELL: I will come to that, Mr Mulcahy. If Mr Mulcahy wants to dispute the fact that people in ACT Health do not support the work of our public hospitals, I would be interested to know what he thinks they do, because that is indeed one of the primary functions of ACT Health.

Mr Mulcahy asks in his interjection, “Why didn’t you go to the ATO?” I do not know about you, Mr Mulcahy, but my understanding of the way this works is that the ATO does not provide rulings to organisations; it provides rulings to individuals who are seeking to clarify their personal tax arrangements.

The ATO does not say, “This is a blanket ruling covering every possible employment arrangement for people who work—all 4,500, nearly 5,000, of them—in ACT Health.” They do not do that, Mr Mulcahy. I would have thought someone with your extensive experience would have been aware of that fact. They give private rulings to individuals.

It is entirely appropriate that individuals in ACT Health, if they have any concerns about their tax arrangements, seek to clarify them with the ATO.

Indeed, ACT Health always reminds people, as indeed does the rest of the ACT public service, that, when it comes to salary packaging, they should always seek their own advice. That is just common sense. There has been no evidence presented that the arrangements that have been put in place are inappropriate for ACT Health employees.

To satisfy the obsession of Mr Mulcahy and the Liberal Party on this issue, the government, in its response, has indicated that it will go the ATO and see if they will give it a ruling. I can say now that I doubt they will, because they will say, "It is up to individuals to seek the ruling." We are going to try to prove the point that your obsession with this has been a misplaced one from the beginning. I am very, very comfortable with the arrangements; I am very confident in the approach adopted by my department—one which has been prudent, one which has been informed by expert tax advice and one which I believe is entirely legitimate and appropriate to support employees in ACT Health.

The other issues I would like to turn to are around the substance of this budget bill and what provision it makes for providing better health care for Canberrans. The government is focused on improving the care to Canberrans. The reforms that are outlined and the initiatives that are outlined are testimony to that. Focusing on improving access to elective surgery remains a key priority of the government. An additional \$2 million is allocated particularly to focus on those people who have long waits in certain categories. We need to continue to improve our performance in that area, and additional funding is being made available to achieve that.

There are further improvements in dental services. I note Dr Foskey was somewhat critical of issues around indigenous health care. It is worth noting that this budget reaffirms the government's commitment to improving indigenous health care in the area of dental care, where indigenous people have less optimal outcomes than non-indigenous people in our community. Funding to the Winnunga Nimmityjah health service to provide a dedicated health clinic, including a dentist and dental assistant, to provide services to indigenous people is an important part of this budget bill.

Of course, we continue to invest in the operations of our public hospitals. There is additional money for hospital equipment—indeed, a dedicated program for the first time to increase the medical equipment replacement program in our public hospitals—something neglected for many years. Key election commitments are also being met through this program. Indeed, the key commitment that is being met is for additional hospital beds—\$2.3 million for an additional 20 public hospital medical beds. Those are anticipated to be on line extremely soon.

I am conscious that other members may wish to contribute further to this debate; so I will end my comments at this point and perhaps rejoin the debate a little later.

MR SMYTH (Brindabella—Leader of the Opposition) (11.33): Mr Speaker, there was much that came out in the estimates process about the way this minister is running the health portfolio. Indeed, over the last couple of weeks there is much more that has come out, including yesterday's report on the state of public hospitals.

In estimates the minister, I think, conceded that the department could not live within its budget. We all know that. This government has budgeted at half the rate of what it needs just to keep afloat, let alone try to get ahead, for the delivery of health services in the ACT. I think that that puts serious doubt on the government's ability to deliver a \$1 million surplus in 2006-07; the health overrun will wipe that out on its own, let alone other things like corrections services.

What we see in the estimates is just a fantasy; it is just this fantasy that we will somehow live within our means when we know that in health, if you fund an increase at only four per cent, you are already four per cent behind the mark, let alone any additional pressure. First and foremost, the whole of the government's budget strategy is blown by Mr Corbell's inappropriate handling of the health portfolio.

Secondly, the dissenting report shows how the ACT health system is the most expensive in the country. And it is the most expensive in the country; we have now eclipsed the Northern Territory, which has enormous problems with distance and with the health of its large indigenous population. We now know, through the Australian Institute of Health and Welfare, that we overspend, in effect, by 30 per cent. There is 30 per cent more service we could get out of our health service if it was managed properly.

It is interesting that yesterday's state of our public hospitals report ranks us third on public hospital spending. Most expensive is the Northern Territory, then comes Western Australia and then comes the ACT. Here is confirmation of what the Australian Institute of Health and Welfare says. In the ACT it is 35 per cent more expensive to run the hospital system than the national average. There is no clear reason for that; there is no excuse that the minister can make that I think will cover that.

We had, in the estimates report and in the dissenting report, very serious concerns that the department, through the decision that it has put in place, is rorting the fringe benefits tax. Mr Corbell, in his faint-hearted attack on Mr Mulcahy, said, "You should know that you only go there for an individual to get a ruling." That is interesting because, when they went to try to get a ruling last time, they got a negative ruling; they got knocked back, saying, "You can't do it." Rather than doing the right thing by their employees, instead of exposing employees, they did not ask the tax office the next time they did it. "Let's do it and nobody will notice." People do notice.

Now Mr Corbell says, "We'll go back and try to get a ruling from the tax office. We did and we lost; we did not because we knew we would lose; now, because we are exposed, we will." The attempted ridicule of Mr Mulcahy falls very flat from a minister whose performance in this portfolio can only be described as very flat.

There were other things that were brought to light in the estimates process—women having to wait for up to six months for breast screenings, the department falling 800 short of its target for this year; 13 per cent of the psychiatric services unit having been shut since January, and the outrageous, I think, pay parking being introduced at the hospital. All this is a slug on patients. There was no evidence presented that suggested that people are parking there to avoid paying their parking fees at Woden; it was absolutely all anecdotal. So we have now got budget policy run on anecdotes.

There will be reductions in HealthPact sponsorship, which I think is really serious because it shows that there is no commitment by this government to preventive health medicine. If we are ever going to take the pressure off the hospital system, the best way of doing that is by ensuring that the health of Canberrans is the best that we can make it for as long as possible. But no, we do not see that; we do not get that out of this government.

On top of these failings, the committee was then informed that the community care arm of the ACT had failed to obtain full four-year accreditation from the Australian Council of Healthcare Standards. We got partial, two-year, accreditation with a warning to do better. We have also found out that ACT Mental Health is now going through the process. The minister, if he takes his second 10 minutes, might like to update us well and truly on where ACT Mental Health stands.

The waiting lists were an issue again. It is interesting that the May data should have been available 21 days ago. Mr Speaker, earlier this week you referred to a motion of the Assembly in regard to amendments to appropriation bills. I would like to remind the minister that there was a motion on 27 August 2003 about the importance of openness and accountability and the government's election commitment in making the hospital data available. The motion that was passed is worth reading. It says:

That the government acknowledges the importance of openness and accountability and their election commitment to this end and that this Assembly calls on the government to:

- (1) make available to Members, and table in the Assembly as soon as practicable after they are prepared, the "Information Bulletin—Patient Activity Data" and the waiting list figures for the previous month for elective surgery in Canberra's public hospitals.

It has been somewhat the tradition that they are available around the 21st of the following month. They have been tabled many times on the soonest day after that. It is important that these numbers are available. If the minister has not attended to his duties and if the minister has not been able to do his homework and read his briefs, perhaps we should have a different health minister. But on our about the 21st of the month these numbers have been available for years. Yet again here we are, on 30 June, and we still have not got the May figures. I am sure that if they were a good news story the minister would have them out.

Mr Corbell: That is what you said last time and you were wrong.

MR SMYTH: They were not a good -news story last time; there is a little bit of jiggery-pokery and a little bit of a fiddle there in the middle. The number of 38 that has been taken off the list is the number that the list magically goes down by.

MR SPEAKER: Direct your comments through the chair, Mr Smyth.

MR SMYTH: We will see when the May lists come out. The important issue, I think for most Canberrans is the public hospital. If you look at the state of our public hospitals report of June 2005, you will see 12 charts that show movement. Eight of the charts

grade their position against the last time this was done, which was five years ago. Of those, in one category we did better. Well done, minister; you went up in one category. In three categories we remain the same. For all the additional spending, 35 per cent above national average on hospital spending, three of the categories remain the same. Four very important categories got worse.

The minister for many years now—he has been Minister for Health for two and a bit years—has hidden behind the line, “Yes, we have got problems but we are so much better than all the other jurisdictions.” This report kills that excuse because, if you look at this report, you will see that on the important issues we are not better off than the other jurisdictions; we are way behind.

The minister was on the radio this morning, saying, “Look, you have to remember that Canberra Hospital is the 15th biggest hospital in the country,” as if it was some sort of excuse. If you take that into account—and it is the 15th; page 10 of the report says that Canberra Hospital is the 15th busiest public hospital in the country—you would think, “Maybe that is an excuse.”

No 1 is the Royal Melbourne Hospital in Victoria; it is the busiest hospital in this country. Based on Mr Corbell’s assertion that we fall down the list because we are busy, you would think that Royal Melbourne and the Victorian hospital system would be at the absolute bottom of the pile on key indicators.

Mrs Dunne: And where is it, Mr Smyth?

MR SMYTH: A good question, Mrs Dunne. In the critical issue of the percentage of people seen within the recommended time in the emergency departments, the Victorian system is No 1; 80 per cent of Victorians who present are seen on time; 80 per cent within the recommended time frame. Where is the ACT? No 4; 65 per cent of those that present get seen on time. In regard to the emergency department and the median waiting time, the Victorians falter. That is where they fall down. They see some people and they see them really fast, but on the median time they fall down because they are the busiest system in the country. And where are they? No 1. The median waiting time is 15 minutes in Victoria.

In regard to the ACT, you would think, “Because we are busy too, if Victoria can do it, we can do it; so we must be No 2.” But we are not. That went to Western Australia. We are not three, four, five, six or seven, which of course leaves the final post, No 8. There is the ACT with the worst time, at a median waiting time for emergency departments for all patients of 35 minutes. The excuse that we are better than all of the other jurisdictions goes out the window. The excuse that we are really busy goes out the window because the median waiting time is 35 minutes. I will take my second 10 minutes, if I may, Mr Speaker. The Australian average is 25 minutes and we are 10 minutes outside that. So let us not be fooled by the excuses that the minister puts up.

He also said that we have beds coming. The number of beds is an interesting argument. There are 20 beds coming, apparently, and they are funded in this budget. If you look at the bed numbers, we rank seventh in the number of available beds—seventh behind such luminaries as the Northern Territory and South Australia, which got one and two. The

national average of beds per thousand is 2.47—2.47 beds per thousand of the population. The ACT falls well below that at 2.27.

Mr Quinlan: Given the cross-border business that we do, that is just a nonsense number.

MR SMYTH: It is compensated for in this. The 2.27 means we are 66 beds short of the national average. The minister is saying, “We will get you 20.” The experts are all saying, Dr Peter Collignon and all the acute medicine experts are saying, the minimum we need is 100. But we are 66 beds short of what we need. And we do not have an answer.

The minister was on the radio, saying, “We have got 20 beds coming and there are 60 beds coming at Calvary.” The beds at Calvary have been coming since March 2001. It was an initiative of the previous government. The former health minister, Michael Moore, was here earlier and you acknowledged him, Mr Speaker—and rightly so. All the trends were for better service. The median times in the list were all going down under Michael Moore, unlike this minister, where they are all angling up. We now know that the step-down facility will be available some time in 2006. The last estimate I heard was December 2006.

The shame of this is that we pay so much more than others. The chart quite rightly points out that, for the state and territory government public hospital recurrent expenditure per person in the 2003-04 year, the Northern Territory spent \$12,023, with the tyranny of distance and degree of acuity and complications with the population mix there. Western Australia is a pretty big state with a pretty small population. Its average spend was \$769, which was only \$24 more than what we spent, at \$745, on a concentrated, young, fairly healthy population.

We do not have the dilemmas that Western Australia or the Northern Territory have, but we still had a spend of \$745. You would think that we would top out on all of the other measures, but we do not. The national average was \$552. Our spend per population on recurrent expenditure on the public hospital is 35 per cent higher.

The minister cannot give us a reason why we spend 35 per cent more and get less than the other jurisdictions. It comes down to the model that they have adopted, the health reforms put into place by the former failed health minister, the Chief Minister, Mr Stanhope, who said, “All you have to do is put \$6 million into the health price and it will all go away.” Then, to crack a joke, but there is no humour on the government benches, he flicked a hospital pass to Mr Corbell. The expenditure keeps going up, but the level of service that we provide and the time limits of the service that we provide continue to go down.

The report is a revelation, as you read through it. It is impossible to go through it entirely but it is worth noting that the report says that we have three public hospitals, Canberra, Calvary and, I assume, the Royal Military College hospital, which is publicly funded. We have four day centres. As I have said, we have the 15th busiest hospital in the system.

It is interesting that in regard to state and territory government public hospital recurrent expenditure per person we have come down in terms of where we rank. We used to be

No 2; now we are No 3. We have been overtaken by the Northern Territory and WA. But when you get to important measures like the percentages, for instance—and, again, this is a dilemma for all the systems—the minister cannot answer as to why something is working or not working here. In regard to private patient admission as a percentage of public hospital patients, we were No 5 in the survey five years ago. We are now No 6 on the list. That is a question that all jurisdictions will have to answer. But I think, for us, the drop from 6.9 per cent to 5.2 per cent represents a real quandary and something that we are all going to have to answer.

In terms of private hospital admissions, number of patients, both public and private per thousand weighted population, we are now seventh. The national average is 132. We are only performing at 97 per thousand. We are well off the mark in that one. And so they go on. In public hospital admissions, the number of patients, both private and public per thousand weighted population, we were at seven. We are still at seven; the numbers have not changed a great deal. All Mr Corbell talked about was having more throughput. That was the answer. “The lists are getting longer but we have got more throughput.” Not according to this. We remain ranked seventh. The number five years ago was 187 patients per thousand; it is up to 190. It is not a significant change; it has not lifted us in the rankings. But it does put the lie to the notion that somehow we are doing more and we are doing better.

In regard to the number of public patient admissions per thousand weighted population including public patients treated in private hospitals, we went up. This is the only one where we have gone up. We were ranked seventh; we are now ranked sixth. And we have gone up to 172, whereas it was 159 previously. Well done, minister on that one. I suspect it is probably an accident rather than any direct outcome of the government’s health policy.

We have looked at the beds. The beds are an interesting question. We had in 1998-99, in fact, 2.59 beds per 1,000; we are down to 2.27 now. After the Labor Party’s reforms, we have fewer beds. As I have said, we already need—

Mr Mulcahy: There mustn’t be as many sick people.

MR SMYTH: Apparently there are more coming through the system; we are doing more, but they are not showing up here in the numbers anywhere. It is curious that, when you read this report, you see how much of what Mr Corbell has said over the last two years has been totally debunked.

In regard to elective surgery, the number of patients admitted per 1,000 weighted population, we have the corker. Mr Corbell said, “We have got more throughput.” We used to be ranked No 2 on this; we are now ranked No 3. But the numbers are interesting. Five years ago there were 35 patients admitted per 1,000. Now, under a Labor government, after three years of reform, after two years of Mr Corbell in control, it is down to 28; it has dropped by 20 per cent. Elective surgery, number of patients admitted per 1,000 weighted population, is down by 20 per cent.

When I did maths back in high school more meant the number went up; it did not mean it went down. But, according to Corbell maths, it goes down. I am sure the minister can explain why this chart is wrong. I am sure somebody is reading it wrongly or it is just

a mistake, but we have dropped in the rankings and we are doing 20 per cent less—28 patients admitted against 35 five years ago. Again, the minister has much to answer for.

In regard to the percentage of people seen within the recommended time for elective surgery, the position is steady. We were ranked seventh; we are still seventh. But the numbers inside that have declined. Five years ago, 75 per cent of people were seen on time: it is now only 72 per cent. Again, the minister was on the radio this morning, saying; “We are doing really well because when you go to the emergency department all the category 1s are seen on time, and that is really important.” It is important because that is the life-threatening stuff; “See me in 10 minutes or I am dead.”

The minister is right in that, but what he did not say was that every one of those lists for the last 2½ years—the category 1 patients on the elective surgery waiting list; that is, “See me in 30 days or I am in serious trouble”—has had overdue category 1 patients and that is just unacceptable in a hospital system when we spent 35 per cent above the national average.

Elective surgery median wait time in days for selected procedures is steady; you would almost pray that steady was a good thing. The problem for the minister is that we are standing at the bottom of the pile. We were No 8 five years ago; we are still No 8. All of his reforms of the last couple of years have totally failed the patient on the elective surgery waiting list.

What we have seen in this report is a total debunking of everything the minister has claimed. We are not doing better than the other jurisdictions; we are not seeing more patients; we are not having more throughput; we are not building a better hospital system. It is costing us more and we are getting less. At the same time, the health of ACT patients is being put at risk by this government and this government’s reforms because this budget does not deliver on health outcomes for the people of the ACT.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.54): Mr Speaker, in response to the long dissertation on numbers by Mr Smyth, I am very pleased that he did some mathematics in high school. I just want to say that I recall, last Friday, at about 8.50 or 8.55 am, Mr Smyth being totally embarrassed on ABC radio by Mr Solly in his use of numbers, to the point where even I was embarrassed for him.

MR MULCAHY (Molonglo) (11.55): Mr Speaker, I have a few additional comments. The minister simply does not get the point about managing his budget. He seems to be suggesting—I know that it is a popular stunt to do so—that we want to slash the hospital budget. I am trying to get across to him that we are trying to suggest that he manage it more efficiently and, by any measure and by the measure he accepts, it is costing too much to run at present.

That does not mean, however, that the services that exist under his method of management are being adequately funded and it will take time to rectify the mismanagement that has continued under his administration. But if he is looking for areas to start with and look at, I suggest he look closely at the elective surgery waiting

list. We will talk about that in more detail on another occasion but, as I said on the very first day of this budget, we have 5,000-odd people on the list and he gives the cool response that they have been clinically assessed, so they can wait.

Go and talk to some of the folk who are on those waiting lists and have to wait and ask them how pleasant that whole experience is. These people are not going in for cosmetic surgery. They are going in for very serious matters. The extraordinary thing is that the solutions are right at his fingertips, but they involve some courage. The VMOs appeared the other day before a public hearing and I said to them, "What would you do? What is the first thing you would do?" They said, "For a start, they will not let us commence operations that will go beyond 4 o'clock." We are running these extremely expensive theatres and they said that they could handle more patients. They handle more at John James hospital; but under the archaic arrangements that apply at Canberra Hospital—no.

The first thing you could do is look at those sorts of areas, remove the misery that people are suffering while they wait for this inefficient arrangement to continue, try to apply some of those funds sensibly, and demonstrate some compassion for the people of Canberra, who have a not unreasonable expectation of high standards of service. These are areas in which he could apply his efforts.

Mr Corbell: Where is the money coming from?

MR MULCAHY: If you run the hospitals more efficiently, you might have some more money to play with. In relation to the ATO, I find his position completely inconsistent. They have gone there previously for rulings or for advice.

Mr Corbell: When?

MR MULCAHY: The documentation that has now got a seal on it does disclose that, as you know. Then they say they cannot get advice, and now they have gone back there again for advice. He does not want to inquire, but he has now gone off ostensibly to satisfy the opposition. I take it back again. They are saying to the employees, "Be it on your own heads if this scheme does not work." I have never heard of such a hands-free, carefree attitude in relation to an employer's obligation to an employee, saying, "This is how we are going to pay you." You are saying to me that every person who is in the public sector in this town should go off and commission tax rulings to get advice that the ACT government is paying them according to law. That is an untenable position and I hope that the CPSU and the other unions that are so enthusiastic at the moment about workers' rights will have something to say about it.

I do not want to use up time on this issue. The proof will be seen when the advice is forthcoming, but I believe that in fairness to the people who work for the public sector we need to settle that issue once and for all and see what is the correct state of play.

Mr Quinlan interjecting—

MR MULCAHY: As for expertise on payouts, Treasurer, by way of interjection, I would welcome that discussion, but I would suggest that some might rue the day if it is pursued.

MRS DUNNE (Ginninderra) (11.58): Mr Speaker, the Minister for Health is going on his merry way, which is the usual Goebbels approach to things: if you say something often enough, no matter how inaccurate it is, people might believe it. As Mr Mulcahy has pointed out, Mr Corbell keeps saying that the Liberal Party wants to cut money out of health. No-one wants to cut money out of health. This is Mr Corbell at his highest as a purveyor of deliberate inexactitude. He is there saying something which is patently not true, patently false. No-one is saying, “Slash the hospital budget.” His deliberate inexactitude goes on and on. The Liberal Party has been saying consistently—

Mr Corbell: I take a point of order, Mr Speaker. “Deliberate inexactitude” is just a cute way of getting—

MR SPEAKER: That is a fair point, Mr Corbell. Withdraw that, Mrs Dunne.

MRS DUNNE: Sorry, Mr Speaker, but—

MR SPEAKER: Just withdraw it. It is an offensive use of the language and I will not tolerate it. Withdraw it.

MRS DUNNE: I withdraw it. Even though it was good enough for Winston Churchill, I withdraw it.

MR SPEAKER: For whom?

MRS DUNNE: Winston Churchill.

MR SPEAKER: That says it all.

MRS DUNNE: Mr Speaker, what we have here is a minister who has presided over a massive blow-out in the budget, has presided over massive blow-outs in expenditure.

Mr Corbell: Health is on budget. I do not know whether you have noticed, but health comes in on budget.

MRS DUNNE: I will go back and rephrase that because Mr Corbell’s interjection is, in fact, correct. We have seen a massive blow-out in expenditure year-on-year. We have had more and more money being thrown at the health budget. The solution for the Labor Party if it has a problem is to throw money at it, whereas it should be looking at how the agencies are performing.

Mr Smyth spent some time talking about the report that came out today. Mr Speaker, sometimes some ministers wake up in the morning and think they should never get out of bed. I suspect that Mr Corbell felt like that today when he saw what Tony Abbott had dropped in his lap overnight. This report is a searing indictment of the years of mismanagement of Mr Corbell and his predecessor, Mr Stanhope, whose solution to the problems in the health system is to throw money at it willy-nilly. They will not look at what is causing the problem. They will not look at why we are spending 30 per cent or 35 per cent more, depending on which measure you use—whether you use money spent per head of population or average cost-weighted separations; it does not matter how you

do it—than the national average and much more money than almost every other jurisdiction except the Northern Territory.

The Northern Territory and Western Australia are spending much more money, but they have the tyranny of distance that we do not have. We have the most compact, healthy population, with high education standards and high levels of individual health and participation in sport, all of these sorts of things, and we have a much younger population, but the expenditure on health is blowing out. What do we have by way of comparison? The ACT spends \$745 per head of population on health. The national average is \$552. Victoria, which is actually topping the list all the way across the board and which does have some problems with tyranny of distance but only a small problem by comparison, spends \$518.

Perhaps during the last break, instead of swanning around the world looking at garden cities, the Minister for Health could have gone to Victoria to find out what it does to keep its budget down, what it is doing for the princely sum of \$518 to come up with much better health outcomes than we are having. All the way through Mr Mulcahy's speech, Mr Corbell interjected, "If you put more people through the operating theatres after 4 o'clock, it will cost money. Where are you going to get the money from?" From your overspending, Mr Corbell.

Mr Corbell: Where?

MRS DUNNE: From the \$200 above national average spending, that is where it would come from. If the minister cared about the system and were really committed to the people of the ACT, he would be doing everything he could, he would be busting a boiler, to get his spending down to the national average. Instead, what is he doing? We heard him on the radio this morning saying to Ross Solly, "What we are doing is we are trying to shift as many New South Wales people out of the system as we possibly can."

That contradicts what he has been saying. He is going to set up a gate at the border to make sure that no-one from New South Wales comes into the ACT; so we will cease to provide a service to the region. Everything that Simon Corbell, the Minister for Health, has been saying for two years has been debunked. He has said, "We have been pushing more people through." If he has, he has not reported it in a way that Tony Abbott can report on. There must be a parallel universe somewhere at the Canberra Hospital, where these people who are being pushed through at ever increasing rates are being treated, because it is not coming up in the health statistics.

We know that it cannot possibly come up in the health statistics and that we cannot possibly be pushing more people through because last financial year he closed Calvary's operating theatres for 13 weeks. For 13 weeks they were not operating. We have constant problems with Calvary's incapacity to provide services to people who need them and we have the orthopaedic surgeons saying that by the time they get to April of every year they have to stop operating. They lose their crack orthopaedic teams as they have to go somewhere else because they can no longer provide services as there is no money.

What does that mean for the people who are waiting for hip replacements? You are not going to die for want of a hip replacement, but I can tell you from the people I know who are waiting for hip replacements or who have needed hip replacements that the position

beforehand is very painful and it really does make a big impact on your life. You suddenly stop taking exercise and then you have a whole lot of adverse health outcomes because you are not exercising, especially when it comes to people who are elderly.

I take as an example my father, who put off for years having a hip replacement because he did not want to have one, but then his hip really started to hurt. When it really starts to hurt, you stop walking, you stop playing golf, you stop taking exercise and other areas of your health suffer. Your heart is not as good and all of those sorts of things because your hip hurts so much that you cannot walk. Mr Corbell is saying that it is not clinically necessary. It is not clinically necessary, but the adverse outcomes that arise as a result of Mr Corbell's insensitivity, lack of care and profligacy are quite great.

If we are not spending money on somebody's hip replacement, it will probably mean that they will have a number of admissions for other health-related matters. This is what is happening because we are not actually on top of it and this minister is not on top of the health budget. We have now seen that the solution is not to throw more money at it; the solution is to have some people who serve people, who provide medical services, rather than the people in the bureaucracy who think about providing medical services.

We have to have more people at the front line, rather than having the mess that goes on in the hospital whereby people have to redo the pays over and over again because they get it wrong. How much money is being spent on overtime for the people in the department of the health who keep redoing pays and who have to adjust things? I hear about it; people tell me, "I am working overtime this week because all the pays we did last week were wrong." They are probably about to be wrong again.

Mr Speaker, the list of Mr Corbell's failings as health minister is legion. The excuses that he has stood in this place and given are legion. Everything that he has said to try to put a good face on what is going on in the health system has been entirely debunked by the statistics that Mr Smyth talked about today and brought to our attention. The minister has failed comprehensively. We only need to look at one figure. The ACT spends \$745 per head on health and Victoria, which has the best outcomes in the country, is spending \$518.

MRS BURKE (Molonglo) (12.07): Mr Speaker, I would like, at this interlude, to congratulate the government. I want to thank them very much for the funding provision for a dental health program at the Narrabundah health centre, Winnunga Nimmitjyah. I recognise that and I was delighted to be able to visit the facility recently and see how money has been expended and the new person has been set up. That has been very positive.

I would like to move now to the *Yes, Minister* model of building a health centre but not staffing it so that we do not have to service people. People probably will be aware of that. I note that the minister talked about Winnunga Nimmitjyah, but let's talk about it some more. Winnunga has waited and waited for more outreach support workers, and I believe it is still waiting. The number of people that they are seeing has increased to about 6,000 a year. I think that Julie Tongs and her team down there, and indeed the board, deserve huge encouragement and congratulations for bringing the service forward in the way that they have done.

I want to congratulate the government again. Whilst Winnunga had to wait an inordinate amount of time to be relocated from the awful premises up in Ainslie, the government did come up with a building, and an excellent one at that. However, I think that it really is a case of seeing to the supply of bricks and mortar but no funding for more support workers. As I have just said, the increase in the number of people coming through that centre is really going to demand that the government come forward with assistance in order that those people can be serviced and seen.

We have to give credit where credit is due. It was not mentioned, I do not believe, by the health minister, but the federal government funded the excellent fit out of the building. An incredible job has been done and it is really good to see service between the federal government and a territory government. That is a way that things can work well without stubbornness, unlike some other issues that I will talk about in the later debates.

I ask the health minister, Mr Corbell, to do all he can to ensure that recurrent funding will be forthcoming for Winnunga. It must surely be considered now as an integral part of our health system. We can no longer see it as some small place offering some small service. The people in this place who have been out there will know about the number of people and the health minister will be aware of the number of people who are now using the system.

I ask the health minister not only to ensure that funding at the ACT level can continue to meet the demand, but also to put Winnunga's case forward for any federal funding that they receive. Again, my congratulations go to the government, but I will be watching very closely to ensure that these people are not being built up to be knocked down and that, as well as providing bricks and mortar, we are providing support workers and outreach workers at that centre to deal with people at the volume coming through.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (12.11): Mr Speaker, I would like to respond to a few issues that have come up in the debate this morning. The first issue that I would like to raise is one which I find deeply offensive, that is, Mrs Dunne's assertion that in some way, because people are assessed and prioritised according to their critical need, I do not care and that I am to blame if people wait too long, if they suffer pain, because their clinical priority is one which does not warrant a more urgent type of treatment.

I do not know whether Mrs Dunne has been around for a long time or whether she is simply malicious, but the point I would like to make is that all public hospital systems operate on priority assessment. They operate on a triage process. That is the way public hospitals work. That is the way health care services around the country and around the world work. If they did not work that way, on what basis would you determine who should get treatment first? That is what triage is about. Triage is about determining who has the most urgent need for treatment; who should be seen first.

There are people on elective surgery waiting lists, there are people on dental waiting lists and there are people on all sorts of other waiting lists. They are there because they have been assessed according to their clinical need. It is not according to some arbitrary figure that the government dreams up. It is not according to some set of criteria that I, as minister, or public servants working in the department of health think up. Guess who

thinks it up? Doctors think it up. Doctors make the assessment about who should be seen and when they should be seen. Doctors set the criteria.

Mr Speaker, through you, I say to the opposition: do not give me this nonsense that I am responsible for dreaming up criteria that prevent people from getting care. We have a system that is based on need and priority. That is the way a compassionate and sensibly run health system works and I will not accept the assertion that I develop criteria that prevent people from getting access to care. That is the sort of assertion that I find quite repugnant.

The issue at hand is about providing as many resources as possible to meet demand and to make sure that care is provided in as timely and as high-quality a way as possible to meet the requirements of people who need care. Again, it comes back to this fundamental point: the Liberals say that our health system costs too much and then they say that we should spend more money on it. They cannot have it both ways. If they were serious about saying that our health system costs too much they would identify where the opportunities were in the health system to reprioritise expenditure. They have not done that. All they have done is to find some money from some other portfolios and say it should be spent in there. So their arguments are without any substance. They do not have the credibility to say that the system costs too much and what should be done about it, because all they do about it is add more money to the system. That is their assertion. They do not focus on improving the way the system works.

This government is focusing on improving the way the system works. The most obvious example of that is actually outlined in the budget papers, if the opposition had bothered to read it. In the budget papers, in the appropriation, additional money for elective surgery is a specific initiative focused on system improvement of the way our theatres work. It is in the budget. We have funded the work so that we can improve the efficiency of our theatres and the efficiency of elective surgery procedures, because there are opportunities to do that. So the government is making the investment to address those issues. It is a pity that no-one on the other side of this place who has argued long and loud for the last three-quarters of an hour about the need to improve efficiency paid any acknowledgment to the fact that the government is doing just that and has funded the work to make it happen.

Mr Smyth talks about bed numbers. First of all, he does not believe that an extra 20 medical beds will be up and running. I will be very happy to prove him wrong. I will be very happy to prove him wrong very shortly. Of course, he fails to acknowledge that another 60 subacute beds have been funded in the budget provision for the development of a subacute facility at the Calvary Hospital. That project is moving apace. We expect that facility to be up and running next calendar year. That will bring to 80 the additional number of acute and subacute beds available in the ACT system.

Mr Smyth tries to draw a comparison with public hospital systems in other states and territories and the average number of beds. The point that is worth making there is that those other jurisdictions have many small rural and regional hospitals and those beds add to their calculation. We do not have small rural and regional hospitals. We do not have 20 beds here, 10 beds there and 15 beds over there, scattered across tens of country towns right round the state. We do not have that. We have two high-level tertiary care hospitals. We do not have lots of little hospitals. So, predictably, we do not have that

component of care that exists in all those small rural and regional hospitals. It is worth taking that into account in looking at the bed number figures.

Another issue worth highlighting is Mr Smyth's claim in his political argument that the government's reforms and restructures of the health system are responsible for the ACT system being more expensive to run per head of population than the systems of other states and territories. I do not know whether Mr Smyth ever noticed it when previous Liberal governments or previous Labor governments were responsible for the health system, but unfortunately it has been a matter of historical legacy that our system has always, regrettably, cost more to run than those of other jurisdictions. It always has. That is not to say that that is acceptable. The point I am making is that the administrative arrangements do not link to the additional cost per head of population. Under the purchaser/provider system of the Liberal Party, it still cost more than the national average. So let us just debunk that argument for the nonsense that it is and focus on real ways of getting that cost down.

The final point I would like to make is about Mr Smyth's assertion concerning waiting list figures. He said that there is a date when waiting list figures should be available. Mr Smyth even went so far as to read out a resolution of the previous Assembly. It is not a resolution that has any effect in this Assembly.

Mrs Dunne: Oh, it does not have a continuing effect!

MR CORBELL: It does not have a continuing effect. It was a resolution of a previous Assembly. I did not hear anywhere in that resolution that there was a date. There was not even a day of the month. There was just an assertion that the information was made available to members. Guess what, Mr Speaker? The information is. Mr Smyth can propagate this sort of misleading assertion all he likes, but it is simply that, misleading, because there is no set date.

Mr Seselja: I take a point of order. Mr Corbell has just said that Mr Smyth has been misleading the Assembly. I would ask for him to withdraw that.

MR SPEAKER: No, he never said that. He just said that he made some misleading comments.

Mrs Dunne: Mr Speaker, can I have your ruling? Is it correct to say that "misleading assertion" is fine?

MR SPEAKER: I have just ruled. He said that he had made some misleading comments. He has not said that he has misled the Assembly.

Mrs Dunne: Mr Speaker, on the point of order that Mr Seselja made: Mr Corbell said that Mr Smyth made a statement in this place, and then he went on to say that it was a misleading assertion.

MR SPEAKER: I will check *Hansard*. I have to say that I think that I am being verballled here, but I will check *Hansard* and report back. I will find out exactly what was said.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (12.22): Mr Speaker, I wish to make, very briefly, a couple of comments. First of all, I found it quite interesting to observe that Mr Mulcahy is now leading the opposition in the debate on health and that Mr Smyth has been relegated to what I might call a falsetto flit through a selected use of numbers. I want to repeat Mr Corbell's observation of the contradictory statements that have come from the other side of the house—hurry up and stop or save and spend—at the same time.

I think it is worth responding to the typical acerbic snipe by Mrs Dunne in relation to travel. I have a distinct recollection of sitting in this place hearing Mrs Dunne report on a trip to Spain for a conference and then a short study of public transport as she went to northern France, I think, which I thought at the time was code for "the taxpayer paid my fare for my holidays" but I let it go because I thought at the time that we needed to be a little relaxed in this regard. I rather think that the comments that Mrs Dunne has made from time to time as asides in debates are just a little bit out of court.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.12—Department of Urban Services, \$214,611,000 (net cost of outputs) and \$74,999,000 (capital injection), totalling \$289,610,000—agreed to.

Mr Mulcahy: Mr Speaker, I would like to move that we revisit urban services as I think that there was some measure of confusion. Mr Seselja wanted to speak on that matter. I move that we revisit that matter, Mr Speaker, in the interests of reasonable scrutiny, so that Mr Seselja can speak.

MR SPEAKER: Order! You will need leave to do it, on the one hand, or at the end of the consideration of the bill we can reconsider this aspect of it.

Mr Mulcahy: I seek leave to enable me to meet whatever requirements are needed in terms of the suspension of standing orders to revisit the line item for urban services.

Leave not granted.

MR SPEAKER: If you want to come back to it at the end of the bill, there is provision under the standing orders for you to do so.

Proposed expenditure—Part 1.13—Department of Economic Development, \$50,786,000 (net cost of outputs), \$30,450,000 (capital injection) and \$7,029,000 (payments on behalf of the territory), totalling \$88,265,000.

MR MULCAHY (Molonglo) (12.25): Mr Speaker there are several matters of interest in this area of the estimates that are worthy of mention. One of the areas in which we had a great level of scrutiny was in relation to the tourism industry, of which I have, as is well known, some degree of knowledge and experience. This industry accounts directly for around \$530 million of gross state product and contributes indirectly another \$227 million to the ACT economy. It is an industry that is a significant source of employment. It is believed to employ around 11,400 people both directly and indirectly.

A key component of the government's strategy for tourism in the ACT has reportedly been a focus on major events. To this end, the Australian Capital Tourism Corporation, ACTC, has formed an events unit, the intention of which is to establish a stronger capability in the planning and management of major events in the ACT and region. The thing I find a bit inconsistent is that, despite the pronouncements from the minister and also from the corporation—this is going to be a major area of activity in the ACT—it is not reflected in the staffing levels.

Whilst one might say that the staffing of this unit only fell by one, the fact that it fell at all and did not reflect an increase within the framework of the ACTC budget raises a number of doubts as to whether the corporation or the government is genuinely committed to attracting more events. Given the schedule under way at present and being addressed by this unit in terms of events management, how, if they are doing the job presently at hand with those staff, are they going to be able to attract and provide the necessary resources to ensure the successful conduct of other tourism events in the ACT?

As is well appreciated, events are an important factor in employment generation. They drive not only the obvious, such as hotel occupancy, but also the flow-on impact for a range of other industries. In particular, restaurants, the retail sector and ground transport providers, whether they be taxis, coaches or limousine services, are all beneficiaries of major events. Indeed, I have heard taxi drivers say that they earned a substantial part of their income from the Masters Games, which has been one of the more successful events we have undertaken. If you get the events right and you get high spending delegates, as with the convention market, you can deliver a lot of flow-on benefits to the people of Canberra.

I have always felt that the approach of the government to tourism in the ACT has been less than enthusiastic. There has been a deal of rhetoric, but the numbers certainly do not suggest that we are breaking any great records in this regard. I know that the minister will respond by arguing that on a per capita basis we spend more than everybody else except the Northern Territory and Tasmania but, at the end of the day, the success of our tourism exercise is measured by the number of people coming here, the amounts they spend and the quality and profile of the tourist. One very important factor as far as I am concerned is the percentage of the international visitation market that we are attracting.

I illustrated, I think fairly graphically, in the estimates hearing the need for a more effective program for capturing the international backpacker market, where we perform very poorly. I do not believe that the fact that Canberra is landlocked and is the political capital is necessarily a deterrent, as I am sure the Chief Minister can confirm. Washington DC does extraordinarily well in tourism as the political capital of the United States and there is no reason that Canberra cannot also benefit from those large numbers.

I believe that we need to get a lot more serious about tourism and we ought to exploit the opportunities that are there for us. I now that Mr MacDiarmid makes a fair effort in what he is doing—"fair" is probably understating it; he makes a very good effort—but I think the resources that he has at his disposal are such that they are limited in what they can do.

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

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice

Hospital waiting lists

MR SMYTH: My question is directed to the Minister for Health. As the minister should be aware, a report entitled *The state of our public hospitals* has shown that the ACT has the highest median waiting time for both elective surgery and for emergency department treatment, despite the fact that our hospital system has the third highest public hospital recurrent costs under this government. I also note that the release of the May elective surgery waiting list has not occurred. How many people were on the elective surgery waiting list as at the end of May?

MR CORBELL: I do not have those figures to hand. I will take the question on notice and provide the answer to Mr Smyth as soon as possible.

MR SMYTH: Mr Speaker, I have a supplementary question. Seeing as you are taking things on notice, how many people were overdue for elective surgery as at the end of May?

MR CORBELL: I will take the question on notice.

Health funding

MS MacDONALD: My question is to the Minister for Health, Mr Corbell. It relates to *The state of our public hospitals* report. Minister, following the release of *The state of our public hospitals* report on Wednesday, would you please outline to the Assembly the government's priority in increased spending to address pressures in the health system and how this contrasts with other policy approaches?

Mrs Dunne: Point of order, Mr Speaker, on the question. Is Ms MacDonald asking the minister to announce anything new, because that would be out of order?

MS MacDONALD: Would you like me to read the question again, Mr Speaker?

MR SPEAKER: Yes. Please read the question again.

MS MacDONALD: The question is not asking the minister to announce something new.

MR SPEAKER: You can announce new things, but you cannot announce new policy.

MS MacDONALD: It reads: Would you please outline to the Assembly the government's priority in increased spending to address pressures in the health system and how this contrasts with other policy approaches?

MR SPEAKER: That seems reasonable.

MR CORBELL: Thank you, Mr Speaker. I thank Ms MacDonald for the question. The government is, as members are probably familiar with from some of the debate earlier today, very aware of the issues that have been raised in this report, *The state of our public hospitals*.

I am very pleased to say that the government has demonstrated, and is continuing to demonstrate, its commitment to tackling priority health objectives in our system, such as access to elective surgery, access block in our public hospitals and access to emergency departments. To achieve this the government has already in the past financial year taken a range of measures to improve access in these areas. I would like to outline to members the range of initiatives that have already been undertaken.

The first, and it is worth highlighting, is increasing the number of intensive care beds. Members would be aware that intensive care beds are an extremely expensive item in our public hospital system, in fact, probably one of the most expensive areas in the hospital system. I am pleased to advise members, in case members do not realise it, that there has been an increase in the number of intensive care beds in our public hospitals by three, with three new beds up and running at the Canberra Hospital.

We have also established observation units in our emergency departments. There are 15 new observation units, 15 beds, eight at Calvary and seven at the Canberra Hospital. So we have 15 new beds in our emergency departments for the purposes of observation. Of course, what this is about is, wherever possible, trying to avoid the need for admission into our hospital wards, thereby freeing up those beds for people who need them.

One of the real challenges, of course, in our emergency department is that people often present with some symptoms that may take some time to resolve, some time to be fully determined, and rather than going into a process where that person needs to be admitted, perhaps just a few more hours of observation will resolve whether or not they do need to be admitted. That has been a problem in the past. That is why these new observation beds are in place at Calvary and the Canberra Hospital.

We are also increasing the number of medical beds. In 2004-05 we increased the number of medical beds by four at Calvary Hospital. We also established a rapid assessment team in our emergency departments and increased funding for orthopaedic and ophthalmology elective surgery, with \$1 million to pay for 50 additional joint operations and 150 additional eye operations. We also, of course, established discharge lounges in our emergency departments to assist with access to acute hospital services.

How does this contrast with other policy approaches? It contrasts quite dramatically. The Liberal Party at the last election went in promising an additional \$110 million into our health system. This is the same party that says we are spending too much on our health system. Mr Mulcahy, in his dissenting report to the estimates committee, says we are spending too much; our system is too expensive.

What did Mr Smyth promise at the last election—\$110 million more! This only highlights, of course, the real conflict that exists between Mr Smyth and Mr Mulcahy at this stage. We know that we have Mr Mulcahy saying, “Don’t spend so much money.

It's too expensive." But Mr Smyth says, "I want to spent \$110 million more." This is ongoing. Only today on radio Mr Smyth said, "I want 100 beds straight away." Then the ABC presenter said, "That's a bit unrealistic, isn't it, Mr Smyth?" So he said, "I'll open 70 beds straight away." Immediately he changed his mind. First it was 100; then it was 70.

What Mr Smyth did not say is that 70 extra beds means an additional 100 trained clinicians and support staff. I would love to know where he going to find them—100 trained clinicians and support staff, a 25 per cent increase in the capacity at TCH. Mr Mulcahy is saying, "We are spending too much." Mr Smyth wants to pay for a 25 per cent increase in capacity at Canberra Hospital and Mr Mulcahy says, "You're spending too much. Stop spending so much." This is the policy contradiction that we have from the Liberal Party.

Mr Stanhope: What did the electorate think of this?

Mr Stefaniak: You're not running the health system very well. It is fairly obvious, Jon, I would imagine.

Mr Stanhope: This was last October, was it, Bill? What did they say last October, Bill?

Mr Quinlan: Vote like your life depends on it.

Mr Stanhope: Vote like your life depends on it, and they did. And they will again.

MR SPEAKER: Order, Chief Minister!

MS MacDONALD: I ask a supplementary question. Minister, would you also please outline to the Assembly some of the other issues highlighted in *The state of our public hospitals* report to demonstrate the increased demand in the ACT health system?

MR CORBELL: Again, I thank Ms MacDonald for the question. It is useful, I think, to highlight the pressures that our system is facing. Of course, all systems are facing pressures, but it is well worth highlighting the particular elements that are of concern to the ACT.

The first is that it is worth noting that the Canberra Hospital is, according to this report, the 15th busiest hospital in Australia. So it is an extremely busy hospital and one that is coping with a range of demands. There are some particular demands that are quite significant. For example, we had 28 patients admitted to hospital for elective surgery per 1,000 weighted head of population, which is higher than the national average. Earlier this morning in debate the shadow minister said, "We are a healthy population. We have less need for people to go to our hospitals and we are not doing very well." Well, the figures do not back that up. You only have to look at this figure to see that. We have 28 patients per 1,000 head of population admitted for elective surgery, and that is higher than the national average. We have higher than national average demand for elective surgery.

We also have higher levels of demand in terms of emergency departments. For example, we have 309 presentations per 1,000 people to emergency departments. That is 50 per cent higher than the national average. The national average for presentations to

emergency departments per head of population is 202. But Canberra has 309 per 1,000. Again, Mr Smyth's claim is incorrect. It is completely incorrect. Those two figures alone demonstrate that our community has a higher need for elective surgery and for emergency department services than the national average. Those are the facts.

How does our system perform? Yes, there are areas of significant pressure. But there are two areas that I know Mr Smyth will not mention, so I will instead. The first, of course, is presentation of category 1 patients to our emergency departments. One hundred per cent of emergency department triage category 1 patients are seen immediately in the ACT. The Australian average is 69 per cent. So when it comes to that life-threatening emergency, we are well above the national average. Of course, Mr Smyth does not like talking about those things.

Finally, of course, the other category worth mentioning is category 1 elective surgery patients, those requiring the most urgent treatment. Ninety-eight per cent of all category 1 elective surgery patients are seen on time. This is second only to Victoria and well above the national average of 80 per cent. I can say with confidence that those people requiring the most urgent treatment, the most critical treatment, get it, and they get it on time here in the ACT.

The issue for us is addressing the other pressures in our system. They are important, too. They deserve our attention. The government is delivering those services. But this is the contrast, I guess, between us and the Liberal Party. We have a clear strategy in place to address these pressures. We know where we are doing well. We know where we have pressures. But what do we have from the Liberal Party? We have this spend less, spend more philosophy.

We have Mr Mulcahy, the aspirant to Mr Smyth's job—he is there scheming and plotting and putting out the feelers to take over Mr Smyth's job—saying, "Spend less." He is saying, "Do not spend so much on a hospital system. We have this burden on the Canberra community." He estimates that it is \$100 million more than it should be per year. Mr Mulcahy's view is, "We spend \$100 million per year too much on our hospital system for the level of service we get." And what does Mr Smyth want to do? He wants to spend more. This is the confused policy approach of the Liberal Party. In contrast, we know where the pressures are. We are targeting the resources to address it and we are targeting reforms in our health system overall.

Health funding

MR MULCAHY: My question is to the Minister for Health. In estimates you said:

The portfolio is no different from any other portfolio in the territory government insofar as it must work to meet, and not exceed, its budget.

You will no doubt recall that I pressed you on how you would stay within a budget increase of only four per cent in the outyears when health expenditure in the recent past has grown by around 11 per cent. You replied:

The savings measures ... are clearly spelt out, and equally the target that we are expected to deliver has been clearly spelt out to me by my cabinet colleagues, and is spelt out in the budget paper ...

Minister, the savings measures are not spelt out and the chair of estimates intervened to prevent that line of questioning in the committee. Can you please tell the Assembly: what are the three most important steps you will take to ensure that health meets its budget target that you say you will deliver?

MR CORBELL: There is a range of savings measures, and they are spelt out in the budget papers. You can see that for yourself. I am surprised that Mr Mulcahy has not paid that level of attention. For example, the savings measures and revenue measures encapsulated in the health budget include additional revenue through paid parking at our public hospital campuses—something that, again, Mr Smyth is opposing but Mr Mulcahy probably implicitly endorses because at least it helps with revenue issues. I would be interested to know the policy position between the two gentlemen on that issue.

Other savings measures include reductions in staffing in the central office area of ACT Health. That was an answer to a question on notice, in quite some detail, in the Estimates Committee. I am not quite sure which hearing Mr Mulcahy was attending at that time.

Of course, there is a range of other savings outlined in the budget papers. There is a range of measures in place. They will be addressed. As I indicated in the debate earlier today, ACT Health, and the health department, is on track to meet its budget this financial year. It met its budget in the previous year. We anticipate it meeting its budget in the coming financial year as well. We work to manage our system within the money allocated. It has been done this year and the previous year, and my expectation for next year is no different.

MR MULCAHY: My supplementary question to the Minister for Health is: do you expect that Canberra will continue to have one of the most expensive health systems in the country, at a cost of 35 per cent above the Australian average of \$552 per head, as was published yesterday?

MR SPEAKER: Mr Mulcahy, supplementary questions must have something to do with the original question. The original question related to savings measures.

MR MULCAHY: The original question related to his capacity to live within a radically reduced percentage growth in the budget. I am ascertaining whether, given that this is the third highest cost per head, the situation is likely to continue.

MR CORBELL: I thank Mr Mulcahy for the question. We certainly won't be in that situation if we have this continuing policy approach from the Liberal Party. Mr Mulcahy is saying, "You are going to have budget over-run; you are going to spend too much money. Stop spending the money." That is what Mr Mulcahy is saying. "You are spending too much; you are paying too much." That is what Mr Mulcahy is saying.

Mr Smyth: Persistent and wilful misleading.

MR CORBELL: Mr Speaker, on a point of order—

MR SPEAKER: Mr Smyth, withdraw that.

Mr Smyth: I withdraw.

MR CORBELL: That is what Mr Mulcahy is saying. At the same time, Mr Smyth is saying, “Spend more.” He is still persisting—

Mr Smyth: When? I did not say that.

MR SPEAKER: Mr Smyth, I warn you.

MR CORBELL: He is still persisting with his claim that he wants to put in place 100 extra beds in our hospital system—a flawed promise, rejected by the people of Canberra at the last election. As my colleague Mr Stanhope says, the Liberals said, “Vote like your life depended on it.” They did; they didn’t depend on you for their lives; they voted for a government that had a realistic and sensible plan to address issues in our public hospital system.

We had Mr Smyth again on the radio this morning saying, “I will put extra beds into the system. I will put 100 beds into the system.” Mr Ross Solly of the ABC said, “Oh, that’s a bit unrealistic, isn’t it?” So Mr Smyth changed his mind. “I will put 70 beds into the system.” What is next—50 beds, 30 beds? What is Mr Smyth going to do next?

This is the contradiction from the Liberal Party: they do not have a coherent policy around health expenditure. They criticise the government for spending too much and then they say, “Put more resources in.” They cannot have it both ways.

Human rights

DR FOSKEY: Mr Speaker, I ask the Attorney-General a question. Given that at the forum “Assessing the First Year of the ACT Human Rights Act” yesterday concerns were raised that the process of determining the compatibility of bills before the Assembly with the Human Rights Act is not transparent and that only the results of such determinations are documented, will the Attorney-General review the process to increase transparency and put opinion regarding the compatibility on the public record.

MR STANHOPE: I thank Dr Foskey for the question. I must say, Dr Foskey, I was not aware that that particular issue had been raised at the forum yesterday. I know it is a matter of some concern and some discussion within the community and amongst those who are taking a very direct, though I must say, broad interest in the Human Rights Act and its operation. It is an issue that I am very aware of. In fact, it is an issue that I have discussed with my colleagues. The utility of the compatibility statement in the form that it currently exists has been a matter of some comment within the Labor Party and within the government.

One of the issues we face is, as always, an issue of resources and resourcing. I have been mindful to ensure that in regard to the reasonably limited resources that we have been able to apply to the implementation of the Human Rights Act, we focus on those areas of greatest priority. To date they have been around a range of educational programs, particularly for decision makers and public officers and officials—those who are

required under the legislation to have regard to the Human Rights Act in the decisions that they make. It has been a very significant task.

We are also engaged in broad community education. These are reasonably resource-intensive activities, as is, of course, the review by officers of the Department of Justice and Community Safety of all legislation introduced into this place to ensure that the legislation is indeed compatible with the Human Rights Act. I am sympathetic to the position you put. I think there is a very good case to be made for ensuring that the bases on which a compatibility statement is issued by me as attorney are clear and obvious and that the government is accountable.

The primary accountability measure that we have introduced into the process is, of course, the statutory requirement for all legislation to be reviewed by the scrutiny of bills committee in terms of its compatibility with human rights. So, in the context of whether or not a particular piece of legislation is compatible, that is a task that is pursued with vigour by Mr Stefaniak and his committee.

I think we are all aware of the very detailed reports that we receive from the scrutiny of bills committee, each and every one signed and reported on in this place by Mr Stefaniak. These reports go to the extent to which the scrutiny of bills committee believes that every piece of legislation is compatible with the Human Rights Act.

So it is a bit of a long bow to suggest that the government is not accountable, that there is not some transparency in relation to the claims or statements that we make. To date it is fair to say that the scrutiny of bills committee has not in any single instance suggested that any piece of legislation that has been introduced since its introduction is not compatible with the Human Rights Act.

At one level the concern that was expressed has been proven, through the scrutiny of bills committee, not to be warranted. Having said that, in the interests of a broader discussion on human rights, I understand the interest in being able to view a statement of reasons prepared by the Department of Justice and Community Safety in relation to compatibility. Indeed, for the first time that process has been pursued in the compatibility statement that Mr Corbell tabled today in relation to the mental health treatment bill and the application of electroconvulsive therapy. A compatibility statement with an attached statement of reasons has today been tabled. It is the first time this has been done. However, it will not be done on every occasion. I simply do not have the resources to apply to that task. But because of the importance of that piece of legislation, in this particular instance we have indeed done as has just been suggested by Dr Foskey.

In the future, where there is a very significant piece of legislation that raises significant issues in relation to human rights implications, we will follow the precedent that has been established today.

DR FOSKEY: Mr Speaker, I ask a supplementary question. Given that there might be different ideas about which pieces of legislation are significant and given that human rights officers currently involved in the preparation of compatibility statements no doubt prepare something in writing, surely this could be presented with the bill or at least made available to the scrutiny of bills committee.

MR STANHOPE: As I said, I am aware of the issue. I am also acutely aware of the resourcing implications of the Department of Justice and Community Safety being required to provide a statement of reasons in relation to every compatibility statement, acknowledging and noting that there is a compatibility statement required in relation to every single piece of legislation that is tabled in the Assembly.

At this stage, bearing in mind the environment we find ourselves in and the level of resourcing that I have applied to the human rights section in the Department of Justice and Community Safety, I am not prepared to request of them that they prepare a statement of reasons in relation to every compatibility statement. In the vast majority of cases they are unnecessary. The matter is self-evident.

As I said, we have today created a precedent in that the Minister for Health has today tabled for the first time with a compatibility statement a statement of reasons. This was done because of the significance of that particular piece of legislation and the extent to which it does raise significant issues for debate, discussion and consideration about the human rights issues or implications of the application of ECT in certain circumstances, which are outlined in the bill, namely circumstances where a person is unable to make a decision for themselves about whether or not ECT should be applied.

Planning

MR SESELJA: Mr Speaker, my question is to the Minister for Planning. Minister, yesterday in question time you were asked about ACTPLA and its response to a freedom of information request in which Mr Savery has stated that “the authority made no comment on the direction therefore no documents exist”. In reply, you stated that you had received comments during a verbal discussion with the chief planning executive in which you sought his view on your proposed direction. On what date did you hold the discussions with Mr Savery, who else was present and where was the meeting held? What records were kept of this meeting or discussion and why is it that Mr Savery, when responding to a freedom of information request in May, could not remember having this discussion?

MR CORBELL: Mr Speaker, I will take some of the elements of that question on notice. I will need to check my own records and those of my office. I can advise Mr Seselja now that the discussion with Mr Savery occurred in my office. I think a number of members of my staff were present but I will check the records and advise Mr Seselja accordingly.

MR SPEAKER: Supplementary question, Mr Seselja.

MR SESELJA: Thank you, Mr Speaker. Minister, given that Mr Savery says that no comments were made, whom are we to believe?

MR CORBELL: Well, Mr Speaker, the imputation is that he does not believe me, and that, I guess, is to be expected from Mr Seselja and the opposition. But I can only stand by what I have said in this place. I am extremely confident that my position is accurate. In relation to the comments from the ACT Planning and Land Authority, that question is best directed to them. However, I stress that I did seek the views of the chief planning

executive in a discussion with him in my office, and I took those views into account in making the direction.

Department of Employment and Workplace Relations—relocation

MRS BURKE: My question is to the Minister for Planning. Minister, on what grounds and on what information did you base your scare tactic comments in May on ABC radio that the Department of Employment and Workplace Relations, DEWR, were relocating in toto their staff from Civic to the airport, whereas the fact is that this is not the case?

MR CORBELL: The department is significantly relocating to the airport; there are no doubts about that. That is the point I was making.

MRS BURKE: Minister, how did you fail to thoroughly investigate the situation that was subsequently published highlighting that DEWR needed approximately 10,000 square metres of additional space as there were no other options in Civic and that there will not be one less DEWR employee working in Civic? Why do you continually and persistently wilfully mislead the Assembly on this issue?

Mr CORBELL: Mr Speaker, I ask that that be withdrawn. You can only suggest that I have misled the Assembly through a substantive motion and Mrs Burke should withdraw the statement.

MR SPEAKER: Withdraw that, Mrs Burke.

Mrs Burke: It was said. I withdraw, Mr Speaker.

MR CORBELL: Mr Speaker, I did not.

ACTION bus service

MR PRATT: Mr Speaker, my question is to the minister for transport. Minister, why won't you provide adequate, regular ACTION bus services to the Canberra airport? How is this failure to provide such a service going to encourage tourism and business relationships between air travellers, airport workers and the rest of the ACT?

MR CORBELL: It has been a longstanding policy of this and previous governments—indeed when my predecessor, Mr Smyth, was minister he had a similar approach—that a bus service to the airport could not be justified based on patronage levels. Given that there has been an increase in employment activity at the airport, I have previously asked ACTION and the Department of Urban Services to assess whether a bus service is now justified to that area. Patronage levels would not, in our view, be significantly increased despite the increased level of employment in that location. In particular, there is an abundance of either free or low-cost car parking. Therefore, it is extremely difficult to justify, at this stage, an ACTION service to the airport.

Business confidence

MS PORTER: Can the Minister for Economic Development and business outline some of the key findings from the recently released Hudson employment expectations survey

for the ACT? How do these compare with the results for other states and territories?

MR QUINLAN: The Hudson employment expectation survey results released yesterday are reflective of the continually buoyant job market in the ACT. During the September 2005 quarter, 50.8 per cent of ACT employers expect to increase permanent employment levels. Only 4.1 per cent are expecting to decrease staffing levels. This means a net positive effect of 46.7 per cent, which just happens to be the highest in Australia. The nearest is 38.1 per cent and the national average is 33.3 per cent.

One of the industries surveyed that recorded the most optimistic hiring outlook is information technology. That supports the government in its backing of the innovative and enterprise economy. The results vary between different sized businesses, but small and medium businesses intend to increase. I am not one to skite. This sets a very high base—and what goes up must come down; so we have not reported every Hudson expectation survey. But they have continued to be strong. There will be some ups and downs, but at this point the employment and business future of the ACT is looking strong. That sentiment is shared by the business sector itself.

MS PORTER: Mr Speaker, I ask a supplementary question. Minister, how does this survey compare with other recent surveys of business in the territory?

MR QUINLAN: It is in sync; it compares favourably with other recent business surveys. The latest survey of my very good friends at the ACT Chamber of Commerce showed that 83 per cent of Canberra businesses expected stable or improved business conditions in the last quarter. Additionally, the latest Sensis business index shows that 70 per cent of small businesses are confident of their business prospects over the next 12 months—again, well ahead of the national average.

This confirms the government's strategy in helping to grow local businesses, as compared to the previous Liberal government's habit of throwing money at multinationals, which had probably determined to come to or grow in Canberra anyway. This government intends to continue to work to develop the enterprise and innovation sector of the ACT economy to the benefit of all.

Tuggeranong—health care facilities

MR STEFANIAK: Mr Speaker, my question is to the Minister for Urban Services. He has been given some notice of this. Minister, I am advised that, during the recent tender for the contract management of the Tuggeranong lakeside pool and leisure centre, the tenderers were not advised that the adjacent block was being considered for approval for the building of a major health club facility. Within days of the announcement of the successful tenderer for the Tuggeranong pool and leisure centre it was announced by the government that it had just given approval for a new health club facility next door. Why were the tenderers not advised of this?

MR HARGREAVES: I thank Mr Stefaniak for the question and the opportunity to clear up some misconceptions out there. Firstly, in respect of the tender for the operation of the leisure centre, there are specific processes to do with the letting and acceptance of tenders. Those processes were strictly adhered to. That was done by the Department of Urban Services through Procurement Solutions, as would normally be the case. The

block of land next door was issued for sale at auction by the LDA, which is a completely independent authority; in fact, it is independent of government. It does not take direction per se from anybody and there has never been, and never will be, any obligation on the part of the LDA to consult anybody about auctions of adjacent land.

When the time comes for the new owner of the block of land to submit plans for what they intend to do, there are statutory processes that need to be undergone as they develop an application stage—PAs and all those sorts of things. That is when the consultation process should go on. I do not see anything that needs to be the case.

Mr Stefaniak, without using direct words, seems to assume that there is an obligation on the part of government to inform everybody in the adjacent area of its plans. In this regard the tender processes to do with the management contract were done according to the rules. The auction process for the adjacent block of land was done according to the rules. The person who has bought the block of land next door to the leisure centre, for all we know, can put anything on it within the context of the land use policy of the territory plan. That is that.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Given that one-third of the income of the Tuggeranong lakeside pool and leisure centre comes from their health club facility would it not have been commonsense, and indeed common decency, to tell the prospective tenderers that the government was going to allow a competing health centre to be built next door, or is this a case of the left hand not having a clue what the right hand is doing?

MR HARGREAVES: The Deputy Leader of the Opposition may very well say that. I could not possibly comment.

Community television

MRS DUNNE: My question is to the minister for economic development, Mr Quinlan. Minister, is it the case that a group called Community Television Canberra approached BusinessACT in December of last year requesting funding of just under \$500,000 as start-up for community television? What was your department's response?

MR QUINLAN: I do not have the detail of that. I would have to take that on notice.

MRS DUNNE: Are you, the rest of your government and the bureaucracy favourably disposed to the implementation of community television in Canberra and would you consider funding it?

MR QUINLAN: I am sure that the government would. Whether it is appropriate that that funding be under the banner of BusinessACT or more a community grant, I would not know, because, as I do not have the details, I do not know exactly how the enterprise would operate, what its purpose would be and what its contribution to the economy would be as opposed to its contribution to the community. In examining any application we would, of course, view all of those things. As you are aware, this government and governments past have supported various developments within the community but have generally segmented them under community, under social and under economic.

The name itself indicates that it would probably be not a profit-making enterprise but an enterprise or organisation that would contribute to the community, maybe provide an additional avenue for communication to the community, and may well enrich the community, but whether it fits under business enterprise is a question that we would have to look at, and as to whether it should be referred to one or other of my confederates here, I can only look at that when I check the details of the application.

Aboriginals and Torres Strait Islanders

MR GENTLEMAN: Mr Speaker, members will be aware that today marks the last day of the Aboriginal and Torres Strait Islander Commission. Is the Chief Minister able to inform the Assembly of arrangements to ensure that Aboriginal and Torres Strait Islander people of the ACT have a continuing voice in determining their own affairs?

MR STANHOPE: I thank Mr Gentleman for the question. It is an extremely important one. I think that today marks a day of great shame in Australia's history. The abolition of ATSIC has sent an unmistakable message to this country's indigenous Australians—a message written on paper signed by our Prime Minister, John Howard—that they cannot be trusted to make wise choices for themselves. It tells them that they lack the wisdom to cast a vote in their own best interests. It tells them they lack the capacity to nurture from within their own ranks the sorts of leaders acceptable to white Australia. This is not so much a message as a kick in the face. Not even in the darkest days of the infamous Queensland gerrymander did anyone think of blaming the voters for the failings of the system. Even the commonwealth government's own review of ATSIC in 2003 did not recommend abolition. It called for profound structural change and recommended the devolution of power to the regional level but it did not call for abolition.

Recently, I had the honour of speaking at the national reconciliation planning workshop hosted by Reconciliation Australia. In my speech, I lamented the fact that the abolition of ATSIC had been met with virtual silence from black and white leaders alike. This is to be regretted across the political spectrum. I am, for instance, personally deeply disappointed at the deep silence from my colleagues in the federal Labor ranks. I also wonder at the silence on the part of many of our Aboriginal and Torres Strait Islander leaders—though I greatly fear that their silence is not the result of apathy or lack of care but the consequence of a deep sense of despair at the future of reconciliation while the Howard government remains at the helm.

At the Reconciliation Australia forum, I was interested to note that Lowitja O'Donohue, the first chair of ATSIC, put it to Mr Peter Shergold, the chief executive of the Prime Minister's department, that ATSIC had been abolished after 15 years on the basis that it had not succeeded in achieving its goals. Ms O'Donohue pointed out to Mr Shergold that we white leaders had had more than 200 years to get it right but that we had failed on a far greater scale. Yet no-one is talking about abolishing white dominated federal, state or territory governments, no-one is suggesting dismantling the commonwealth departments that have equally failed in their endeavours to combat indigenous disadvantage. The department of health and the department of education seem immune from blame, while ATSIC loses its very right to existence.

The ACT is committed to a democratically elected body that represents the Aboriginal and Torres Strait Islander people in our community. We made that commitment in the election and we are moving forward with it, with consultations about to begin. The commonwealth has indicated to us that it will not assist us in meeting this commitment, despite earlier advising that it would provide financial support to states and territories as they develop appropriate consultative arrangements to replace ATSIC regional councils. Indeed, I discussed this matter with Senator Amanda Vanstone and she initially indicated that she would have no difficulty in supporting an elected body in the ACT but the commonwealth has now moved away from that position. The commonwealth government does not view the establishment of a democratically elected body as appropriate for Aboriginal and Torres Strait Islander people. You can establish any other sort of representative body you wish, and will be supported by the commonwealth, except a democratically elected one.

The federal minister for indigenous affairs, Senator Vanstone, has just announced details of regional representation arrangements that are emerging around Australia. She announced with some pride that arrangements had been finalised to replace 10 of the 35 regions covered by the ATSIC regional councils Australia wide. That is 10 out of 35. As of tomorrow, 25 regions, including the ACT and Queanbeyan region, will not be represented by indigenous people. Given that the commonwealth announced its intention to abolish ATSIC in April last year, some 14 months ago, you could hardly accuse it of proceeding with great haste to ensure that Aboriginal and Torres Strait Islander people are adequately represented.

These replacement arrangements are not elected bodies. Yes, there may be consultation and there may be input. But as we have seen with the establishment of the commonwealth shared responsibility agreements there is an inequality of power and resources in these so-called partnerships that must render this consultation less than ideal. These arrangements do not see black and white Australia coming together as equals, whatever the rhetoric. In the worst case, they seem little more than a return to the paternalism of the past. Certainly they fulfil few of the criteria of true reconciliation. Mr Speaker, today is a truly sad and regrettable day, not only for indigenous Australians but also for all Australians who seek a better and fairer future for indigenous Australians.

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

Estimates 2005-2006—Select Committee Responses to questions on notice

MR SPEAKER presented the following papers:

Estimates 2005-2006—Select Committee—Responses—

Questions on notice Nos 167 and 181.

Questions taken on notice by the Minister for Urban Services and the Minister for Health from Dr Foskey.

MR CORBELL (Molonglo-Minister for Health and Minister for Planning) (3.18): I seek leave to move a motion to authorise publication of the responses to questions taken during the 2005-2006 estimates hearing.

Leave granted.

MR CORBELL: I move:

That the Assembly authorises publication of the papers.

Question resolved in the affirmative.

Personal explanations

MR SMYTH: I seek leave under standing order 46 to make a personal explanation.

Leave granted.

MR SMYTH: Mr Speaker, during question time Mr Corbell said that on an ABC interview this morning I changed my mind as to the number of beds that should be required from 100 to 70. That is incorrect. If Mr Corbell wants to check the tape, or the transcript, the interviewer actually asked whether those beds could be accommodated and I said that there was room immediately for 70 beds between the Canberra and Calvary hospitals. On a different matter, Mr Corbell also said that I had not mentioned the success in category 1. Indeed I did, and I congratulated the minister. But the minister then went on to say that 100 per cent of people have been seen in category 1 time frames against the national average of 67 per cent. Mr Corbell, I assume, has inadvertently misled the Assembly. The actual national average—

MR SPEAKER: Withdraw that—just withdraw that.

MR SMYTH: I withdraw that. He has inadvertently not used factual content in a statement. The ministerial code of conduct says that ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly—

MR SPEAKER: You are debating the issue now, Mr Smyth. You can make a personal statement about claims that have been made about you, but you are not going to debate the issue.

MR SMYTH: All right, Mr Speaker. The opportunity is there for the minister to correct the record.

MR SPEAKER: Mr Corbell.

MR CORBELL: I seek leave to make a personal explanation.

Leave granted.

MR CORBELL: Mr Speaker, I would like to clarify my statements because I believe they were correct. The transcript from the interview with Mr Smyth this morning on ABC radio reads:

MR SMYTH: Well, I'd be making sure that we've got less bureaucrats and more people online delivering services to the Canberrans when they need it. I'd make sure 100 beds are opened immediately.

MR SOLLY: That's not realistic is it though? Where are you going to fit—where are you going to find 100 beds?

MR SMYTH: There is room within the current hospital system for about 70 beds to open immediately.

My claim in question time was that Mr Smyth said he would open 100 beds immediately and then he said he would open 70 beds immediately, and I think the transcript bears that out.

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

Leave not granted.

Standing orders—suspension

MRS DUNNE (Ginninderra) (3.21): I move:

That so much of standing orders be suspended as would prevent me from making a statement.

Thank you, Mr Speaker. This morning I came and said to you that in a break in the traffic I would like to seek leave to make a statement and you said I should check this with the whip on the other side, which I did. I explained to Ms MacDonald what I would like to do, and I think it is pretty churlish of the government not to grant leave for me to make a simple statement. I simply wanted to come in and correct the record because yesterday in debate I made a mistake, which my staff pointed out to me yesterday afternoon. I think the normal processes of parliament demand that I come in here and correct the record when I make a mistake, and now I am being prohibited from correcting the record. Ms MacDonald knew what I was proposing to do, and it is very churlish of the government indeed to try and gag me by not giving leave to correct the record.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Quamby Youth Centre Statement by Member

MRS DUNNE (Ginninderra) (3.22): Thank you, Mr Speaker. Yesterday, in debate on Mr Seselja's motion in relation to Quamby, I said words to the effect that "even now the time-out room is not open." Before I went on leave there had been some controversy and some discussion about the time-out room and I was concerned about the matter. I did not

check, as I should have, before I came into the chamber. When I went out one of my staff members said, “While you were away the time-out room has reopened.” I want to put it on the record that I made the mistake of not checking, and I have come here to put that right. It is my understanding that the time-out room has been opened. There are still some concerns about it, and I wanted to demonstrate to members how you should behave when you make a mistake in the chamber.

Mr Stanhope: You lied to us yesterday and you will do again.

MR SPEAKER: Order!

Mrs Dunne: Mr Stanhope just said in interjection that I lied to you yesterday. I would like that withdrawn.

MR SPEAKER: Withdraw it, Chief Minister.

Mr Stanhope: I withdraw it.

Affordable Housing Paper and statement by minister

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (3.24): For the information of members, I present a report on affordable housing in the ACT. I ask leave to make a statement in relation to the paper.

Leave granted.

MR HARGREAVES: Mr Speaker, today I am pleased to table the report *Progress on affordable housing in the ACT*. Over recent years, the ACT, along with other Australian states and territories, has experienced a dramatic decline in housing affordability. Last month I undertook to provide the Assembly with a comprehensive update of the actions being taken by this government to address this multifaceted issue. Members are quite rightly concerned at the impact housing affordability is having on moderate to low-income earners. Stable, secure and affordable housing is, after all, essential to our personal wellbeing and the health of our community. Housing is more than bricks and mortar. It enables our participation in employment, education, social and recreational activities—the very things that make our lives fulfilling and rewarding. Housing contributes to our natural nesting instincts and our sense of community.

We were one of the first jurisdictions to acknowledge housing affordability as a major social issue. That required a dedicated government response. In February 2002, we established the affordable housing task force to make recommendations on the measures that could sensibly be taken to help ameliorate the housing stress being experienced by an estimated 3,000 households. I have to say that prior to 2002 any sort of policy approach to affordable housing was a policy vacuum. It took the courage of the first Stanhope government to say, “We will expose what we need to do and we will tackle it.” Prior to that, there was a policy vacuum.

Housing stress is a key measure. A household is deemed to be in housing stress if it is in the bottom 40 per cent of the distribution of household incomes with its occupants paying more than 30 per cent of household income on housing costs. The task force, comprising senior people from across government, industry and the community sector, submitted its final report in December 2002. The task force submitted a range of recommendations across six strategic areas. These included development and expansion of public housing, encouragement of partnerships between the public and private sectors, improvement of access to private rental housing, support for home ownership, amendments to the planning system to encourage affordable housing and increasing awareness of the importance of affordable housing.

The 2003 bushfires exacerbated the pressures on housing affordability. In our 2003-04 budget we announced a range of measure to relieve housing stress on low-income earners that covered the broad spectrum of issues including public and community housing, homelessness services, the private rental market and home ownership. These measures were aligned with the agreed recommendations of the task force and responded to the loss of housing in the bushfires. Members will recall that we appropriated \$33.2 million to boost social housing capital. This was the largest single injection of funding into public and community housing since self-government, and it took the Stanhope government to do it. It enabled the purchase of more than 80 public housing properties, including stock to be leased to the community housing sector.

In the following budget, this was augmented by a further \$20 million over four years to further increase the supply of social housing. This will assist in the acquisition of another 60 properties. At the same time, we have moved to improve access to public housing. We do not resile from our decision to restore security of tenure for public housing tenants. We will not tolerate a situation where tenants, who have a small and perhaps temporary change in their financial circumstances, live on a knife edge of eviction. This government will never, for example, countenance a situation where a longstanding elderly tenant in a modest bed-sitter is evicted merely because he or she is a market renter.

This government has also initiated a number of amendments to the public rental housing assistance program to assist those most in need to gain access to public housing, as well as sustain their tenancies. These changes were wide ranging and aimed predominantly at ensuring that people are not unnecessarily put at risk of homelessness. In both social and financial terms there is no mileage whatsoever in supporting a public housing system that promotes insecurity and evictions that may otherwise be preventable. This is why we are trialling a debt review committee where tenants, or prospective tenants, who are experiencing financial difficulties can receive help and support. Community housing is an important and growing source of affordable housing in the territory. Provided by not-for-profit community organisations, with the support of government, community housing very much complements public housing. It offers a high degree of tenant participation in tenancy management and seeks to accommodate people with diverse and complex needs in an extremely affordable context.

Since the task force tabled its report, the government has implemented a range of substantial measures to both ensure the viability of the community housing sector and support its expansion. In the 2003-04 budget, we provided \$6 million over two years for

two community housing properties. These have included older persons units, group houses and five houses in a community network for people with disabilities. Specialist non-government community housing organisations such as Billabong Aboriginal Corporation, Havelock Housing Corporation, the AIDS Action Council, Anglicare and Centacare manage these and other new properties. In addition, the ACT government has funded the construction of the Gungahlin singles accommodation, a facility that contains 20 self-contained units, which is due to be completed shortly, and an indigenous boarding house. Contrast that with the attitude of the federal government on indigenous affairs.

Any consideration of affordable housing needs to take into account the requirements of those most in crisis. I refer here to the homeless or those at risk of homelessness. Our primary service response to homelessness in the ACT is through the supported accommodation assistance program, or SAAP, as it is known. ACT SAAP agencies provide a broad range of accommodation and support to young people, single men and women, and sole parents and families, including women and children escaping domestic violence. These services extend beyond the provision of shelter and provide other basics such as showering and meals. Importantly, the services provide programs to assist people to achieve self-reliance and to live independently.

In the ACT, 29 SAAP agencies are currently funded to provide 51 services at a cost to the territory of more than \$4.6 million. In April 2004, we launched the ACT homelessness strategy, which sets down a community-based plan of action to address the causes and effects of homelessness. In the 2003-04 budget, we underpinned this initiative with a funding allocation of more than \$13 million over four years. This has delivered a raft of services identified as priorities in the homelessness strategy. We have, for example, enabled the establishment of crisis accommodation for six families in both Belconnen and Tuggeranong. Medium term accommodation is also in place across Canberra for six families headed by a single male. The report I table today contains a description of these and many other services established to date under the homelessness strategy.

The issue of housing affordability is beyond the financial capacity of the ACT government to deal with on its own. There are, we believe, considerable national challenges for the Australian government, particularly in the areas of taxation and income support reform. We have long argued that the Australian government has an important role to play in the development of a national housing policy, in an ongoing commonwealth-state housing agreement and in further assisting people in the private rental market through the commonwealth rental assistance, the CRA.

The CRA is the major national policy lever to influence affordability in the private rental market. As members know, it is a non-taxable supplementary payment, made by the Australian government, to help recipients of income support payments with the cost of private rental housing. Nationally, 35 per cent of CRA recipients continue to pay more than 30 per cent of their income on rents—figures that suggest the CRA could be better designed by the Australian government to reduce housing stress. In regard to public housing, the ACT, like other jurisdictions, is also faced with declining commonwealth funding in real terms under the commonwealth-state housing agreement. This has placed further pressure on the ability of states and territories to maintain and grow their public housing portfolios.

The private sector cannot be absolved from its responsibilities. The pressures on public housing in particular reflect, in part, the failure of the private housing market to respond to the needs of people on low incomes. Home ownership is a primary form of tenure in the ACT. This government has moved to assist low to moderate income first home buyers through the provision of stamp duty concessions. After an initially slow take-up rate, eligibility was broadened and the scheme is now delivering considerable savings to home purchasers. In the year to April 2005, there have been 1,360 approved applications, representing a subsidy from the government of some \$8.3 million.

The price of land is of course another important factor in housing affordability. The ACT government's land sales program is designed to achieve, as closely as possible, equilibrium between land supply and demand. In 2003-04, the actual land releases totalled 2,961. This was in excess of the forecast by 566 sites, providing ongoing supply to meet very high demand and ensuring that land prices remain as stable and affordable as possible. Further, in the 2004-05 budget, we introduced an initiative to assist low to moderate income earners to purchase affordable housing blocks. We provided for the release of up to 100 blocks each year, for five years, to be sold through a restricted ballot process.

Since the report of the affordable housing task force, we have also considered a range of planning issues to contribute to affordable housing initiatives. The first such measure is the provision in the City West master plan which aims to ensure a minimum of five per cent of residential accommodation in this precinct is offered for low and medium income earners and, where possible, managed by affordable housing providers. I urge members and the public to carefully review the housing affordability report I have tabled today. In this way, they will be able to fully appreciate the many initiatives in progress across a very broad front.

How successful have we been in improving housing affordability? What we do know is that house prices have come off their record highs and that market forecasters such as BIS Shrapnel predict median house prices in the ACT will fall slightly over the next three years. Housing affordability is improving as a consequence. While ACT rents remain relatively high, there has been little to no growth in median local rents over the last four quarters. Across the board, I believe our housing and community assistance measures are delivering positive affordability outcomes. The effectiveness of our strategies is reflected in our performance in delivering the territory's principal source of affordable housing supply, public housing.

According to the key national performance indicators, we lead the way in allocating new public housing to those most in need. Our proportion of public housing to private housing is almost twice the national average and we also expend considerably more on public housing on a per capita basis than any other jurisdiction. After all, public housing remains the most affordable housing option for low income families. Here in the ACT, we are spending more and maintaining a greater proportion of public housing than any other state and territory. Moreover, available public housing is being provided to those in greatest need, at a rate that far exceeds the national average. That is important to note.

In conclusion, it is clear that the affordability picture that emerges from this report is one of ongoing challenges with a positive outlook. However, the single most important

impediment to understanding and dealing with issues of housing affordability is the absence of a national housing policy. As I have explained, the federal government has a lead role in shaping the economic and social factors that affect the availability of housing and this government strongly believes that a national housing policy remains an urgent national priority.

I commend the report to the Assembly. I move:

That the Assembly takes note of the paper.

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

Papers

Mr Stanhope presented the following papers:

Annual Reports (Government Agencies) Act 2004, pursuant to subsection 9 (5)—
Chief Minister's Annual Report Directions—2004-2005.
Cultural Facilities Corporation Act 1997, Pursuant to subsection 29 (2)—Cultural
Facilities Corporation—Quarterly Report—2004-2005—Third quarter (1 January to 31
March 2005).

Mr Quinlan presented the following papers:

Financial Management Act, pursuant to section 18A—

Authorisation of Expenditure from the Treasurer's Advance to ACT Emergency
Services Authority, including a statement of reasons, dated 27 June 2005.

Authorisation of Expenditure from the Treasurer's Advance to Chief Minister's
Department, including a statement of reasons, dated 28 June 2005.

Authorisation of Expenditure from the Treasurer's Advance to Department of Urban
Services, including a statement of reasons, dated 28 June 2005.

Summary of total expenditure from the Treasurer's Advance.

Ministerial delegation to the United Arab Emirates and Qatar Paper and statement by minister

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and
Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for
Racing and Gaming): I present the report on the ACT government ministerial delegation
to the United Arab Emirates and Qatar from 5 March to 12 March 2005 and seek leave to
make a brief statement.

Leave granted.

MR QUINLAN: I will be very brief, given the business we have in front of us. This
delegation was very successful. Seven ACT businesses went and most of them will come
back with positive leads or contracts or at least a commission to produce some samples
with the potential to do business. The Middle East, and Dubai particularly, was described
by one of the participants on this trip as being like "Shanghai on steroids." Certainly

there is a huge amount of growth happening in the United Arab Emirates, particularly in Dubai and Qatar.

The world is beating a path to their door, of course, but the prospects for good products there are outstanding. The area is modernising at a very great rate, with information cities, education cities and media cities being built. The expenditure on them is absolutely mind-boggling. I visited quite a number of places and I attended meetings with some of the businesses that went. I think they were very happy for that—in fact, the feedback has been very positive. So, if that was a junket, I think it was a worthwhile junket for the participants in that trip.

Papers

Mr Corbell presented the following papers:

- ACT Health Alcohol and Drug Program—
Review, dated June 2005.
- Clinical Governance Review 2004—Recommendations, Response and Action
Plan, dated June 2005.

Education—Standing Committee Report—government response

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations): For the information of members, I present the government response to report 5 of the Standing Committee on Education (Fifth Assembly) titled *Teaching in the ACT: shaping the future* which was presented to the Assembly on 26 August 2004. I seek leave to make a statement in relation to the paper.

Leave granted.

MS GALLAGHER: Thank you, Mr Speaker. The report was tabled in the Assembly on 26 August 2004. I would like to thank the committee for the time and contribution it invested in compiling this comprehensive report. The government is committed to providing quality education for ACT school students. This is reflected in the recent investment of \$48 million in new policy initiatives that impact on areas noted in the committee's report. A number of the recommendations also address key elements of the *Teaching Staff Certified Agreement 2004-200*, including support for beginning teachers, professional development in disability and special education, valuing the professionalism of teachers through increases in pay and the provision of flexible working conditions.

The committee's recommendations included the establishment of a teacher registration board for the ACT as a matter of priority. The government acknowledges that the ACT is the only jurisdiction that does not have a teacher registration process and that a number of different models are in place in other states and territories. The government will examine these models and explore issues specific to the ACT associated with teacher registration and report back to the Assembly later this year. This will also include monitoring developments on the national agenda including the role of the National

Institute for Quality Teaching and School Leadership with respect to the professional aspects of teaching.

The government recognises the strength of close collaboration between the University of Canberra and Australian Catholic University Signadou in the areas of pre-service training and field experience, and already has strong links with the University of Canberra through a variety of forums including the joint University Of Canberra liaison committee. This collaboration will be further strengthened to take account of issues raised by the committee and through seeking to establish a joint liaison committee with the Australian Catholic University. Additionally, it will invite the Australian Catholic University to have a representative on the department's qualification committee. I commend the government's response to the Assembly.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-105 (LR, 22 June 2005).

Insurance Authority Act—Insurance Management Guidelines—Disallowable Instrument DI2005-108 (LR, 23 June 2005).

Nature Conservation Act—Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2005 (No 2)—Disallowable Instrument DI2005-87 (LR, 22 June 2005).

Public Place Names Act—Public Place Names (Greenway) Determination 2005 (No 1)—Disallowable Instrument DI2005-107 (LR, 23 June 2005).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2005 (No 2)—Disallowable Instrument DI2005-94 (LR, 20 June 2005) (*Replacement copy—in substitution for copy tabled on 28 June 2005*).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No 8)—Disallowable Instrument DI2005-85 (LR, 16 June 2005).

Road Transport (General) (Application of Road Transport Legislation) Revocation 2005 (No. 1)—Disallowable Instrument DI2005-79 (LR, 23 June 2005).

Appropriation Bill 2005-2006

[Cognate papers:

Estimates 2005-2006—Select Committee report

Estimates 2005-2006—Select Committee report—government response]

Detail stage

Schedule 1—Appropriations.

Proposed expenditure—Part 1.13—Department of Economic Development, \$50,786,000 (net cost of outputs), \$30,450,000 (capital injection) and \$7,029,000 (payments on behalf of the territory) totalling \$88, 265,000.

Debate resumed.

MR MULCAHY (Molonglo) (3.48): I propose to make a few more comments on this area of expenditure that I commenced addressing prior to the lunch break. I am sure Australian Capital Tourism, under its current leadership and management, has the best intentions but I really have some grave doubts that the ambitions they have in relation to attracting more events are going to be fulfilled. Not only is the events unit not growing, it is in fact contracting, as emerged in the course of questioning. I mentioned earlier, and it is important to restate, that we are simply not getting a fair share of the tourist dollar in this city. We are most definitely performing poorly in relation to the international market. These are areas that I did not feel in the course of estimates were satisfactorily addressed. I think there is a part-time representative in Singapore but I am not quite sure what will be the end effect of all of that. The reality is that there are many international visitors coming into this country who are capable of making impulse travel decisions, particularly amongst the international backpacking market, which has been identified as a very valuable source of tourism dollars, which we ought to be aggressively pursuing.

On another front in relation to this, despite the fanfare that has emerged in the post-economic white paper euphoria, the government announced funding for a suite of programs directed principally at small and micro businesses in the ACT. One of these programs was the small business employment ready program. It was allocated \$0.258 million in 2004-05 and \$0.103 million in each of the outyears. This funding was provided after a pilot of this program had been run for a couple of years. Evidence of the use of this program and of the benefits that it provided to very small and emerging businesses is that, as business assistance programs go, it was successful. In particular, it assisted these types of business to overcome the critical hurdles involved in employing staff for the first time.

It was discovered rather belatedly that this program had its funding cut after only one year of operation. When I look at the web site for the Canberra Business Advisory Service it says, in large type across the top, that the ready to employ program will end on 30 June 2005. So it is not just the ATSIC funding that comes to an end today. In Mr Quinlan's area, his ready to employ program, which sounds like a commendable program in that it is all about ensuring "your business is ready to take on staff" and assisting you to "develop processes and procedures to confidently grow your successful team and meet your compliance requirements." It also states you will receive "ongoing support should you encounter any issues"—probably only up until midnight tonight—and, "best of all", ready to employ is "funded by the ACT government." I think it is disappointing that something that sounds as important as that, and apparently it has had success, should meet the chop, and especially as a program it obviously has ongoing benefit for the Canberra community in assisting business and creating employment.

There was no suggestion in any comments that we have heard throughout all of estimates that there was anything amiss with the small business employment ready program—indeed, to the contrary. The clear inference was that all of the suite of programs would be

continuing. The decision by the territory government to cut funding ignores a number of important factors. This program targets a significant sector of business in the ACT—that is, the many thousands of small and micro businesses that the Treasurer keeps telling us are in a growth phase. It certainly sits rather uncomfortably with the concept that this is a business friendly environment. If you can give advice, one of the things that small business people often struggle with is an understanding of their compliance obligations. Often those skills are not evident in a small business and also the demands on their time often preclude them from researching the issues that they have to attend to. Whilst associations like the chamber of commerce can help in this regard, I think it is a regrettable decision to axe this program.

In the time I have left, I would like to mention a couple of other areas that we touched on in economic development, and I am sure my colleague the Leader of the Opposition will expand on some of these. I am troubled that, after much hype and fanfare and endless procrastination and negotiation, a replacement convention centre will not happen. There will simply be an upgrade for the National Convention Centre. Notwithstanding that the minister is no longer in the chamber—in fact, there is not a single minister here at all—I think it is important that when, hopefully, they read some of the discussions today they will acknowledge that the National Convention Centre is a facility that deserves better than a makeover. It ought to be expanded. It is not large enough to handle many exhibitions and conferences.

Canberra is being bypassed to the advantage of other locations such as Adelaide, which cannot be said to have any major climatic or tourist advantage over this area, the Gold Coast, which does have a number of natural advantages and has built a rather spectacular convention centre, and Cairns. These are all examples of communities that are aggressively pursuing the convention market that we are struggling to attract in any significant quantities. There have been the occasional celebrated conferences, such as the Woolworths conference, which has been back on a number of occasions. We ought to be looking at having it as a year round fully operational facility on a larger basis.

This also raises the question of the remaining \$10 million, which seems to be going to be spread around the town on the Albert Hall and a few other bits and pieces. It did not seem to be subject to the same level of constraint that we have seen in other areas of government, and that was the subject of reference in the dissenting report. Also in the course of estimates I raised the issue of the impact on clubs of the looming tax regime. Notwithstanding my background as an opponent of that industry, in some respects, in relation to federal tax matters, I believe they present a rather strong case that they are being impacted adversely. I am not, and I put it on the record for the cynics, in any way suggesting that we rescind the smoking decision. I think that it is appropriate, and I supported it prior to the election. I am troubled, however, about the decision of the reforms in relation to note acceptors because, having worked on the federal ministerial advisory committee on gambling when it existed, I heard persuasive evidence from specialists in this area that that really is not the solution to dealing with people afflicted with problem gambling.

It is a bit like saying, “Let’s make smaller bottles of Scotch and then we will cure alcoholism.” It is a naïve, knee-jerk approach. It is hurting clubs in Canberra and I think we have to consider the impact. Certainly, in terms of the measures we adopted last week for the ongoing tax regime that will kick in in a couple of years, I felt that the Treasurer

came to estimates acknowledging that they would be reviewed if things became adverse—although, my colleagues on the committee were not willing or game to have that in the main report. I think it is disappointing. If the downturn continues to occur—we know it will in relation to smoking and I accept that as a reality—with this change to note acceptors, we need to think about whether we are making clubs less viable. I am concerned that we are going to end up with a handful of clubs, concentrated ownership across the territory and maybe down to two or three.

Finally, on a positive note, I express the support of the opposition in relation to the improvements at Manuka Oval. Whilst it would be great to have more AFL games through the year, when they do occur, as I think the Treasurer may have acknowledged in one of his comments, it stimulates the local business community. It is a welcome addition to activity in the area. It is a marvellous district or village, the Manuka area, and if we can continue to maximise the use of that facility, it will be a good thing for Canberra and a good thing for the community. It is an area where government expenditures are certainly to be encouraged and supported.

DR FOSKEY (Molonglo) (3.58): I have a number of comments in relation to the estimates hearings and the budget line on economic development. Firstly, the budget initiative that extends the knowledge fund into 2008-09 caught my attention. It provides an interesting insight, perhaps, into how the budget reflects government priorities. The community inclusion fund, which is described as a fund to assist the most vulnerable members of our community by allocating funding to community and government agencies, receives just \$1 million this year, increasing to \$2 million in 2007-08, whereas the knowledge fund—described as the centrepiece of the ACT government's vision of a thriving and globally competitive knowledge-based economy—receives over double that amount at \$2 million per year, rising to \$3 million in 2008-09.

I think it has to be recognised that this knowledge fund is a kind of welfare program in itself; it is just that those welfare payments are directed at business. I wonder whether applications to the knowledge fund outnumber approvals eight to one, as do applications to the community inclusion fund. I would also be curious to see an evaluation of the relative cost and effectiveness of projects funded through each fund, to provide some comparison of how usefully the money is expended, and the benefits to the ACT community from that expenditure. By the way, it is not that I do not support government investment initiatives to support small or micro business; on the contrary, I think this is an important part of economic development in Canberra. I believe investment in social outcomes should be recognised as being just as important as investment in economic outcomes. Remember there are three prongs to sustainability—the economic, the ecological, and the social.

It was useful to have some discussion in the estimates committee hearings about the nature of the support provided to small and micro business and some of the grants available to assist this sector. For instance, I was pleased to hear that the government has an ongoing commitment to the Capital Region Enterprise and Employment Development Association, or CREEDA, and the three business incubators it operates. I also welcome the appointment of the small business commissioner and will reserve any judgments until I have seen the benefits of the work he is going to do over the next year or so.

I do, however, think there are some areas where we could do more to promote health and wellbeing through the business sector. For example, more could be done to assist businesses in the ACT to develop family-friendly work practices. It is flagged in the economic white paper that, outside the public sector, there does not seem to be a clear or planned approach. I think there is a role for Business ACT to assist private businesses, including small and medium sized businesses, with advice and coaching to develop and implement family-friendly workplaces without undermining their viability. There are strong links here with access to childcare and support for people with caring responsibilities, issues that require a whole-of-community approach across government and across the private and community sectors.

I refer to City West. As I have stated several times in the Assembly and in the estimates committees, I am greatly concerned about the City West development and the impacts it will have on community organisations. I am concerned that community organisations and interested arts groups are not being involved or informed of the City West planning and development process and are suffering anxiety about their future accommodation.

During the estimates hearings the minister suggested that community organisations might not be appropriately accommodated in areas that are considered highly valued real estate. I think this was a highly inappropriate comment, and against the government's community facility land use policy, which states that the government will ensure that community services are located in appropriate and accessible locations. As a result of the comments, the estimates committee has recommended that the government affirm a commitment to providing accommodation for community organisations within the City West precinct and other inner city areas. I note that the government's response to this is positive, but it is still a little too vague for my liking.

I would also like to highlight that, during the estimates hearings, the Treasurer committed to investigating if he could table the ANU deed of agreement, as this was seen by members of the committee to be an important public document. I acknowledge that the deed was tabled this week. That is a good outcome. In addition, I was very pleased to see the recent report of the Standing Committee on Planning and Environment into the City West development. I hope to see the government adopt all the recommendations relating to arts and community group accommodation.

On tourism, the committee was pleased to see the government's encouragement of adventure sports and nature-based tourism in the ACT through events such as the new Brindabella challenge. I think this is an area that has potential to develop, but I hope the emphasis on investment in tourism as an economic investment does not override other instances. For example, the number of dollars to be spent on the arboretum is justified *ad infinitum* and *ad nauseam* on the grounds that it might increase tourism. I think we should be developing Canberra primarily as a good place for Canberrans of all classes to live in and a model of sustainable development and design for the 21st century. I think that will bring tourists from all over the world to Canberra, because there are too few examples of cities like that. It will also create the industries we need and provide scope for innovative thinkers. No; blank that; it goes elsewhere.

On the ACT recreation study, I would like to very briefly reiterate my concerns that the Department of Economic Development is the lead agency for this study, therefore raising

the concern that the strategy will not fully take into account nature conservation values. The issues and debates around the impacts of certain recreational activities and their impacts on the ACT nature reserve system have been ongoing for a number of years. It remains vital that nature conservation values are not compromised. Just this week we saw ACT Forests very concerned about the impact of four-wheel drive vehicle recreation over the weekend on the roads and so on in an important catchment area.

With regard to sport I am pleased to see the government's support for programs such as kids-at-play and athletes in schools that encourage children and youth to maintain healthy diets and remain active. I hope to see the government continue to expand these programs in the future so they meet the community's level of demand.

Referring to gambling and racing, in considering the detail of the budget I have become conscious that the ACT government receives considerable revenue from the gaming industry. A rough estimate of income from gambling taxes, licensing fees for the casino and dividends from ACTTAB is in the order of \$37 million. The summary investment in the gaming sector, such as the operating costs of the Gaming and Racing Commission and racing development projects such as track and facilities upgrading, is to the tune of \$800,000 in 2004-05, but the level of investment in preventing and responding to problem gambling and social harm resulting from gambling is relatively low.

I acknowledge that the government has done important work in developing a code of practice for gambling providers, but I think there is much more that can be done. The government has commissioned a number of significant research projects into problem gambling through the ANU Centre for Gambling Research, including research into adolescent gambling in the ACT and help-seeking by problem gamblers, friends and families, with a focus on gender and cultural groups. Yet there seems to be a lack of follow up, with no additional resources directed to prevention or intervention in problem gambling.

Turning now to the Stadiums Authority, I am concerned that the officer representing Canberra Stadium during the estimates hearing had very little idea that Canberra Stadium is not expected to meet all safety standards until mid-2008. The stadium's safety standard was also an issue in the 2004-05 hearings. I hope to see the stadium meet all required safety standards at least by the proposed date of 2008. It is my understanding from what we have seen in the budget that the minister for economic development takes a somewhat narrow view of economic development—that is if we take this budget as an indicator. I will take my second ten minutes, if I may, Mr Speaker. We see a reliance on tourism, gambling, racing and big events, as well as landmark developments such as arboreta and drag racing, which I think at best are a bit of a gamble in themselves, because I do not think a failed arboretum is going to bring very many tourists.

We also know that there is a heavy dependence in the territory on land sales and development. I believe we have a lot of scope for a different kind of development. I have argued elsewhere—in this house and even with the minister—that a focus on developing sustainable buildings and design, grey water recycling and a whole lot of other things will create the industries we need, provide jobs for classes of people who I believe do not easily find work at the moment and provide scope for graduates from some of the courses in our universities and the innovative thinkers we have in this town. This is an area that I believe is ripe for development.

MR SMYTH (Brindabella—Leader of the Opposition) (4.10): Economic development is a very important line in the budget because in the future it will, of course, help pay the bills that we as a territory accumulate. One of the areas we looked at was the tourism industry. It is a major industry for the ACT, a substantial generator of employment and generator of activity in associated and ancillary industries. I guess there was some concern, therefore, about reduction in visitor numbers over recent times and therefore about the development of the major events unit within the tourism organisation.

It was also interesting to learn during the estimates hearings of what appears to be a poor relationship between ACT Capital Tourism Corporation and Tourism Australia. I would have thought that, especially for a small jurisdiction, our relationship with the national organisation would be as strong as possible so we could leverage off our limited resources, particularly in the international market, but we find that apparently Tourism Australia left the ACT off its maps. How extraordinary that Tourism Australia ignored the nation's capital! That is just a nonsense. Moreover, Tourism Australia could only find a balloon fiesta to be an, or should I say the, attraction for the ACT. I would say it is paramount that tourism interests in the ACT have as a priority the establishment of a sound and continuing effective relationship with Tourism Australia so that we are not forgotten. I think that would overcome the problems summarised by Mr Ross MacDiarmid as Tourism Australia not talking to tourism people in the ACT. You must have that both ways.

I am also concerned about the priority accorded to major events by the Tourism Corporation. Of course this government made much of events and disbanding of previous events units, but now we see the re-establishment of the events unit. It is interesting that, when you add up the numbers, if you take the existing staff for Floriade and the existing staff for the Subaru rally, there would be 11 staff. There are apparently something like four new positions, which would take the number up to about 15. After initial questioning we were told that there is no reduction in the number of people in the events unit but, when we probed, the 15 seem to have dissolved down to 10.

We have a new event coming on line, which is the Brindabella challenge—well done to the Treasurer for getting that up and running—but it was surprising to find a reduction in the staffing of the major events unit. We have more work but fewer people. You would have to say that is a good outcome in theory—increased productivity and all that—but I think it is a strange way of resourcing priority activities, given that we have only had the one new event in the past 3½ years. The Brindabella challenge will fill a gap in the ACT's annual events calendar. If it is to succeed it will require a commitment of resources until it is safely established in our calendar. I am concerned not only at the lack of apparent staff to back to it up but also it was strange to see that the government will reduce funding for the challenge after the first year. Again this calls into question the resourcing of this event until it is established.

Tourism is a key industry for the ACT and it deserves better than the approach adopted by this government. An issue that for some years has been of particular concern, and still is of concern, to me is the National Convention Centre. The record of this minister and the Stanhope government on progressing the whole issue of the refurbishment and extension of the convention centre and then the possible establishment of a new and permanent National Convention Centre is extremely disappointing. You need only

contrast that with activity in other jurisdictions. Victoria, for example, not only announced but is already well into the process of the design and building of a new convention centre in Melbourne. That will build on the other convention centre they have, which is colloquially known as Jeff's shed, which must be about a decade old now. Again, there is a commitment to tourism in Victoria that sees real activity and real action being taken.

Alongside that, the Northern Territory has initiated a public/private partnership to design and build a new convention centre and exhibition centre as part of the Darwin city waterfront redevelopment project. There is a government that did not have any trouble in getting a partner to do it. Indeed the Queensland government has also just opened a new convention centre on the Gold Coast—they managed to get it done as well. It strikes me as odd that only the ACT has difficulty in getting new or upgraded facilities.

All our competitors for national and international conventions are moving ahead, and what are we doing in the ACT? We are mucking around spending months and months before any decisions are made to refurbish our existing convention centre. Then, when we talked about the detail of what might happen, some of the quantum was still unknown. The issue was raised that some structural flaws had been found in the roof and it was unknown how much that was going to cost. At a time when the Treasurer is taking money out of the convention centre and diverting it to other activities, we are not sure how much the planned refurbishment is going to cost. So again you have to look at the processes here and be seriously worried by what this government is doing.

Turning to the small business commissioner, the opposition remains ambivalent about the need for and the role of the small business commissioner. Evidence to date does not ameliorate this ambivalence. The estimates committee was told by the commissioner that there are two immediate projects—the development of public service charters and the development of a dispute mediation service. These may be important and valuable projects or activities, but you have to ask how much it would be possible to utilise any existing models or charters of mediation services, of which there are many; and there are some in place. Are we simply in danger of reinventing the wheel to justify the position that the government thought indicated to small business that it was somehow on its side? We will continue to observe the activities of the commissioner and we will continue to assess and evaluate the value of that position within the ACT bureaucracy.

Much was made in the government's white paper about its commitment to small business and how we were going to make the ACT the most business-friendly jurisdiction in the country. We all say words, but it is about living up to them and making sure we deliver on them. We are continually told by the Stanhope government that it is business-friendly. I think most were surprised to learn, almost by accident, that the government has ceased funding to what small business saw as an important small business program: the small business employment-ready program.

That program has demonstrated its benefits. It was valuable because it helped many people across the territory to find jobs. More importantly, it had a process in place that allowed small businesses that were not particularly good at employing people and getting a start from zero, or a small number of employees, up to one or more employees on the way. Was this highlighted in the budget? No, it was not. Was the estimates committee told that this funding would be cut? No, we certainly were not. On the contrary, I think

there appeared to be a clear implication that funding for all these programs would be continued. That is a most disappointing decision by this government, which reflects a strange outcome to any evaluation of this program. It certainly repudiates the notion of the ACT being business friendly. I wonder if the small business commissioner made any representations on the demise of this program. Even if he did, it is quite clear that he was unsuccessful.

We continually hear from the minister for economic development that he knows everything about economics and about managing the affairs of the territory. On the issue of economic cycles, I think we have had a pathetic display of ignorance and arrogance by the minister. This is from a minister for business, as well as a Treasurer, who has presided over uncontrolled spending sprees by his Stanhope cabinet colleagues, who continues to budget for deficits in times of economic strength and booming revenue growth, who budgeted for a deficit of \$8 million in the 2003-04 financial year and, as if that decision was not silly enough, then recorded a surplus of \$29 million. The surplus would have been around \$150 million if he had not transferred \$117 million into superannuation provision accounts simply because he had the funds available at the time.

This is a Treasurer and minister who has massively underspent the capital works budget each year during the life of the Stanhope government—by \$55 million in 2001-02; by \$56 million in the 2002-03 financial year; by \$61 million in the 2003-04 financial year; and by \$79 million in the 2004-05 financial year. This is the Treasurer and minister who allocated \$10 million from the Treasurer's advance, in circumstances that were questioned by the Auditor-General, for urgent fire safety works in public housing, and then did not follow through to see how that decision was implemented. This is the Treasurer and minister who allocated a first home owners grant scheme grant to a six-year-old, and who has sought to introduce a number of new tax measures such as a bushfire tax, that was small and inefficient, and has failed with each proposal. I will take my second ten minutes, if I may.

This is the Treasurer and minister who also proposed the ill-fated parking space tax in 2003, and then we discovered that he had been so sloppy as not to have even researched the merits of this proposal, such that the proposal has now been abandoned and who has made the decision to fund from current revenue the substantial quanta of capital necessary to build major public assets such as the proposed prison; and who would not know an economic cycle if he fell off one. I would like to suggest that this minister has a lot more work to do, if he is to live up to his commitment in the economic white paper.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.20): To take the back end of Mr Smyth's speech, he does tend to verbal people a little. He says that I am always saying I know everything about economics. No, I am not; but I will say I know a whole lot more than he does. That leaves a lot of room to move. Can I make that point quite clear. In the overall context the town is going well. I ran into a fellow at the last Vikings game down at Tuggeranong—an architect I used to play snooker with. "How's it going mate?" "The town is going really well; everybody's got full books." "Great." "We launched a cycle event today; and I have been talking to a lady who runs a large recruitment business. The town is going well." That should be the overall judgment, I think.

I will refer back to a few things that have been said. We have had this discussion about the number of staff in events. Even Mr Smyth, towards the end of it—after he and Mr Mulcahy had been through it went, “Whoops! We have been saying they should do more with less.” Here we are running events and doing more with less, but that is still wrong. That is the problem and has been the problem with the opposition’s approach to the debate on the overall budget. It has been eternally inconsistent. You have been contradictory. Perhaps you could get your act together and stop saying, on the one hand, “More, more”—

Mr Smyth: The point is that you said there was no reduction.

MR QUINLAN: Protection please, Mr Deputy Speaker; warn him.

MR DEPUTY SPEAKER: Please carry on, Treasurer.

MR QUINLAN: That has been the problem. It has been a case of total inconsistency. You have to spend more and more but less. The less has not been identified. The more is easy to identify and the less is not. It is hypocritical, really. We are actually working.

Mr Mulcahy: Except for the arboretum.

MR QUINLAN: The arboretum is a capital investment; we are still talking operationally, and about what we might do. Because there is not much to criticise, we got down to the small business-ready program, which you probably only heard of a month or so ago. Let me say that, from October 2002 to December 2003 the small business-ready or employment-ready program had about 340 clients. So in a period of about 14 months it had about 44 clients per month. We were actually fulfilling a need. The demand for that course has fallen away.

Mr Smyth: So it has gone?

MR QUINLAN: It has not disappeared altogether but it has fallen away to the point where we have had, in some months, one, four or six businesses interested in it. The service and the information are still available. That is still provided through our business support and small business programs, but it has been amalgamated into the other mentoring and advice service we provide because we are over the hump. We have picked up those businesses that wanted this. From time to time there will still emerge businesses that want assistance, who will ask how they get through the mire they have to get through.

Mr Mulcahy: ACT regulations!

MR QUINLAN: Yes; it could well be a case of ACT regulations. We had former member Michael Moore in this place earlier today. He is now a small businessman. He was saying, “God, the paper you have to go through is a pain!” It is mainly federal. You have super, you have tax, you have BAS and you have GST. He said, “It is a mire.” We have a small business commissioner who is charged with the job of trying to reduce that, but other sectors of the community that demand regulation impose the necessity for a lot of that. You can take all the red tape away but then, all of a sudden, “Hang on, no; we

need a certain amount of regulation for the protection of other businesses and for the protection of tenants.” There are various levels of protection. I think the level of paperwork will always be a vexed question; we will never eliminate it to everybody’s satisfaction. There will still be paper. I heard a saying once that the paperless office will occur at just about the time as the paperless loo!

In relation to the convention centre, the government does intend to do up that convention centre but you have to remember that it is not ours. It a cheap shot—and I suppose that is fair in politics—to say that the government has been procrastinating on trying to get that job underway because that is not the case. We have been dealing with a very large international hotel group who play hardball, who initially wanted far more than we were prepared to give. They upped the ante; they wanted something like \$50 million; they wanted to close the place down for 70 weeks. We needed to go through a whole cycle of negotiation. Had we said, “Okay, we will give them what they like in order to get the opposition, and a few of the other critics out there, off our backs,” we would have been scum, and the taxpayer would have been scum. I think we are heading towards a reasonable deal. I do not think it is particularly fantastic, but we are getting to a deal on that convention centre.

In relation to clubs and club taxes, first of all let me say that Professor Jan McMillan, who holds the chair of gambling studies at the ANU, has concluded, from what I think is fairly rudimentary research at this point, that the level of note acceptors available has a high degree of correlation with problem gaming. That was her conclusion, delivered at the annual general meeting of Clubs ACT in November last year. Until that is proven to be otherwise—we have a responsibility, and we will study this of course—

Mr Mulcahy: Have a look at South Australia; they don’t have notes.

MR QUINLAN: Yes.

Mr Mulcahy: So there are no problem gamblers?

MR QUINLAN: It is a matter of degree, I think. That was her conclusion. I refer to ATMs. It was also suggested in the review we are working from that we get rid of ATMs from clubs altogether. We did not do that. We said, “Do not put them in poker machine rooms; but do not penalise all the members.” We did that as a matter of judgment. The same rudimentary studies that Professor McMillan has done to date also indicated that that was probably the right decision. We are trying to find the balance. I have said to the club industry—and I will say it again—that poker machines are dangerous weapons; the poker machine of today is a very dangerous weapon, with 15 combinations. You can whack \$50 through the modern poker machine in a very short time without really trying. People can blow quite an amount of money without really taking breath. So we have tried to strike that balance.

In relation to taxation, the taxation level that we have indicated we will apply was set at the equal lowest. The lowest taxation regime was in Victoria. We matched that and then took account of the community contributions we require of clubs and said, “Okay, our clubs will pay, including the community contribution, the lowest level of taxation in Australia but they will pay up to the next lowest.” I think that is pretty fair in a regime where clubs in the ACT have a monopoly.

We justify that monopoly on the contributions the clubs make to communities. We have heard of clubs in recent times saying, "We might have to modify our contributions to the community because the evil government is taxing us." If they reduce their contributions to the community, it has to be recognised that they are reducing the argument to maintain that monopoly. We have to recognise that, other than in a club, you are not going to buy a schooner of VB for \$2.80 anywhere else in town; you have to pay 60c to 70c more in a pub or tavern. I think the clubs have a bit of room to move and we want to work with them. We want the club industry to continue but, at the same time, I think it is fair and reasonable that they pay the lowest taxation regime since the time the Victorian government imposed a levy on ACTTAB and Tattersalls in relation to every machine. So it is likely that the net tax regime in Victoria is now higher than the one we have said we will do.

Overall, I think the criticisms of economic development in the ACT do not amount to much. Mr Smyth has criticised and said that it has all failed; it is all useless, but one program has been amalgamated into general advice. It is a pretty damned weak case, I have to say. I am very happy with the way economic development is going in the territory. It is something that this government and future governments are still going to have to work on. I think we are still a fair way from the point where growth in the ACT generates itself but we are pushing it closer by investing in local industry. Working with the ANU and with local entrepreneurs I think is proving to be a far more productive way of developing business in the territory than has been previously tried. I have to say I am very happy with the way economic development is going and I am particularly happy that, effectively, the criticism does not amount to a whole lot.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.14—Planning and Land Authority, \$33,839,000 (net cost of outputs) and \$24,874,000 (capital injection) totalling \$58,713,000.

MR SESELJA (Molonglo) (4.34): In this area of the budget there were a number of concerns for the ACT opposition. I am going to raise just a few of them. No doubt my colleagues will raise some of the others. I note that Mr Corbell is not here at the moment. Hopefully he can make his way down at some stage to listen to part of the debate.

In relation to the sustainable transport plan, sustainable transport is a very good aim. I do not think there is any doubt that people want to see alternative modes of transport, other than private car travel. As Canberra grows—and we certainly hope it will start growing; it is not growing at the moment—that will become more necessary than it is now. Having some sort of plan in place is important, and we support that.

I have concern, though, about the allocation of resources for the sustainable transport plan. There seems to be a bit of an idea from Mr Corbell that it does not matter how much he spends on the sustainable transport plan because of his ideological commitment; that it is a good thing, regardless of what the relative merits of that spending might be. We have seen that in a couple of areas, particularly in the money for the busway, which I will come to shortly. Generally in relation to the sustainable transport plan, Mr Corbell keeps telling us that it will not be achieved through regressive steps against motorists. I do not buy that at this stage. I think we are going to see more—and we are starting to

see this even through the lack of parking in the city—that regressive steps are going to be part of the plan.

I will get onto tolls a little bit later, which was an interesting discussion. Firstly there is the \$150 million expenditure on the Belconnen to Civic busway to save a total of three minutes between the Belconnen and Civic interchanges. It seems like significant expenditure for such a small saving. That is why the dissenting report, which is an excellent report—and I refer Mr Quinlan to it—suggests that the Belconnen to Civic busway be deferred, especially given the \$91 million budget deficit facing the ACT in 2005-06.

Despite figures from Mr Corbell that show that 99.68 per cent of scheduled route services are running on time, \$6.76 million is to be spent on real-time displays at bus stops to improve the perception of reliability of buses running on time. That is the answer we have been given. This appears to be a bit of an extravagance at a time when the community is being asked to pay for this government's economic mismanagement. It is for this reason that the committee recommended that this be deferred and that the money be spent on more pressing community needs. Once again it is not because we think that, in and of itself, the real time display is a terrible idea; we just do not think it should be a priority at this time. Mr Corbell has also confirmed something that has been said in annual report hearings for the planning and environment committee and something he has previously denied. Asked during the estimates process about greater taxes and charges for road use, Mr Corbell confirmed that, "It is certainly not on the agenda at this time, although it is acknowledged that it is a potential policy tool down the track."

I have to speak a little bit about road pricing because we had an interesting discussion on it. During the annual reports hearing, I asked Mr Corbell what road pricing was. Page 6 of the sustainable transport plan says that one of the issues on the government's agenda down the track is road pricing. I asked him what that was. I asked, "Does it mean tolls?" He said, "No, it doesn't mean tolls. What it means is that people understand really what the cost of using roads is." I said that I thought that seemed odd; pricing normally means charging for something. Mr Corbell said, "No, it doesn't mean that; of course not."

Later on, when his officials were in front of the committee, I asked them what road pricing was and they said that it means charging people for the use of roads. They seemed to be contradicting what Mr Corbell said. Ahead of estimates, I went and looked it up; I looked at the academic literature. All the road pricing stuff seemed to back up what the officials were saying—that road pricing means the direct charging of users for roads. There seems to be a bit of confusion on Mr Corbell's part as to exactly what it is. When and how these tolls will be applied we will wait and see, but that is on the government's agenda at some stage down the track.

Mr Corbell also confirmed during the estimates process that the government had broken yet another promise, this time on the maintenance of cycle paths. One would think that Mr Corbell would be committed to cycle paths through his transport plan, as we hear a lot about cycling from this government. Prior to the election it was a \$2.2 million promise, but when he was questioned by Dr Foskey during estimates there was only \$1.2 million. When asked why the promise was broken Mr Corbell said, "The government made a commitment to seek to ensure that the money was provided." So it

did not promise to provide it, it promised to seek to ensure it was provided. I guess it is all in the fine print with Mr Corbell. We certainly saw that in question time today in answer to Mrs Burke.

One of the other major broken promises of the 2004 election was in relation to the development of core area development guidelines. Prior to the election in September 2004 Mr Corbell was championing himself as responsive, listening to the people and hearing their concerns. He stated in a press release that he was to amend the A10 core areas for the inner north and inner south garden city suburbs—and I note that he has been overseas looking at garden city suburbs—but in September 2004 he also said he had directed ACTPLA to prepare design guidelines to protect the suburbs and ensure that development was complementary and sympathetic to their character.

In November 2004 Mr Corbell responded to a constituent who had written to him to ask about the guidelines. The response was that he had directed that preparation of the guidelines be given priority. According to the *Oxford Australian Dictionary*, “priority” means “precedence in rank”; it suggests that it would be done soon or as a matter of importance. Now we discover how much priority Mr Corbell gives to promises he makes prior to elections. In answer to a question on notice he states that, “No money has been provided in previous budgets or in this budget for the preparation of the guidelines; no work has been done on them yet; none will be done until funding is provided.” When asked in the chamber last week, the best he could come up with was, “Within the term of this government.” I guess we could be waiting another three years for that promise to be fulfilled.

Perhaps Mr Corbell and his colleagues could publish a list before elections of which promises are priorities and will be funded, which ones are priorities but will not be given any funding, and which ones will not get done at all. We have seen Mr Hargreaves’s answer to a question in relation to broken promises. He has promised that, next time, he will say, “All our promises are subject to us changing our mind at the next budget.” I do not know if the other ministers took note of that. They might want to talk to Mr Hargreaves because it seems he has locked them into an interesting way of announcing election promises next time.

In relation to the City Hill feasibility study, we have seen a feasibility study on the Constitution Avenue extensions, which are part of the suggested changes to the City Hill area which Mr Corbell has assisted ACTPLA with developing. This was all fine for Mr Corbell when he released his plan and was so quick to dismiss views alternative to his own. We know that, in relation to City Hill, Mr Corbell did a rush job and we know that cabinet did not like the proposal; we know that he dismissed alternative plans but then he sort of had to back down. I have welcomed that. I note, though, that Mr Corbell said on *Stateline* that the only reason people seem to prefer other plans to his own is that one has pretty pictures. I would suggest to Mr Corbell that people like the alternative plans because they have been thought through and not just rushed out to avoid being shown up by someone else. There is \$500,000 that appears now to pre-empt some of the work of the central Canberra taskforce.

Referring to section 84, concerns have been raised during recent times about the growth in size and value of the section 84 development adjoining the Canberra Centre and originally proposed in 2001. This has also been highlighted in the dissenting report.

When the site was sold the plan was for 100,000 square metres of development. Tenders were submitted on that basis and bids were being framed to reflect development potential of that size. Since then the approval has increased to 135,000 square metres and an application is currently being considered for up to 150,000 square metres. To put this in context, this is bigger than the entire Woden town centre. This is now becoming a massive development to the east of the city. We will have a massive development to the west and a massive development to the east. It will be very interesting to see how that all plays out, with a focus on City Hill, and whether that will undermine plans to make City Hill the heart of the city. There was some stuff on job losses but I will come back to that in my second 10 minutes, which I will take later.

MRS DUNNE (Ginninderra) (4.44): Mr Deputy Speaker, it is entertaining in a way to see again some of the preposterous claims that are contained in the ACT budget and the aspirational prose of the minister about all the great things that are going to happen in planning. Lots of pretty pictures come out of planning and land management so I am surprised that the minister would criticise his own document on the city heart for not having enough pretty pictures.

There are some real problems in what happens in planning and land management. I would like to touch first and foremost on what the government anticipates being its increased dividend from the Land Development Agency. The Land Development Agency has been pretty much of a cash cow for the government for the last two or three years. The Treasurer takes \$50 million here and various other millions of dollars there out of the Land Development Agency on a fairly regular basis.

However, I am concerned, given the general declining prospects for land sales in the ACT. If you go anywhere and talk to anyone in the private development industry in the ACT, they will tell you that things are on the downturn. If you talk to any real estate agent or just peruse the property pages of the *Canberra Times* any Saturday you can see that prices are going south—not radically—in Canberra. I am not here to talk down real estate but there has been an adjustment in the market and there is a bit of resistance to entering the market.

At the moment we are looking at a \$90 million deficit for the budget next year and if the government is not correct on the dividend that it expects to get from the LDA, that deficit could be bigger. Simply because of the downturn in the market, I am not sanguine about the fact that the government will be able to reap out of the LDA the money it expects.

Mr Seselja spoke about the transport plan. I think there is much to be said in favour of having improved public transport. Although Mr Corbell well knows that I have been an advocate of improved public transport, he sits here saying, “You’ve got no vision” and making other little snipes across the chamber. We have a vision, we have plans for public transport but at the same time this has to be done in a sensible way.

This minister has spent a bucket load of money getting KBR to do a public transport feasibility study. We have all seen it and it is a big fat one. I passed a copy over to you, Mr Deputy Speaker. I think you sort of groaned under the weight and said, “Do I really have to read this?” Yes you do—I hope you have, Mr Deputy Speaker, and I will ask you questions later—because it is a very important document which tells us a great deal about how you should do public transport in the ACT. After he had spent I think \$76,000

on that public transport feasibility study—if that figure is wrong, I am sure Mr Corbell will correct me and I will stand corrected—he basically ignored it. Almost everything in it was ignored because the whole tenor and all the logical conclusions of that document were that he really needed to go with light rail.

The minister really needs to have some courage to do something about light rail. What we have seen here is a sort of halfway approach of “We will come up with a busway, which is very expensive and will not do anything particularly and which will not attract users. If people start to use it some time in the never-never, then we will spend a whole lot more money and convert it to light rail.” This is what they will do instead of having the courage of their convictions and going out in the first instance and doing something about light rail. Otherwise, they are not bothering.

Mr Corbell: Where was your promise for light rail, Mrs Dunne?

MRS DUNNE: In the election, Mr Corbell. You were not game to do it.

Mr Corbell: No promise at all. Your promise was for a study.

MR DEPUTY SPEAKER: Order, Mr Corbell! And Mrs Dunne, don't bait him.

MRS DUNNE: I had not realised that our running on time statistics were so good. I had a wicked thought that this would make Mr Corbell the Mussolini of the ACT but then I realised that that was, even for me, too harsh a comment to make.

But the thing is that we are now having real time. We are going to spend \$3 million dollars this year and an ongoing amount in the outyears. Last year we spent some money on some feasibility for real-time bus information. If timeliness is running at 99.89 per cent, why do you need real-time bus information when you could be spending the money in better ways? The thing that will increase patronage more than anything is frequency, is headway, and this government will not do that.

There are many things that this government has failed to do. We are still seeing great community discontent over changes to core areas in the major suburbs, and especially in the inner north and inner south. I hope that Mr Corbell's trips overseas have convinced him of what most people in Canberra already know, that is, that what he proposes to do will seriously tamper with the garden city. When he was in opposition he was the great advocate of garden cities. He spent a lot of time talking about how garden cities in Canberra were under threat and were an endangered species. He referred to the concerns of the national trust and said that he was going out there to uphold the objectives of the national trust. He said that he was going to play hell with a stick and ensure that the garden city character of Canberra was maintained. Of course, he still likes to talk about it and look at what happens elsewhere but this is all undermined when it comes to actual policy.

The A10 guidelines have been roundly and consistently opposed by the Liberal opposition and the crossbenches in this place, along with the community. But Mr Corbell will persist with them. He is trying to keep a low profile by not publishing any guidelines that will show what a fraud the whole situation is. But at the same time he is getting himself into trouble because, as Mr Seselja has pointed out, he made a commitment and

he had a priority before the election. Mr Corbell often has commitments and priorities before an election that disappear into the ether once the votes have been cast.

Then we have the complete failure of this minister to get on with the job of coming up with a new land act. He has got his green paper and white paper and his consultation exposure draft process, which means that we will still be waiting upwards of 18 months—and possibly two years if anything goes wrong—before the people of the ACT see a proper revised land act. We still have no idea what the content of that legislation will be. We do not know whether his proposals for revision are acceptable to the community and whether a streamlined planning system will meet the needs of the community.

This has been an area of high priority for as long as I have worked in the Assembly. This minister spent three years ignoring the issue. He has put in train a process that is inordinately slow and inordinately cumbersome and will not deliver for the people of Canberra, will not improve their economy and will not improve their bottom line because he does not have the interest or the inclination to make things better for the people of Canberra.

DR FOSKEY (Molonglo) (4.55): I have a few comments to make on this line of the budget. First of all, I would like to say that I think the allocations for sustainable transport are a positive aspect of this year's budget. I was pleased to hear that the current studies into the Belconnen-Civic busway will include consideration of all options, including the use of existing transport routes. A recent conservation council and Pedal Power transport card states that "recent statistics indicate that measures that have been implemented to date are moving the city in the right direction—getting consumers into buses and on bikes". So it is very pleasing that this budget puts additional resources into sustainable transport, and the next transport report card hopefully will show even greater increases in public transport use.

It appears that a key next move will be the introduction of a form of smart ticketing for public transport. During estimates we were told that the ticketing system is ageing and that investigations were under way but that no funds were allocated in this budget. I hope that we see an allocation towards this in the next budget.

Of course, transport planning and the planning of our suburbs and our town go hand in hand and measures are needed in both these areas if we are to create the sustainable city that the government likes to talk about. It was pleasing to see that the government committed funds towards a feasibility study for the building sustainability index. This index, once introduced, will require all new residential developments to meet a certain level of sustainability in respect of energy efficiency, water use, building design, et cetera, before a building approval will be granted.

It concerns me that it is just a feasibility study and that we still await a formal government commitment to proceed, although it is good to see some activity towards this. But I have to say that it is incredibly frustrating to be in the year 2005—where all but the most intransigent experts, who are generally found to have links with the fossil fuel industry, are recognising climate change as a real and threatening, and potentially unknown factor—and yet there are still no mandatory energy efficiency standards for new commercial buildings. Rome burns. Therefore, in my additional comments to the

budget estimates process I recommended that the government take all steps necessary to ensure that BASIX and the proposed new standards for commercial buildings are introduced as soon as possible.

I am also concerned that we are moving away from a city with multi-town centres, which provide amenity to more people. Civic business people appear to have more punching weight. I decry the lack of community representation on the Civic taskforce and fear that this bodes poorly for the liveability of our city, which needs diversity and amenity to attract people. No doubt the whole idea behind the refocus on Civic is to get more people shopping and spending money.

Another point that I would like to make concerns what the minister has had to say about questions I have asked about the role of planning in increasing the supply of affordable housing. It is clear to me that the departments of housing and planning need to work together to address this issue. On this point I am not satisfied that the Land Development Agency was walking the walk as well as talking the talk.

There is a lot that could be said about the ACT planning system, and I will leave most of that to other forums, but I express my hope that the money allocated towards the planning reform project, which is currently under way, does address some of the systemic problems inherent in our current planning process. In so doing, however, it is important that we build in standards for energy and water efficiency.

I am concerned that the changes proposed in the planning reform project may actually take us further away from protecting vulnerable parts of the environment. That is because the reforms look very much like those recently introduced in New South Wales, which are demonstrably bad for the environment and provide the minister with too much discretion, as I believe the ACT version does. The record shows that this generally means benefits to the developer rather than the community. At least in New South Wales we have seen good critiques of the reforms. I await a detailed and objective response to the ACT Planning and Land Authority reforms, and I will certainly be contributing to that.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (4.59): I thank members for their contribution to this debate. There are a few issues worth responding to in the context of comments that have been raised and highlighted during the debate. I will deal with public transport first. It is interesting to note that—I may have missed it—I have not heard the shadow minister for transport talk about public transport yet but hopefully he will do so during the debate.

Mr Seselja made some comments worth responding to. He criticised the government's commitment to invest in real-time information. The opposition's argument is that it is not a good investment to investing six-odd million dollars in real-time information to simply, in their view, increase the perception of the reliability of public transport. Nothing could be further from the truth because what the opposition fails to understand is that increasing perceptions of reliability also increases patronage, and that is what the investment is about. If people feel more confident that the bus is going to show up on time, if people feel that they know how far away it is, whether it is late, whether it is on time, whether it is early, then it makes it much easier to plan your journey.

And what does that mean? That increases patronage. Indeed, experience around the country and around the world—

Mrs Dunne: It only increases patronage if you have a decent service to patronise.

MR CORBELL: I know you have been caught out on this. But I am very sorry: they should have thought about it before they made such a silly comment. The reality is that investing in real-time information can increase patronage on routes that have real-time information by between three and 10 per cent. That is a significant increase in patronage. For example, in the past year we have seen an eight per cent increase in adult passenger boardings. So under this government, more people—

Opposition members interjecting—

MR CORBELL: Mr Speaker, it is interesting to hear the criticism from the opposition because more people are catching public transport than ever before. Indeed, from 2003-04 to 2004-05 we have seen an increase of 50,000 in the number of adult passenger boardings. Patronage is going up. I would have thought members would welcome that. Indeed, I thank Dr Foskey for her gracious acknowledgment of the government's preparedness to invest in public transport. That is not something that you get from the alternative government in this place, even though they claim to be interested in improving public transport in Canberra.

That leads me, of course, to the next criticism that we heard from the Liberal Party, and that was that if I had the courage of my convictions I would invest in light rail. Of course, the question should be asked, and I will ask it: where was the Liberal Party's courage of their convictions in the last election campaign? Did they promise to build a light rail network? Did they put on the table money that they said they would be prepared to spend as a government to build a light rail network? If they think that is the answer, where was it? Where was the election commitment? Where was the courage of Mrs Dunne's convictions? There was not any. To use her own gauge, she showed no courage, she showed no courage of her convictions. All she promised was a study—a study that has already been done. But she promised to do it again. What a waste of money that would have been if they had been elected to government.

This government is showing the courage of its convictions. We are prepared to spend more money on public transport and we are getting the results. We are getting increased public patronage, we are getting improved reliability and we are lifting the standard of public transport.

Of course, as members would know, the budget provides for a continuation of our bus fleet replacement program. An additional 11 new compressed natural gas buses will be added to the fleet in the coming year, increasing to over 50 the total number of new environmentally friendly, wheelchair accessible buses in the ACTION fleet that we have purchased since being in office. We have also increased funding for our bus maintenance and obviously we have increased funding to deal with the increased cost of diesel fuel. Of course, our commitment to public transport is an ongoing one. The budget continues funding for the feasibility and detailed design of the Belconnen to city busway, and this work will inform future government consideration of that project.

Let me talk about Mrs Dunne's critique of the KBR study, the public transport futures feasibility study. She said that that study recommended light rail and that I ignored it. Mr Speaker, I do not know which report she was reading but the report that I read said very clearly that in the longer term light rail is the appropriate transport mode for rapid transit between our town centres but it cannot be justified at this time. It cannot be justified on cost grounds or on grounds of total population and population density along public transport routes.

So what did the KBR study recommend? The KBR study recommended that we sequentially establish the framework that will ultimately lead to light rail, and the first stage that it recommended was the establishment of dedicated busways between our town centres. And what are we doing, Mr Speaker? We are investing as a government in the feasibility and forward design for the first of our busways, and that feasibility and forward design will inform the government's decisions on the future of that project. That is what we are doing.

In relation to planning itself, Dr Foskey raised the issue of the BASIX system. I was very pleased to get a commitment from the government to fund the evaluation of BASIX as a potential tool to assess and, indeed, reduce water and energy consumption in new homes. BASIX is a system that has been demonstrated to be rigorous in its assessment process and in its science, and I am hopeful that we will be in a position to introduce BASIX as a mandatory tool to measure the energy and water efficiency of new homes in the coming year.

Of course, the Liberal Party also criticised, as is their wont, the issue of the planning system reform process. In particular, Mrs Dunne and Mr Seselja argued that nothing was happening with planning system reform. Well, I am really pleased as minister—

Mr Seselja: Sorry, when? Who said that? Sorry, I didn't say that.

MR CORBELL: No, maybe you did not say it, Mr Seselja, but the shadow minister did. Mr Speaker, in that regard I am really pleased, as Minister for Planning, to have indicated what the government's convictions are, and they are to improve our planning system. I outlined a very comprehensive set of proposals, which I released for public comment about a month ago. That was a very extensive system of reform—the most significant reform proposed since self-government, since the land act was passed. This government is the first government to attempt such a reform and I am proud as minister to be the person given the responsibility to do that.

No other government has done it. No other government has proposed comprehensive reform of the nature this government is proposing. This reform will lead to a complete rewriting of the land act. It will significantly, if implemented as proposed, streamline the development assessment process. For example, if you are building a new home in a new suburb and you meet the relevant guidelines, no development assessment will be required for your home. A building assessment will be required. A building application through the privatised certified system will be required but not the development application itself. This is just one example of our willingness to improve the system. It is something that we will continue to pursue, and the budget funds this very important initiative.

MR SESELJA (Molonglo) (5.09): Mr Speaker, I would like to respond to a couple of matters that Mr Corbell raised. Firstly, I refer to planning system reform. I certainly welcome the planning system reform process. As anyone in the community or industry who has dealt with planning will tell you, it is a long overdue reform. I said at the time, and I will continue to say so, that much within the announcement is positive. What will be important, though, is how the reform is implemented. The promise is one thing: the implementation is another. So I look forward to seeing that.

I make the point that this is the system that this minister has been in control of for going on four years. This minister needs to take some of the responsibility for the state that this massive planning system reform process is in at the moment. It is all well and good to say, "I'm going to reform it now" but he has been there for four years. I note that in the last Assembly Mr Corbell voted against a couple of motions that proposed significant reform of the planning system. He was so committed to reforming the planning system that he voted against such reform! As I said, I welcome his belated conversion to planning system reform. It remains to be seen how well this will be done, and we will be watching very closely.

I also have to say that there was nothing in Mr Corbell's response—and hopefully when he gets up again he can address this issue—about his broken election promise in relation to A10 guidelines or in relation to the other broken election promise on cycle lanes. The broken election promise in relation to the guidelines is an important one. As I recall, this was a significant issue during the last election, particularly in the inner south and the inner north. Mr Corbell's press release and his subsequent direction, his toothless direction, to ACTPLA, which was backed up by no funds, was designed to appease growing unrest in certain parts of Canberra over development in A10 areas.

I want to hear from Mr Corbell when he next gets up as to why he has broken that promise and when he expects that he will provide the money for the development of those guidelines. He made this promise on, I think, 9 September—at some time in September at the height of the election campaign when this was a significant issue. However, in budget deliberations straight after the election he threw it out the door. I want to hear Mr Corbell respond to that and the other broken election promise that I identified.

I certainly welcome increased patronage of ACTION but it has to be said that one of the reasons that more people are hopping on a bus is because it is pretty hard to find a park in Civic these days. It is nice for members of the Assembly to have reserved car parks but if you are coming into Civic at the moment it is not very easy to find a car park. So no doubt that is in part driving people on to buses. This is where we have this debate and this battle between taking regressive steps against motorists by getting rid of all the car parks and taking positive measures that make people want to catch the bus or whatever other public transport is available. This is a tension that has not been resolved. I think Mr Corbell needs to tell us why there are fewer car parks and whether this is a big part of why there has been an increase in patronage.

I would like to emphasise a point that I was not able to make earlier in relation to planning system reform. During the estimates process we heard from a number of industry groups that planning delays were the most significant problem in respect of the

ACT economy moving forward. We have certainly heard people like George Wasson and Jim Soorley say that the planning system in the ACT is the worst in the country.

Mr Corbell came into estimates and said, “Well, you know, wherever you go they always say that. You go to Sydney and they say New South Wales has the worst planning system.” That dismissive approach was unfortunate. The planning system reform process shows that the minister acknowledges that the system is in trouble and that the system needs fixing. An Auditor-General’s report presented some time ago indicated that there are significant issues in relation to delays in the planning system that need to be fixed. As I said earlier, this situation has in part come about under this minister, and he needs to take some of the responsibility for where things are at the moment.

Another area of discussion in estimates was the tender process for Forde. Concerns were raised about Mr Corbell’s public comments during the tender process that, “We’d like to see interstate developers get the job because they’ll do a better job.” I think that intervention from Mr Corbell was unfortunate. The successful tenderer, CIC, said that they chose to partner Lend Lease not because they thought a local builder could not do the job but because they thought that is what the government wanted. So there is no doubt that Mr Corbell’s public statements, through the *Canberra Times*, influenced that process. That is unfortunate and that was one of the things I raised with Mr Corbell.

We also had discussion about the extent of the LDA’s activities. Whenever I asked a question about that, the response was, “Well, we have had this debate. There is an ideological debate as to whether you have an LDA or not.” But the real question was whether or not the LDA is monitoring the market to determine the appropriateness of its level of activity within that market, and that was a question that Mr Corbell refused to answer.

The last thing I would like to talk about is the loss of jobs within ACTPLA. I commend Mr Corbell for being candid and honest and telling us the exact number when we asked a question about it some time ago. It was hard to get out of some ministers the exact number of job losses in their portfolios, so I commend Mr Corbell for telling us that there would be between nine and 11 jobs lost in ACTPLA. When I said to Mr Corbell that jobs had been slashed, he said, “Slashed? It is not slashed.” Well, it is a matter of debate but it is still four per cent of the workforce and no doubt those who are losing their jobs would feel that it is a problem.

I would just make the point that these job losses—and this is also the case with the 240-plus job losses that we are seeing across the ACT public service—are a direct result of mismanagement by this government. You expand the public service quickly and then suddenly you have got to cut it back by 240 and say, “We take no responsibility for these jobs that are being lost.” This government needs to take responsibility because it has been in office now for four years and it has been expanding the public service. Suddenly a lot of the people they gave jobs to are going to be losing their jobs and that is not a good way to manage the economy and move forward. The people who are suffering will be those within ACTPLA and within other agencies who are about to lose their jobs or who have already lost their jobs. I think I will leave it there. I look forward to Mr Corbell’s response in particular to the broken election promises.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.17): Mr Speaker, a few issues are worth highlighting again. I was interested to hear Mr Seselja's grudging acknowledgement that there has been an increase in ACTION patronage. However, he said that this was because we are building on car parks. That is a very silly suggestion and you only have to look at some statistics to see that. For example, at the moment there are about 12,000 to 13,000 car parks in the central city area.

Mr Seselja: They are just not close to the shops.

MR CORBELL: At any one time—

Mr Seselja: They are all there at the back of the Assembly.

MR SPEAKER: Order, Mr Seselja!

MR CORBELL: At any one time only about 73 per cent of those car parks are utilised. So there is actually a surplus of car parking space in the city compared to utilisation.

Mr Seselja: Just not in the good areas, Simon.

MR SPEAKER: Order, Mr Seselja!

MR CORBELL: I acknowledge that the distribution of those car parks is not uniform across the city and that obviously creates issues. But when you look at the overall provision of car parking in the city you see that it is surplus to peak requirements. So that is something that is worth members keeping in mind. Fundamentally we have to ask ourselves as a city and a community what sort of built form do we want in our city? Do we want a city dominated by surface car parking or do we want a more urban environment? That is the question that we have to address as a community.

Perhaps it is worth highlighting that what is actually increasing patronage is increased frequency of service. In fact, 50 per cent of the eight per cent increase in patronage that we have seen from last year to this year is entirely on our new Xpresso commuter services. So the money that the government has invested in increased frequency during peak times is what is attracting increased patronage. Ms Dunne criticises the government for not focusing on frequency. There it is, Ms Dunne—50 per cent of the increased patronage is down solely to increases in frequency during peak times. It speaks for itself.

Mr Seselja raised the issue of funding for cycleways. During its term in office the government has invested considerably in on-road and off-road cycle paths. We have a strong record in that area and we continue in this budget to increase that funding significantly.

I would like to refer briefly to the funding that is made available in the budget for the ongoing implementation of the Canberra central program. This government put on the table about 2½ years ago the need to establish a framework to drive city revitalisation. The Canberra central taskforce was the outcome of that. I am really pleased that as

a community we are now having the debate about the future form and future outcomes that we want to see for the city centre.

I want to reject the assertion that the government's focus on the city is to the detriment of town centres. Indeed, you only have to look at the level of development activity occurring in the Gungahlin, Belconnen and Woden town centres in particular to see that that assertion, which I think was made by Dr Foskey, is just blatantly not true. Go and look at the new residential development and the new commercial development that are either under way or proposed in those town centres. What that shows is that a strong Civic centre leads to strong town centres and vice versa. My view is that Civic is and has always been recognised as the first among equals. It is the city's premier cultural, commercial and administrative centre. But this does not diminish the important roles that our town centres play and you only have to look at the level of investment in those town centres to see that development is not solely concentrated in Civic.

The planning budget continues the government's reforms of the planning system. Mr Seselja said I have been responsible for the planning system for four years and that I must take some responsibility for the state it is in. The planning system that we have now in terms of development assessment and so on has been unchanged really since the land act was passed in the early 1990s after over 100 amendments had been dealt with on the floor of the Assembly. The land act we have now is a legacy of minority government—there is no doubt about that—and in particular it is a legacy of the undue power and influence of the independents and minor parties in this place.

What we now have is an opportunity to establish a contemporary land act, a land act more in keeping with broad community expectations. That is the government's objective. The government went to the last election promising a reform of development assessment and we are delivering. We have set out the reform agenda. In our first term, and prior to our first term, the government's commitment was to reform the government's arrangements—the planning authority, a chief planner, a land development agency. We delivered that, too. So we have a strong record of delivering what we promise and we will continue in that vein.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.15—ACT Forests, \$193,000 (net cost of outputs), totalling \$193,000.

MRS DUNNE (Ginninderra) (5.24): I could not convince Mr Seselja that he should talk about ACT Forests. ACT Forests is an organisation that has been under enormous pressure, especially since 2001. The enormous pressure that it has experienced since successive bushfires in two seasons has highlighted the frailty of the system. ACT Forests was inherited from the commonwealth at self-government and it was seriously underfunded and in many ways in a depleted state.

Forests have had a fairly inglorious history in many ways and successive governments since self-government have attempted to make ACT Forests a viable organisation, with limited success. The work of the previous government probably was just beginning to bear fruit before the 2001 fires. It is ironic that the first time that ACT Forests had ever turned a profit, I think, was after the 2001 fires and, if you read the books, the positive

outcome was solely as a result of the insurance payment for the devastation of the 2001 fires. The same thing happened again the next year.

We have now a fairly depleted industry and the land that ACT Forests manages is very unstable and requires a lot of work to restore it to a state where we could do anything useful and productive on it in the future. The lower Cotter catchment, which has been discussed at length in this place on a number of occasions, is a real problem for ACT Forests. The many ad hoc decisions made by the government to replant *pinus radiata* without giving very much consideration to the environmental as well as the economic benefits for the community have been unfortunate.

The rumours around the community in relation to the urban services reconfigurations indicate that there may be some changes afoot for ACT Forests' responsibility for land management. I hope that whatever happens, whatever Mr Hargreaves sees fit to do in relation to the restructuring of urban services, will take into account the problems in ACT Forests.

I have been critical in the past couple of years of the propensity of this government to build monuments. One of the first acts of ACT Forests after the fires was to go out and build a new headquarters, even before we had decided whether we would continue to have ACT Forests. I hope that that money has not been misspent and that, as a result of the reorganisation of urban services, we will not end up doing away with ACT Forests, because then we will have headquarters that probably should not have been built where and when they were and that will be headquarters for nothing in particular.

Mr Hargreaves needs to do a lot of work to bring ACT Forests up to scratch. This is not a criticism of the staff themselves, who have had four or five absolutely hideous years, but some hard decisions have to be made at the policy end, at the in-principle end, at the visionary end, about how we administer our land and then we need to spend some money and give some resources to people to manage land in an appropriate way.

As Mr Seselja, Mr Mulcahy and I have said on a number of occasions, the \$14.2 million that is being frittered away on icon building, vanity projects like the international arboretum probably would be better spent by having organisations like ACT Forests, urban services and parks and conservation managing the land, especially the land devastated by fire, for the benefit of the whole community. I hope that Mr Hargreaves is applying his mind to how best to manage all that land, those many thousands of hectares of land, under the administration of ACT Forests not only economically but also for the benefit of the environment.

DR FOSKEY (Molonglo) (5.29): Mr Speaker, I have already discussed under the budget line for the Chief Minister's Department my thoughts on the government's priorities, the lack of funding for the environment and work on the Cotter catchment.

Mr Quinlan: Do it again!

DR FOSKEY: Am I the only person who says things a couple of times, Mr Quinlan?

Mr Quinlan: No, I said, "Do it again." They repeat themselves.

DR FOSKEY: Good. Encore, encore! To recapitulate, the rehabilitation of the Cotter catchment—

Mr Quinlan: It was with irony, though.

DR FOSKEY: Who has the floor here? To recapitulate, the rehabilitation of the Cotter catchment is a significant job. It is no surprise that the Greens believe that planting pines there again will compromise the core objective of maintaining water quality and quantity. I was pleased to see the estimates committee report note the need for the progress and means of the rehabilitation to be reviewed by the end of 2005, including the scope for public and scientific input.

I ask the government to take heed of that, particularly the need to continually engage with the scientific community on this matter. I am also aware that a catchment working group is revisiting whether to plant pines in the catchment, but its recommendations to the minister are not yet public. I look forward to seeing those recommendations and I hope that the community's concerns have been taken into consideration.

Another matter of significance is the restructure proposed for ACT Forests. It will now fall under the Chief Minister's Department, more specifically Environment ACT. I understand that the nature of this restructure is yet to be determined. I will be watching the restructure with interest because I do think that it has the potential to be a positive move.

The restructure will allow the conservation principles of Environment ACT to have an impact on ACT Forests, perhaps pushing it from the old approach of forest harvesting to more positive land management practices. I suggest that the decision was made—though very quietly, without any fanfare—because the government has shifted its priorities for the management of that land to catchment over production forestry.

If such a move were to take place, ACT Forests would not have to pretend that it was a profit-making enterprise. It is well known, as Mrs Dunne has just reiterated, that the only time ACT Forests made a profit in its life was when forests burnt down and were not there any more. I must add that any income that it might make would pale when offset against the cost of planting, maintaining and harvesting as well as the cost of maintaining roads and fences and then, ultimately, replacing pines that are lost in what I suppose we have now come to expect as a 40 to 50-year cycle of major fires. Of course, that is not even taking into account the impact of the management of plantations on catchment values, which is not calculated as a cost in our budget. I will be happy to support this funding.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.16—Department of Disability, Housing and Community Services, \$92,399,000 (net cost of outputs), \$12,401,000 (capital injection) and \$26,117,000 (payments on behalf of the territory), totalling \$130,917,000.

MR SESELJA (Molonglo) (5.34): No doubt my colleague Mrs Burke will have much more to say on this expenditure, but I have a few observations to make about the

estimates process and some of what came out of it. Obviously, there was discussion about the \$10 million broken promise for housing, but we will get onto that later under another line of expenditure.

One of the things that came out was that members of the community sector appeared to be critical of some government plans for spending. There was criticism of the \$1.6 million for an intensive care and treatment facility. ADACAS, the ACT Disability, Aged and Carer Advocacy Service, said about people with a disability:

... we know, virtually without exception, this group is not going to benefit significantly from such a facility. Why spend all this money?

So there was concern, certainly from ADACAS, that perhaps it could have been spent in different areas. There was criticism by the MHCC, which stated that it was “greatly disappointed with the lack of sufficient funding to support the ACT mental health strategy and action plan”. I am sure members on both sides would acknowledge the crucial importance of mental health funding. Obviously, it is tricky for government to get the right amount there, but one of the community groups certainly was telling us that in its opinion there was not enough. Obviously, there are priorities. I think that mental health is one of the really important areas of government spending.

Concerns were raised in relation to some of the administration costs of the taxi subsidy. The administration of a number of areas of DHCS was also questioned in the estimates process; in particular, as I said, the taxi voucher system, which costs in the order of \$200,000 in administration for a system worth \$750,000 in subsidies, that is, an administration cost of about 27c for every dollar that is paid in subsidy. That does seem particularly high. I think that is an area in which the government does need to look for some efficiency gains, perhaps by the use of cards or some other system that would bring down those fairly high costs. I think it would be acknowledged generally that the administration costs are pretty high. I think that that is an area in which the government should look at reining in some of its spending and finding some efficiencies so that more money can go to subsidising disabled users of taxis rather than administration.

I do have to raise the issue of Mr Hargreaves’s performance in this area, in particular some of his offensive comments. Mr Hargreaves made reference to people with disabilities in the first 10 minutes of his estimates committee appearance. He continued to be offensive and inappropriate. In his opening statement he said:

In regimes prior to the Stanhope government, people were stuck in a cupboard. We are not going to do that.

I think that members generally, not just opposition members of the committee, found some of Mr Hargreaves’s performance during this hearing and some of the others inappropriate and certainly unhelpful for the committee in trying to do its job. I know that the chair found it difficult at times to control Mr Hargreaves, and that was disappointing. I will have a little more to say on that in a second.

I welcome the increases in individual support packages. I was pleased to see more money added for this initiative. Much was made earlier in the year of individual support packages. There was heavy criticism in the *Canberra Times*, with stories of young

people left in nursing homes without support funding. As I said, I welcome the individual support packages. There is still, however, the potential for families with disabled children or persons with other disabilities to compete for funding with each other. Obviously, it is a question of priorities, but a reallocation of priorities would see more money for things that are needed, such as ISPs, and perhaps less for some of the more grandiose schemes we have seen in the budget. The arboretum would be one area where we have seen a bit of a misallocation of resources.

The consideration of multicultural affairs was one of the more unseemly moments in the estimates process and was disappointing. In response to questioning by Mr Pratt, Mr Hargreaves said:

If you want to go in there and politically interfere with its management, feel free. I suggest that you should be very careful about what you say or, otherwise, publish a picture of your house in the *Canberra Times*. That's how much you'll be paying if you keep going down this track.

I have pages of *Hansard* of the exchanges that went on. I repeat that I certainly found it unhelpful, I know that my colleague Mr Mulcahy did, and I do not think that view was limited to opposition in some of these hearings. There were times when we had great discussions with Mr Hargreaves and he gave us some good information, but I would highlight for the Assembly that there were particular times when there was, in my opinion, inappropriate behaviour by the minister and it was not helpful for a proper scrutiny of these budget areas.

MRS BURKE (Molonglo) (5.40): In many respects, I see the 2005 budget as a budget of missed opportunities and misplaced priorities and one demonstrating in some areas poor financial management. That was evident no more so than within the area of disability services, particularly in relation to the injection of more funds into valuable programs that support those in the community who, let us not forget, are in greatest need of government support, people who otherwise just would not be able to access any form of support.

Ongoing certainty of funding for community-based organisations to deliver valuable community services in addition to work conducted by the disability, housing and community services portfolio is crucial. They make an invaluable contribution to supporting people in the community who are reliant on care options that the government cannot always supply.

There have been many reports, reviews and inquiries into specific areas of service delivery in the area of disability services over the last 3½ years and, no doubt, they have once again supplied government with a very rich vein of information and advice as to how to find a way forward with the delivery of improved services and support in areas such as the disability sector. Now is the time to translate that information into action, something this government seems to wrestle with on a daily basis. I acknowledge that the minister has put forward some good efforts, but he knows himself that the pressure is on him. I will get on to that in a moment.

During the estimates process, the committee highlighted the need for greater focus on a breakdown of how funding has been allocated to improving areas of need since the

delivery of reports that have highlighted some deficiencies; for example, the Gallop report on disability services. I note—and this is in no particular order, but I want to highlight them—recommendations 14, 15 and 16. I am very pleased to see those, I have to say, in the report on the estimates hearings.

Although the government sought to provide a breakdown of evidence on how funding was being matched to areas of unmet need and service delivery improvement, it appears that, as always, more can be done, with apparently little progress being made in areas such as the auditing of government services in order to monitor whether there is room for more improvement. Staffing is another issue. It has been of concern to many in the sector that, for example, the government is taking longer than expected not only to implement programs that will improve the quality of training of people, but also to target funds through recruitment programs that will significantly impact upon the actual services that can be delivered.

It is difficult to understand why, therefore, the minister would seek to have funds transferred from a recruitment program in Therapy ACT to have more professionally trained staff working in their chosen field, helping people in the community, to a capital works program within a facility which, I have no doubt, also needs funding. Surely capital works should be a separate funding stream from funding for delivering upon government outputs, that is, funding real services that will assist people in need. It may well be the case—I think the minister alluded to it himself—that both the capital works improvements and staffing levels in the disability sector require the same level of focus and attention, but one surely should not come at the cost of the other.

The estimates committee asked the government to reassess how it allocates funding in relation to an inquiry reporting process and ensures that it can demonstrate a distinct link between how funds are allocated, with justification, to address any specific recommendations. I allude particularly to recommendation 14. That would appear to be a logical solution to clarifying, not only for the Assembly but also for people within the community, how funding is to be allocated to programs that will directly impact upon them. The public would expect and, more to the point, deserve to have clarity and transparency, and a very firm commitment to backing up rhetoric with the funding, in order to address areas of community or disability services to those most in need of further financial assistance.

There is a political reality to be faced, I am sure, by the minister when charged with finding particularly funding solutions to complex issues and having to find a balance in appeasing certain sectors of the community. At the same time, I realise that the minister also faces the extreme disappointment and frustration of not securing further desperately needed funds for his portfolio area, one that should be given greater status by this government. It would seem that this sector misses out at the expense of the Chief Minister's pet projects. He appears to be much more concerned with posturing and grandstanding by pursuing projects such as the arboretum and the Human Rights Act.

Mr Quinlan: You don't like our arboretum, do you?

MRS BURKE: The Treasurer is nodding. I am glad he is agreeing. During the delivery of the budget, I welcomed some new initiatives that would assist in sustaining areas in the disability sector that must have ongoing funding and I commended the government

for doing so. It is a reality with programs such as the individual support services and ultimately the packages that the minister was only able to deliver funding to address some of the backlog. In reality, the apparent new program of the 2005-06 budget to increase the number of people receiving an individual support package from approximately 165 to around 175 is simply allocating funding to the applicants who are severely disabled and who missed out in the previous funding round. As my colleague Mr Seselja said, we welcome that, minister—it is great—but there is a need to do more. I know that the minister is going to talk about that in a moment.

Whilst it will obviously always remain difficult to appropriate further funding for unmet need in this sector, I believe that the government has underestimated and not addressed the issues early enough—given, as I have previously mentioned, that it has known about the many areas of unmet need for over three years—in order to be in a position to prioritise funding and then deliver crucial services that the tax paying community would expect. As a shining example, the provision of individual support packages is an area that the government unequivocally should provide for, to ensure that it is aiding and improving the quality of life of people with a disability in the ACT.

I note and welcome that the minister is accepting some of the major reforms highlighted in the Gallop report in relation to offering individual support arrangements for people with a disability. I am concerned that with more focus being placed on the need for funding, which will be difficult to find in the coming lean budgetary years, the families applying for funding packages will still continue to be forced to compete with each other to receive vital ongoing support. As this government will be faced with some lean budgetary years ahead, I will continue to observe, with interest, how the minister for disability services will manage to convince his ministerial colleagues of the value of a sustained funding commitment to the sector, a sector which ultimately relies quite heavily on government support and which quite rightly deserves greater assistance.

In closing, I believe that the budget really fails overall to hit the mark sufficiently in addressing issues such as individual support packages, assistance for ageing parents caring for a child with a disability and wheelchair accessible taxis, to name but three. Disability, housing and community services is a portfolio on which I believe the Stanhope government needs to place far more emphasis and greater focus in terms of front-end funding, not simply bandaid solutions.

DR FOSKEY (Molonglo) (5.48): I am going to begin by talking about housing because it is the area of greatest failure in this budget. Despite repeatedly acknowledging that there is a crisis in affordable housing, and expressing a commitment to address this situation, the government has failed to deliver on a number of key election promises, including additional capital injections for public housing of in the order of \$10 million a year for three years, funding in the order of \$4 million to retrofit some public housing for energy efficiency, and new and expanded programs to assist people to enter and maintain private and public tenancies.

When presenting the budget, the Treasurer made the statement that a number of indicators support the view that housing affordability in the ACT has been improving since the middle of last year. In the estimates committee hearings we established that he was referring to one key indicator, the AMP and Real Estate Institute of Australia home loan affordability measure. I should point out that the Treasurer indicated to the

committee that housing affordability in those terms of ownership had improved over the past 12 months. The Treasurer wrote to the committee a couple of days later to correct the record and confirm that housing ownership affordability had, in fact, deteriorated over that time.

A spokesperson from Treasury acknowledged that this indicator says nothing about the affordability of privately rented housing. In fact, there has been no decrease in median rents in the ACT and rental costs here are relatively high compared to the rest of Australia—the highest of the capital cities of Australia for housing and the second highest for units—because demand has been very close to supply, leading to a low vacancy rate. There is no evidence that the rental market is easing or that there has been any reduction in the number of people seeking urgent placements in public housing.

If I were a cynical person, I could interpret this to mean that the Treasurer and more broadly the ACT government think of home affordability only as it relates to the cost of buying property. This is a view that would be supported by the fact the Treasurer highlights the first home buyer concession scheme as a major, perhaps the only, measure in this year's budget to increase housing affordability. Perhaps then we should not be surprised to find that cabinet did not even consider providing additional funding for public housing, despite the election commitment to spend an additional \$33 million.

Perhaps it is a lack of concern over housing. Perhaps it is simply a reflection of the priorities of the minister, who “didn't particularly feel like asking for \$62½ million”. He went on to say that he wanted to ask for funding for other initiatives. So, instead of putting forward all the needs recognised within his portfolio, he selected preferred projects and left the rest out. This has resulted in a broken election promise and the prospect of little or no improvement in public housing waiting lists over the next 12 months. Indeed, I note from the budget documents that there will be a net decrease of around 100 in the number of properties managed by ACT Housing over the next 12 months.

Canberra does not have a large number of private or non-government housing suppliers with a focus on affordable housing. The estimates committee hearing heard testimony from community groups, including ACT Shelter, ACTCOSS and the Mental Health Community Coalition, that there is a very serious undersupply of affordable housing in Canberra. This has resulted in long waiting lists for early allocations of public housing and a bottleneck in crisis accommodation services.

The failure to invest in housing perpetuates a range of other social and economic difficulties for people who are experiencing homelessness or housing stress. To quote ACT Shelter's Kerrie Tucker from the estimates hearing of this year:

... housing is more than just a roof. A secure, affordable and appropriate home is essential for you to deal with all your other issues, and you're not going to be able to do that if you don't have secure housing. So you have to see the lack of affordable housing in the broader context.

By the way, I have heard similar comments from members of this government, so Kerrie Tucker is in good company when she makes this comment.

I welcome the report tabled today by the minister as a very useful compilation of the measures that this government has taken towards improving housing affordability. I will read it with great interest and respond to it in the fullness of time. I will talk further on public housing under the Housing ACT line of this bill, but I would like to move on to disability services.

As I said in my speech in reply to the budget, I welcome the positive initiatives in this budget for children with a disability and their families, including the caring for kids at home program, the additional therapy support and the additional resources for children with intensive needs. The new northside community-based service for young adults with a disability is also an important initiative, although I think that it should be matched with community-based support for young people who do not want to attend the centre-based service but face barriers to accessing further education or training and a very lengthy wait for employment assistance.

I am, however, disappointed with the amount of funding allocated to assist adults with a disability and family carers who have provided long-term support. While some funding is certainly better than none, the recurrent funding of in the order of \$800,000 per year for community support and crisis intervention will assist just 15 people with high unmet need, leaving all the other families that sought funding in the ISP round last year without hope for another year.

The minister suggested during the estimates committee hearings that his interest in providing additional funding to people with high and complex needs was part of his motivation for not asking cabinet to consider meeting the government's election promise of an additional \$10 million per year for public housing. I do not understand why both of these areas of need could not have gone to cabinet. I think that they should both have been given priority over recreational projects such as the dragway and the arboretum. I also think that the minister should not skite about securing less than a \$1 million a year for disability by giving up \$10 million a year on housing. The question is: why didn't he ask for both?

There are families in the ACT who are in crisis. They have been caring for a relative with a disability with minimal support for as long as they can handle, sometimes longer than they can handle. I have seen people who are very close to breaking point. They need help now. The arboretum could wait a year or two, or three, without anyone being too upset, whereas there are families at breaking point that cannot wait a year. More should have been done in this budget to respond to these needs.

I also share the concerns raised by ADACAS in the estimates committee hearings in relation to the intensive care and treatment facility which received funding in the last budget for a feasibility study and is now to be implemented. A substantial amount of the funding for this program is going to be spent on building and operating a facility that is intended as a transitional service but could well turn into a longer-term place to house people with challenging behaviour who are not easy to accommodate. It is not as though this has not happened before in disability services.

Contemporary research suggests, and ADACAS provided a summary of it, that people with intensive support needs as a result of challenging behaviour can find ways to

modify that behaviour if they get the right sort of compassionate, informed guidance from people who are highly skilled and adequately resourced to spend time with them and work with them in their environment. This is expensive in the short term perhaps but it can pay dividends over the longer term.

Finally, on the issue of disability support services, I have stated previously and I will say it again that I do not accept the government's estimate of how much it has spent on responding to the Gallop report. The breakdown of the estimated funding that was tabled with the estimates committee included funding spent on therapy services and transport, none of which were matters canvassed in the recommendations of the Gallop inquiry. I do not believe that the government has adequately responded to the Gallop report recommendations. There is more to be done and including spending on other areas of disability services is misleading.

MR SPEAKER: Order! The member's time has expired. Would you like to proceed for another ten minutes?

DR FOSKEY: Yes. With regard to the community services portfolio, the new approach to community sector funding indexation, which will replace CPI indexation with an 80:20 wage cost/CPI indexation method that more accurately reflects real costs, is a step in the right direction, but it is an affront to the sector that this measure is being delayed for 12 months. The delay will cause considerable hardship for community organisations that have been waiting three to four years for this change in formula and are currently treading water.

I will also repeat my disappointment that the government has missed an opportunity to strengthen the viability of the community sector by responding to the community sector viability task force's deliberations and failed to invest in the community sector's infrastructure, including community facilities and information and communications technology.

I would like to talk a little bit about concessions. The government has provided additional funding in this budget for the concessions program. The minister told the estimates committee that concessions on, for example, energy, water and sewerage, and motor registration greatly assist lower income families and pensioners to make ends meet.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The adjournment of the Assembly having been put and negatived, the debate was resumed.

DR FOSKEY: I agree with that, but I have long been of the view that limiting concessions to people who are income-support recipients through eligibility requirements based on pension cards contributes to poverty traps and fails to recognise that people living on comparable levels of low income but income that is derived from earnings or superannuation would equally benefit from access to concessions. The government has reviewed the concessions program but it has refused to release the report and does not appear to be willing to grapple with this issue, which would be an important step towards poverty alleviation.

I am disappointed that the budget does not include initiatives in relation to emergency relief and an expansion of concessions programs. The St Vincent de Paul Society told the estimates committee that it is seeing a deterioration in the situation of people who are disadvantaged and experiencing poverty. I do not blame the ACT government for that, because I am sure that federal policies have an awful lot to do with it. It is true that emergency relief received a small injection last year, but not enough to meet the increase in need experienced by welfare services in the ACT.

I have said before that this budget is not a green budget. By that I mean that it makes little investment in environment sustainability. But the same can be said for social sustainability, which is also a core concern of the Greens. But, as a core concern of much of the Labor Party's own constituency, I would have to say that it is not a pink budget either.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (6.02): I think we have canvassed most of the comments that the opposition and Dr Foskey have made in the context of questions without notice in the last few days. I do not know how many times I have addressed the \$10 million housing issue. I do not know how many times I have had to respond to questions from Mrs Burke on independent support packages.

But I have to say that I observe these things: it was, in fact, this government that put money into the Gallop inquiry. I do not recall much money being put in by the previous government. Had the previous government properly resourced the second and first phases, maybe those issues to do with Gallop would never have arisen and we would not have had to put all those tens of millions of dollars into it.

I do not recall those opposite coming up with anything about affordable housing or addressing homelessness particularly well, as I articulated when discussing the report today. What I do observe, however, is the way in which I am accused of certain behaviour in the estimates committee. My recollection of it is that the behaviour of two members of the committee was so appalling that I could not contain myself, for which I apologise. I think they really ought to examine themselves today because I think you will find that there is nothing to be gained by all that sort of stuff; it was just nonsense. Maybe Mr Seselja ought to think about it in a strategic sense. There might be a lesson in there.

I have to say I am particularly proud to be able to have got that extra \$800,000 for ISPs because it is a very tight year. This is a very responsible budget in a very tight time. I think you will find that Disability, Housing and Community Services is able to provide services to those most in need reasonably well. I am confident that the level of resourcing available to us will enable us to continue to provide services to these people in a far superior sense than the opposition could ever dream of.

I do not believe in an either/or situation. These folks opposite talk about maybe the arboretum would be a good idea to go. It is a bit like the prison: let us put the prison off and we will put the capital money for the prison into the hospital recurrent funding. That was good, wasn't it? That was great. We will have \$110 million of capital out of the

prison and we will put it into the recurrent hospital funding. Of course, after the first year: woof, you are gone. Where, I ask, were they going to find the \$110 million recurrent from year two onwards? No answer to that; no answer there. The same thing applies to their solutions now. In fact, it is a raging joke.

I am particularly proud of the budget for disability services that I have been able to wangle out of the Treasurer and out of the cabinet. I urge the Assembly to pass the Treasurer's budget with acclamation.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.17—Office for Children, Youth and Family Support, \$70,935,000 (net cost of outputs) and \$12,950,000 (capital injection), totalling \$83,885,000.

MR SESELJA (Molonglo) (6.06): I would like to raise a number of issues in relation to this budget area, a number of which were discussed yesterday, in fact. I will try not to go over too much of what was said yesterday or repeat too much of that, but I will emphasise some of the points.

Obviously, one of the things that came out, as has been highlighted in this place since, was the breaches of the Human Rights Act at Quamby, in particular subsection 19 (2) of the Human Rights Act. What that deals with is mixing remandees with prisoners or detainees who have been convicted of offences. The reason that it is a good idea not to mix those is the obvious dangers. Obviously someone who is a remandee may not be guilty of the crime that they have been charged with and to be mixing them in the general population, including people who in some cases have been convicted of fairly serious offences, is a concern. That is why we raised it during the estimates process and that is why we have highlighted it. I note the minister's response that something was going to be done about it. I personally welcome that.

The other issue of concern in that area is mixing adults with children. It has been pointed out that these adults are only 18, but when the youngest detainees in Quamby can be as young as about 12—I think we heard that during the estimates process—that is obviously a bit of a concern in terms of safety issues for those very young detainees. Likewise, mixing male and female detainees is an issue of concern, I think, to all Canberrans. I think the sooner that some of the issues at Quamby are addressed, the better.

In discussions yesterday Minister Gallagher said that by criticising her on some of these issues I am suggesting that nothing is being done on Quamby. That is not true at all. In fact, I have never said anything of the sort. It is our role as the opposition to find areas where the government is not doing its job properly, areas of concern, areas of administration that are not being done properly. That is not to say that nothing is being done in this area. We acknowledge that some good work is occurring. We welcome that, but I think it was quite wrong for the minister to suggest that that is what I said. I challenge her to point to a release or a statement in public where I have said that.

To restate some of the concerns that we had coming out of the estimates committee: apart from the breaches to the Humans Rights Act, some of it was to do with the response to the standing committee and the recommendation of the setting up of

a working group. As I said, I covered a fair bit of this yesterday. But the concern was that nine months after the recommendation, on 31 May, no-one knew—no-one in the department who was present and the minister did not know—whether it had been established. It does seem a little odd.

I am not going to go into the issue that was discussed yesterday because I am sure I will get shut down if I use certain words, but it certainly seems a little odd that the day after it was highlighted in estimates the working group was established. You cannot have it both ways. Either the working group is really important, in which case it probably should have been established well before, or it is not important at all, in which case why do you turn around and run away and in haste go and form it in one day? Restating that point: as I have said, I have spoken at length about that. But it certainly seems a bit odd. The minister's explanation on this issue has been less than adequate.

We also saw that, obviously, earlier this year. There was a walls of shame headline in the *Canberra Times* and the next day there was a big announcement from Ms Gallagher about funding for Quamby. It seems that there is a bit of a pattern as to how the minister works. When there is a bit of public scrutiny, suddenly there is an announcement or a change in the way things are done.

In particular, there was a budget announcement regarding money for an increase in security staff. Apparently that was reducing the risk of young people reoffending, by providing a secure environment for young people in the facility. I guess the first concern that comes to mind is how extra security staff will stop people reoffending. I would have thought that they would, hopefully, stop people from escaping. But it does not seem like that is a comprehensive way of preventing young people reoffending, when they come out. It seems like an odd assertion.

Another issue raised during the estimates process that is of concern to me—and I welcome this part of the budget—is funding for the Gungahlin child and family centre. I have certainly been out to speak to a lot of the young mothers there. There is no doubt that a lot of young single mothers who are at the Gungahlin youth centre are receiving support. They certainly welcome that funding. It is a good thing. In a growing area like Gungahlin, with a lot of young families, it is something to be welcomed.

But there is a concern—and I raise this with the minister and hopefully this will be addressed—in relation to parking issues there, especially during the construction phase. There is not much parking at the moment in front of the youth centre. When the child and family centre is constructed, there will be an impact on parking. That is a concern for disabled access and, obviously, for young mothers with young children, having to come from the other side of the centre. That is something that the minister promised to address. I certainly hope that that will be done.

In general, we support most of this funding. I restate my concern with the processes, some of the answers to questions, the lack of knowledge on the working group, the establishment of the working group the next day and, obviously, the continued breaches of the Human Rights Act at Quamby. Hopefully, these will be addressed soon.

But this is obviously something that the opposition needs to keep highlighting, because what we have seen from this minister—and it is disappointing that she is not here—is

that sometimes it is only when we ask questions or when things get raised in public that things happen. We will certainly continue to do that and continue to hold her accountable, despite how the minister might resent our holding her to account.

MRS DUNNE (Ginninderra) (6.15): Mr Speaker, the Office for Children, Youth and Family Support has been under a lot of scrutiny over, say, the last 18 months or so. I feel that, while many changes have been made, that scrutiny will be necessary on an ongoing basis. The work done by the Office for Children, Youth and Family Support is important work. No-one can overstate just how arduous, difficult and draining it is for the people who carry out that work. They do probably amongst the hardest jobs in the ACT, looking after children in need of protection, children in distress, children at risk. From my experience in dealing with people who deal with the system, it must be enormously harrowing.

The difficulties that some families and some children find themselves in are often beyond the imagination of people in comfortable, middle-class Canberra. It is often a bit of a shock to the system to realise that, in comfortable middle-class Canberra, there are people who are doing it really tough. The people who deal with the people who are doing it really tough are often the people in the Office for Children, Youth and Family Support. Because their client base is centred on children, it must be a very harrowing experience for them. We need to be very careful, when we talk about the shortcomings that are there and that have been apparent over the years, that we are not overly critical of the people who are doing it because often they are doing great work under very trying circumstances.

But there have been failures of process that have been ongoing. As you know, Mr Deputy Speaker, tomorrow we will be passing a piece of legislation which is a fix-up of years of a collection of small oversights. But there are larger oversights. We have had a series of failings and the government's response to that. I know that it is a bit like being opposed to motherhood, but I do have some concern about the quantum of money that is being thrown at the problem.

Again, the solution of this minister is, as it is with most ministers in this government: if there is a problem we will find some money and throw it at it. If you throw enough money at it you will be able to paper over the problems.

Mr Hargreaves: Like health.

MRS DUNNE: Like health, yes, that is right. What we are seeing here is an organisation, the Office for Children, Youth and Family Support, which is coming out of a very black period. I do not want to be too critical of the pace at which it is coming out because some of what it is doing is showing considerable improvement and a vast change in the way things are done.

I have to compliment the minister. About two or three months ago my office and other members received briefings, through the government's education and training unit, on the operation of the office and how they might deal with children at risk and how we, as members, might approach families who come to us with concerns and considerations. I have to say it was an enormously valuable experience and that the quality and professionalism of people that I dealt with, particularly on that occasion, was very high

and the service that they have offered me has made my life and, I suspect, the life of other members very much easier. It showed an openness and a willingness to talk that I had not hitherto experienced in dealing with the Office for Children, Youth and Family Support. I commend the minister for that and I hope that we will see a significant growth in that across the area.

At the same time, whilst being very high in my praise of the service that I have received from the office, there are considerable concerns. I think that level of generosity is not always extended to the client base. I am still dealing with people who have substantial concerns about their treatment, and I am concerned about their treatment. There are a lot of people who come through members' doors and who have a tale of woe about their dealings with areas of the bureaucracy. When I am dealing with children, I am very circumspect. I know that I am never told the whole story by a constituent. There is always a bit more to be found out.

But when you look at that, letter after letter and exchange of correspondence this way and that, sometimes there is still a very cavalier and high-handed approach. There is a bit of "We are from the government; we are here to help you; and we know better than you." I know that the office's first priority is the safety and wellbeing of children, but I think that sometimes they could come up with a better way of expressing that and dealing with those issues.

I think that there is a lot to be said—and I am very mindful of the concerns of the Community Advocate—in relation to dealing with children and involving children in the decision making about their placement and care. It is often a difficult thing to do. Knowing when and how much to involve children, depending on their age and their maturity, I think, is an area which is still lacking in the Office for Children, Youth and Family Support, and I encourage the minister to encourage her staff to be more mindful of incorporating the desires of children and taking that into consideration when dealing with some of the really troublesome and troubling cases that they have to deal with.

There has been, as I have said, considerable improvement there, and the minister likes to trumpet just how successful she has been with gaining money for, say, Quamby. As she listed yesterday, it was \$6 million, then it was \$8 million, it became \$20 million and then it became \$40 million. It is, on the surface of it, testimony to a tenacious minister, but I am wondering just how wisely that money is being spent. In addition to that \$40 million, there is, I think, \$4 million for immediate upgrades to Quamby to make it minimally compliant because of those problems that Mr Seselja, the *Canberra Times*, and other people have pointed out.

I was very alarmed, in the course of perusing what was said in estimates about the Office for Children Youth and Family Support and Quamby, at the question that Mr Stefaniak asked yesterday about the demountable building. Two or three people said to me in the course of the last day, "Are they seriously going to spend \$50,000 a truck to truck to Canberra a building that was slated for demolition?" \$1.5 million, 30 trucks, that is \$50,000 a truck to transport bits of a building from Brisbane.

The minister stood here and said, "There is no cheaper way of doing it." I think that we really need to revisit this. I hope that the government has not inextricably committed itself to this expenditure, because \$1.5 million to transport a temporary building—

Ms Gallagher: Transport and relocate.

MRS DUNNE: Transport and relocate. There is a difference! We have got a \$90,000 building, which was slated for demolition by the Queensland government. I question whether they needed to pay \$90,000 for a building that the Queensland government was going to pull down anyhow. Then they are going to spend \$1.5 million to transport it, relocate it, put it up again and put the services in. I still think that that is a profligate use of money. I think that the minister should be revisiting it with a big red pen, and we should be coming up with something much more cost effective.

We promised to spend \$4 million to get Quamby up to absolute minimum standards. There is no recreation area; there are still a lot of ongoing problems. Most of that money is going to be blown on a transport company. Some transport company in this country is going to do very well out of the young people at Quamby. I think that the minister should be revisiting it. I would rather the ACT building industry see some of that \$1.5 million. I am sure that, if it were put together properly, with some rigour, we would see a much better outcome.

DR FOSKEY (Molonglo) (6.24): I welcome the majority of the initiatives funded through the Office for Children, Youth and Family Support, including the additional funding for individual support packages, the Aboriginal and Torres Strait Islander Unit, the Aboriginal and Torres Strait Islander youth supported accommodation and the additional care and protection staff. I also support the initiative to establish a child and family centre in Tuggeranong.

However, I have raised concerns, which I reiterate now, about the amount of money being spent on office accommodation and business support costs for the office and the spurious claim that these are necessary measures in response to the Vardon report. I know that the Vardon report recommended the office consolidate its accommodation, but I do not think that this necessarily justifies spending roughly \$4.8 million, on top of whatever the office was previously spending, on accommodation. I believe that much of the cost is associated with locating the office in Civic. Although I am promised that a cost-benefit study would be undertaken, it was not presented to the estimates committee; so I cannot be sure what alternatives were considered. Then there is the \$10 million for business support costs that is not fully explained in the budget.

I think there is a trend in this budget for the government to justify any spending in the areas of family services, disability services or emergency services by claiming it as a response to one inquiry or another, without demonstrating how the spending links back to recommendations and what alternatives were considered.

I also feel that the government has failed to match the funding being spent on child protection with adequate funding for preventative family support. In the estimates committee process I asked for a breakdown of the funding allocated to family support and was disappointed to be told that it cannot be estimated. In budget paper 4, funding for family support is combined with the cost of licensing childcare services and other work of the office, which precludes clarity.

If there is a lesson that the government should learn from the various inquiries that have necessitated significant additional funding to address harm, it is that an ounce of prevention is worth a pound of cure. I believe that if we invest more in supporting families and parents we will ultimately see a decrease in demand for child protection and out-of-home placements. Other jurisdictions, notably New South Wales and Victoria, have recognised this and have invested heavily in family support programs in recent budgets. The ACT does not appear to be following suit.

On the topic of youth: I fully support the Youth Coalition's comments that the 2005-06 budget has neglected the needs of young people from culturally and linguistically diverse backgrounds, homeless young people and young people with mental health and drug issues. The government's lack of support for young people with mental health issues is appalling, given the growing number of young people contacting services such as Lifeline, who reported an increased incidence of young people who self-harm. In the past month, two young men in my daughter's circle have committed suicide. That is just in my little bit of the world.

The Youth Coalition is disappointed that no new funding has been allocated to alcohol and other drug initiatives in this year's budget, despite plenty of research, including recent ACT-specific research, linking substance misuse to homelessness, poor mental health outcomes and child abuse and neglect. The impact of intergenerational drug use desperately needs to be readdressed, especially considering recent findings that demonstrate a link between parental drug use and homelessness in the ACT. Investment in prevention and early intervention is critical to reducing drug-related harm and is consistent with the alcohol, tobacco and other drug strategy 2004 to 2008.

On a more positive note: I welcome the additional funding for upgrading community facilities and the undertaking from the minister that this will be spent largely on upgrading youth centres and childcare centres.

Sitting suspended from 6.29 to 8.00 pm.

DR FOSKEY: I now move to the turnaround program. The youth coalition has commented that for indigenous young people, and for young people with alcohol and other drug issues, the incarceration rates continue to be unacceptably high and that this year's budget has ignored them. The coalition is also concerned about the number of young people with disabilities and mental health issues who are involved in the juvenile justice system and who are homeless. As such, I was concerned to hear through estimates that the turnaround program was only provided to 15 of its targeted number of 30 juveniles as a result of difficulties in recruiting suitably skilled and experienced staff to undertake the complex case management required. I hope the government can solve this problem swiftly to ensure that much-needed support is provided to young offenders. I would also like to see successful programs for adult offenders and their victims—such as reducing property crime and circle sentencing—studied and analysed for their ability to be applied to young offenders, as has been suggested by the Youth Coalition.

Finally, with respect to Quamby, the non-compliance with the Human Rights Act 2004 is of course of concern to all parties, especially when there are children as young as 11 involved. I look forward to reading the human rights commissioner's audit of

Quamby, and the minister's response to the review of standing orders, and hope that these steps will lead to vast improvements for the young people involved.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.18—Housing ACT, \$30,035,000 (net cost of outputs) and \$5,580,000 (capital injection), totalling \$35,615,000.

DR FOSKEY (Molonglo) (8.03): As everyone is aware, I have been the subject of a massive political and media attack for still living in government housing eight months after being elected. I believe this campaign exploited general ignorance amongst the community of housing policy in the ACT, with no intention to increase understanding on this topic. Indeed, I believe it was intended to add grist to a very active rumour mill that was fuelled by some media people. While it has been a hideous time for my daughter and me, there has been a positive impact, and that is the way it made housing the standout issue of this budget.

The Liberal Party, with the property owner's lobby and a small number of media commentators, has generally ignored the lack of funding for public housing in the budget and instead focused on attacking me for still living in my ACT housing home. Since the election I have been paying full market rent for the home that my daughter and I have lived in for eight years. I am wrongly accused of living in subsidised housing. I do not receive any subsidy. I pay full market rent and this contributes to the overall viability of public housing. I am very happy to support public housing through both my taxes and my rent. It is very clear that this is part of an attack on the security of tenure for all public housing residents in the ACT, and I am well aware that many long-term tenants, including those paying market rent, are now feeling uneasy and insecure in the face of it. I should say that I am highly gratified by the unsolicited support I received from many quarters in the community and I acknowledge the government's support of its own policy and, incidentally, my position, which is one that the Greens support, and that is regardless of my living situation.

I would remind the Assembly that the department's own review of housing ACT market renters found that market renters play an important role in the viability and sustainability of housing ACT, and a policy to reject market-rent paying tenants would not deliver a better social housing outcome for this city. The 13 per cent of tenants now paying full market rent contribute \$19 million to housing ACT. If they all moved into the private market and paid their rent to private investors and developers, the ACT government would need to increase taxpayer funding by at least \$12 million a year or sell off some houses to meet the shortfall thus providing fewer homes for people in need.

This takes us to the broader question, which has been somewhat hidden by the nasty personal attacks on me, of the role of public housing in the ACT. One of the positive aspects of life in this city is the mix of people in public and private housing in most suburbs, allowing rich and poor kids to grow up next to each other and go to the same schools and shops—something that is good for democracy and community development, I would have thought. When I first came to live in Yarralumla, I joined the Yarralumla Residents Association. This was at a time when there was a big campaign, perhaps it has changed its style lately, to reduce the level of government housing in Yarralumla, which, at that stage, was quite high at about 13 per cent—because, of course, Yarralumla, in

earlier days, was a working-class suburb. That campaign was driven by real estate agents to see those houses go on the market.

I would have thought it is good for democracy and community development where all kinds of kids go to the same school, same after school care, join the same scouts group and so on. By the same token, experience across the developed world has shown that a targeted welfare policy, with pockets of public housing in cheaper and inevitably poorly serviced suburbs limited to people in demonstrable financial need, leads to social exclusion, conflict and entrenched poverty. It also leads to a shift away from public ownership and to increased government subsidy of private investment property. It is certainly consistent with an ideological view that public education, public housing and public health should be at the bottom of a two-tier system and that the private sector is, by definition, of a higher quality in value. We are seeing that ideological agenda being pursued across Australia at a national level where, instead of a fair society, the federal government aims only to provide a holey safety net.

In this context, I am disappointed that the Liberal Party has not chosen to put more pressure on the ACT government to postpone its pet projects, such as the arboretum and dragway, in order to keep its public house promise.

Mr Quinlan: You don't like our arboretum, either?

Mr Seselja: She wouldn't support us in estimates though—she was too close to you people!

DR FOSKEY: Let's vote on the arboretum. I have heard the Liberal opposition make quite a few noises about the arboretum but they have not actually suggested that the funding for it should be allocated to public housing. Perhaps the scent of blood saw them follow a path attacking me, and that simply let Labor off the hook—

Mr Hargreaves: I defended you. How about letting me off the hook?

DR FOSKEY: No, no, you were not here for that bit, Mr Hargreaves, you will have to read the transcript. The Canberra community is the loser on the housing issue.

Speaker's ruling

MR SPEAKER: Before we move on, earlier today Mr Seselja raised a point of order in relation to Mr Corbell saying that Mr Smyth was misleading the Assembly. I did not think I heard that and that was not exactly what Mr Corbell had said. But later on, Mrs Dunne, in support of your point of order, hit the nail on the head when she recalled the exact wording. I must say that I misread the context of the discussions so I would ask Mr Corbell to withdraw the word misleading so that we can remain pure on the use of this word.

Mr Corbell: I withdraw, Mr Speaker.

MR SESELJA (Molonglo) (8.10): Thank you, Mr Speaker, and I thank you for keeping the Assembly pure. Dr Foskey has raised a number of housing issues, none of which I think were discussed in the estimates process but I will respond to those later. Of most

concern and the most glaring omission or biggest issue that came out of this was the \$10 million per annum broken promise, which was admitted to by Mr Hargreaves—the minister who could not deliver. Mr Hargreaves, prior to the election, felt the need to promise the extra funds for housing, which was thought important by many people, and no doubt he was appealing to a particular audience. He now he says:

I considered that Housing ACT, with its rather superior business-like approach to providing accommodation to those who really need it, could exist on that \$52 million. I didn't particularly feel—and remember these are cabinet decisions so I'm part of a collective—like asking for \$62½ million. If that meant I couldn't going to happen.

That looks a bit odd but it is a direct quote from the transcript. I assume it is a misprint in the transcription.

No, it is not there; however, I can tell you that next year, as the Treasurer has indicated in the outyears, won't be anywhere near as austere as this. The year after that won't be even as austere as that one.

So, before the election, an extra \$10 million was needed and now, because of the “superior business-like approach”, it is no longer needed. The minister said that he did not feel like asking for it—I am not quite sure why that is. Is that how he approaches the issue of public housing when he goes to cabinet—that he doesn't feel like asking for it? I do not know why Mr Hargreaves “did not feel like asking for it.” He was obviously not concerned enough in cabinet to stick up for those people that he said he would stick up for. Perhaps he did not want to question the other wrong priorities of the government, such as the arboretum, instead of fighting for people who are going without housing.

It is interesting that Mr Hargreaves has so much confidence in the ability of his left faction cabinet colleagues to deliver on budget commitments, when we've highlighted the inability of his colleagues to contain themselves. Mr Hargreaves has also agreed with the opposition on the subject of election promises.

Mr Hargreaves: I have never agreed with you on anything about election promises.

MR SESELJA: Oh, you did! I put it to him that he might want to qualify all his election promises next time and say that it is subject to any changes of direction that we might have in budget deliberations next time. He agreed with that. I look forward at the next election to Mr Hargreaves and his cabinet colleagues qualifying all of their election commitments.

There was also discussion about full market renters, and it was interesting to see Mr Hargreaves's response. I think Mr Hargreaves just said a moment ago to Dr Foskey that he was protecting her or defending her because he did attempt during the estimates process to defend her. When we asked him about market rents and why it is only \$270 in Yarralumla when it seems that that is not what it would be in the open market, Mr Hargreaves said the reason was those “greedy” landlords. That was what he said—the “obscene” rents were due to “greedy” landlords. Mr Hargreaves was corrected by his officials who said it was because the quality of the houses being rented at that higher rate in the same area was higher, and that that was the difference. It smacked of class politics on the part of Mr Hargreaves. It really was disappointing.

He was saying it was the greedy landlords who, you know, are so terrible for owning a property and renting it out to someone. Not only is it class politics but also it is quite stupid economics. I mean, the idea there is that landlords can just charge whatever they want, people will pay it and there are no market forces. That was of course reinforced by his own official who said, “We base our market rent on what goes on in the market.” If the landlords are greedy—if that is the problem—and Mr Hargreaves bases his rental on what is being charged in the market; who is greedy? It is just a ridiculous argument. It smacks of stupid, old class politics and it makes no economic sense whatsoever. It was quite a ridiculous moment during the estimates period. I am sure Mr Hargreaves will get up and say something else but I would like to see him address that exact issue of market rent and what he said in that hearing.

I was not going to talk about Dr Foskey in particular but she seems to keep raising the issue that the Liberal Party is out to get her and all this sort of stuff. That is absolutely not true. There is absolutely no evidence of it.

Mr Hargreaves: Yes, it is.

MR SESELJA: There is absolutely no evidence of it.

Mr Hargreaves: Yes, it is.

MR SESELJA: Mr Speaker, if I could just be heard. We saw no discussion in the estimates process of Dr Foskey. We did see discussion about market renters, about full market renters and about the idea of security of tenure. These are legitimate policy debates to be having. No-one in the opposition asked about Dr Foskey. However, I feel the need just to address some of what Dr Foskey said. She said that she is subsidising other people. There is no taking into account the capital asset that someone like Dr Foskey is sitting on. We are talking about a place in Yarralumla. I do not know what that would be worth but, I would think, conservatively, it is \$600,000 to \$700,000. The idea that paying a couple of hundred dollars a week rent somehow fully compensates for that cost is just ludicrous. We still have thousands of people on the waiting list for public housing—people who, on a night like this, are probably sleeping rough. The suggestion that, because people are paying this idea of market rent, somehow it is making up for the asset they are sitting on, and that that justifies keeping people in genuine need on low incomes or no incomes out of public housing is mixed up economics. It is mixed up policy and there seems no logical justification for this claim.

Mr Hargreaves: Bit personal then—bit personal.

MR SESELJA: Mr Hargreaves says I am getting personal but Dr Foskey keeps saying, “the Liberal Party this”, “the Liberal Party that.” She is having a go at all of us, and Dr Foskey can stand on her own two feet and justify her position all she likes but I am not going to sit here and allow her to spout that we are against people in public housing. In fact, we actually support those people who are in genuine need of public housing. That is what we are about. It is not about people on a \$100,000-plus salary living in public housing. This is the fundamental debate. If you had this debate out in the community, Mr Hargreaves, I guarantee you would lose. The public is not with you on this one. They are not with you. It is a ridiculous argument and what we are going see—

Mr Hargreaves: Last October, we didn't lose.

MR SESELJA: Yes, well, you promised all sorts of things last October, which you have not delivered on. But, as people see the true colours, we will see people turning against Mr Hargreaves and his cabinet colleagues. He can put up this argument up all he likes but it is a silly argument and the public will see through him and they will see exactly what it is about.

MRS DUNNE (Ginninderra) (8.19): I was actually stunned today when Mr Seselja told me about Mr Hargreaves in estimates saying, "Look, I couldn't bring myself to go and ask for more money for housing."

Mr Hargreaves: Why would I?

MRS DUNNE: I can tell you one reason why he would. On two or three occasions, I came into this place and raised the issue of a Chinese refugee family that I have worked with for many years. I asked Mr Hargreaves questions about them. There was a monumental breakdown in communication—a monumental stuff-up—for this family that we had brought into our community. The elderly mother still lives with one of her children in a house which is entirely unsuitable for her, because it has stairs all over the place, and she cannot get around the house. For two or maybe three months one of the sons of the family, along with his wife, was living with his sister, and their children were living with another brother two or three suburbs away. This is but one example and at least these people had a roof over their head. They had family who could jump into the breach.

These people had been in the private rental market, and their brother and sister had been supporting them in the private rental market for quite some time, but they could not afford to do it any longer so, after months and months—years—of haggling and begging housing ACT to come up with housing they were eventually put in the situation where they lived in one house and their children lived in another house. Is this how housing ACT keeps families together? People who are supposedly paying full market rent for properties worth \$500,000 or \$600,000 or \$700,000 in Yarralumla are sucking up the resources that should be given to people who are genuinely in need. These are refugees who are currently living rough and, as Mr Seselja said, probably sleeping in an underpass because it's bucketing down with rain. But these people do not particularly care. Is he going to say there are no homeless people? Perhaps Mr Hargreaves might like to go and talk to the chap who lives—

Members interjecting—

MR SPEAKER: Order! Mrs Dunne, resume your seat for a moment, please. Interjections are bad enough when you are sitting in your seat but, Mr Seselja, you are wandering around the chamber interjecting.

Mr Seselja: I apologise, Mr Speaker.

MRS DUNNE: Thank you, Mr Speaker. If Mr Hargreaves thinks there are no homeless people perhaps he might like to wander over to the thicket there behind the Canberra

Theatre and talk to the chap who sleeps right there. There are plenty of people sleeping rough while other people are soaking up the assets of ACT housing. Families, like the family I worked with, have to live in absolutely and utterly undesirable—they were not poverty stricken and they were not living rough—circumstances. In that situation the parents were in one house and the young children in another house, with no proper contact with their parents for three months at a time. That is not suitable and it is not acceptable in this day and age. We are all here saying how wonderful we are, how good we are at dealing with refugees and how generous we are to refugees—it was Mr Stanhope yesterday and Mr Hargreaves last week—but this is a refugee family. This family came here as refugees and this how they were treated by housing.

MRS BURKE (Molonglo) (8.22): Mr Speaker, unfortunately, Dr Foskey leaves me no option but to respond to her comments as well. It is quite sad that she keeps raising this in debate in this place. The first issue is that of her using this particular debate this evening as a platform for a personal explanation and attack on the Liberal Party, the Liberal opposition. Indeed, as my colleague Mr Seselja has indicated, Dr Foskey raised issues not discussed in detail in the estimates process. As Dr Foskey has raised the matter, I must make it clear that the Greens and the Labor government, come to that, are scare-mongering with regard to the Liberal Party's position on security of tenure.

Let me state it again: the Liberal opposition believes in the provision of public housing for as long as people are genuinely in need but that, once their circumstances significantly change, and that is the key, the property should be given over to someone in greater need. Now you can huff and puff all you want but that is my position. Dr Foskey chooses to believe this is a personal attack on her but it is not. Unfortunately, she is the collateral fallout of a Liberal Party position that is quite fair and reasonable. We will leave that there. My colleagues and I will not support someone who can well afford to give up that property and be in the private market.

I have to also bring up the issue of Mr Hargreaves's comments in the estimates hearings, where he talks about landlords charging obscene rents. I do not think the minister has thought this through. Those comments are outstanding. The Treasurer has placed private domestic landlords in an absolutely atrocious position. Mr Hargreaves would know that private landlords often pay back to the government up to as much as 60 per cent in fees, taxes and charges. Your government, this Labor government, has made such an awful hash of allowing people to invest in the private domestic market in Canberra. Let us not forget that many of these people are funding their own retirement and will therefore not become an impost on future commonwealth governments or a drain on the public purse.

Mr Hargreaves seems to think there is some sort of capitalist activity going on. These are ordinary people trying to secure their future. I think it is quite short-sighted that he continues to bag the private landlords in this town. It is quite despicable. So, what do they do? They give up. They say, "Forget it. I'm not going to invest any more in Canberra: it's too hard, too expensive, and not economically viable." So what do those private domestic landlords do? They sell up, and then what happens? Because they do not want to buy—certain people do not want to buy their home—they then move from that market on to the public housing waiting list. We have got rid of a housing option for people. We then get a ballooning out in the waiting list. It just makes commonsense, but not all that common to this government, I see. I think it is time the minister stopped

talking about the private market in that way. They are more and more, day by day, leaving the sector and thereby removing a valuable housing alternative for people.

When politicians seek to be re-elected, primary focus is placed on convincing their constituency, through their party, that they will seek to deliver on promises made when government is formed. Commitments are taken to the decision-making table to be delivered on. This government clearly displays that it had not thought through some of its major election announcements. One of those is the \$10 million each year for three years to inject funds into capital works for public housing. This government would have the Assembly and, more disturbingly, the people of Canberra believe that they had that election commitment of \$30 million over three years independently costed before making such an announcement leading everyone into a false sense of security that, miraculously, they had found a pot of gold for capital injection into housing.

The minister indicated during the estimates hearing process that the issue—the \$10 million for public housing—is “open for revisiting in every financial year thereafter”. The minister was unable to convince his colleagues that the \$10 million for capital injection into public housing stock was needed, even though the ALP went to the last election on this promise. What a furphy! You sucked a lot of people in, didn’t you? And they all voted for you. I am sure the people of the ACT took this commitment as a sign of good faith. How atrocious—“Here we go, let’s dangle the \$10 million carrot.” “Oh, look, aren’t we good: we have a good social conscience.” That is disgraceful.

Indeed, some community organisations took this commitment as a sign that the ALP was able to find the necessary funds to invest in public housing. It was a good notion and people believed it; people were sucked in by it. It was the intention of the Liberal Party—keeping in mind the lean fiscal years ahead, possibly—to sustain the current levels of public housing stock, with a view to improving the management and administration of the properties and tenancies and ensuring that the asset base best met current demands from applicants and tenants. I have taken the time to consider why this election commitment was not delivered. The minister has enlightened the Assembly to the fact that during each fiscal year he can take requests to the table with his ministerial colleagues and seek to have them fulfilled but that in some years he will simply not be able to convince his colleagues of the importance of the need for funding increases—in this case, a housing system in real need of improvement in management practices. Mr Hargreaves would have us believe that everything is hunky-dory within his department, that morale among his staff is wonderful. I do not know whom he has talked to lately, but I constantly get calls about the morale in disability—

Mr Quinlan: Oh, “I get calls”—here we go! Legions! Piles of letters this high. Bring them down here.

Mr Seselja: It’s like those letters Mr Corbell gets.

MR SPEAKER: Order!

MRS BURKE: This is Mr Quinlan’s favourite. Mr Quinlan obviously does not get calls, because he gets very jealous when anyone in of the opposition stands up and says that they have had calls. It is very sad for you—perhaps your mind is on retirement, I do not know. We have a housing system in real need of improvement in management practices

and service delivery—there's a good one—and further empowering staff to perform in their respective roles. Given the likelihood of another three budgets being quite tight, and the minister indicating that due to price escalations for other capital works projects currently under way, the blow-out in construction costs of the Gungahlin Drive extension and subsequent legal action that is due to injunctions to halt further works on the road, it would seem unlikely that within the Sixth Assembly the Stanhope government will be fiscally capable of delivering on one of its major 2004 election commitments of \$10 million per year for three years for capital injection into housing stock.

Contrary to any answer given in relation to internally sourced revenue to fund capital works for housing, the allocation has fallen by over \$26 million from last year's allocation of nonappropriated new works of just over \$62 million. This must surely leave the portfolio area in the untenable position of being incapable of meeting some of the government's objectives in relation to asset management of public housing, particularly in the areas of the adequate refurbishment and replenishment of the public housing stock in the ACT.

This minister and this government can crow all they want about public housing: it is deteriorating day by day and this minister is sitting on his hands doing absolutely nothing about it. He is tickling around the edges. We have Burnie Court lying vacant for four years. What has he done about the fantastic APUs there? There is also Fraser Court, the Currong apartments—what a state—and the Northbourne flats still not refurbished. There are 200 to 300 properties waiting off-line to be refurbished. That money would have come in handy. What did this minister do? He obviously did not push his Treasurer hard enough, and he could not care either. It is a crime, a shame. This government's commitment to public housing simply is not there.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (8.31): Mr Speaker, I want to address a couple of issues that have been raised, somewhat hysterically, by those opposite. Dr Foskey was right when she was talking about the Liberal Party's policy statement that they would empty the stock of market renters, and she was right when she said that they put \$18 million or \$19 million back into the system. If we asked all of the market renters to leave, we would have to come up with \$12 million to go back into the sector—so she was right in that sense. It seems to me that, if they are paying \$19 million into the system and we would have to come up with \$12 million, we are \$7 million in front.

Mrs Burke: Yes, but you are going to lose your full market renters. You said it yourself.

MR SPEAKER: Mrs Burke, some of your colleagues will not be able to hear the minister.

Mrs Burke: You will never let me forget that, Mr Speaker. Thank you for reminding me.

MR HARGREAVES: It seems to me that we are \$7 million in front. And again we hear the hoary old argument that if we did not have the arboretum—and I have to say, Treasurer, I do not think they like the arboretum.

Mr Pratt: I hate gardening!

MR HARGREAVES: Steve hates gardening, and in fact this man is the only man I know that refuses to eat his greens. He refuses to eat his greens because they come out of somebody's garden. Mr Seselja puts forward the furphy, which is perpetuated by Mrs Burke thrashing around like a goldfish out of the bowl, that I promised \$10 million. She says, "You rotten thing. You didn't deliver; you broke your promise." Funny about that because—and this is just an aside—I do not recall the Liberal Party actually promising \$10 million. I do not remember hearing that so I wonder whether there is not a bit of hypocrisy floating in the air—maybe there is not.

Let me just read the exact words out of the policy platform that was published during the ACT election campaign with regard to the \$10 million. No doubt our learned colleagues across the chamber can look up on the web to see whether I am telling the truth but if they want me to table it I will. It says:

Labor will expand the stock of public housing by accessing capital funds at a cost of \$10 million a year for three years.

The last time I looked we were elected for four years. Where does it say that in here? It does not say that in here. You have got it wrong again, typical, absolutely typical. Where was your promise to do anything about housing? Absolutely nowhere. Where were you prior to us putting forward the affordable housing task force? You were nowhere to be seen—hiding under the lettuce that Mr Pratt so despises.

I have been attacked vehemently for saying that the private sector ought to carry its weight a bit more. Mrs Burke went to some pains to say there were these poor people out there with these rental properties for their superannuation. Those are not the people with whom I have issue. I have issue with people who have a number of properties, because there is no need, and I will tell you why. What is happening is that there are people out there saying, "I've got this house worth \$450,000 and I've got to pay this mortgage of \$500 a week on it therefore I need to have the rent at a certain level to pay the mortgage off because I'm saving the capital value for my super." Now that sounds good at first pass but then we find out that they bought the property for \$200,000 or \$250,000 so they do not have a mortgage of that size. They have a mortgage of \$250,000 and they charge \$300 a week. Why do they do it? They do it because they can.

What I am saying—and I have said this publicly and I will say it again—is that the housing issue in the ACT is a community problem and we need a community solution. It is not up to the government solely to solve these things. They have to carry their weight as well and I will pursue them until they do carry their own weight. I think it was Mr Seselja who said that the argument about market renters does not hold a cup full of cold water, or words to that affect. When we work out how much we are charging for premises, say, in Yarralumla, we take the market level. But you say we are hypocritical in saying that we are charging that figure and that we are actually helping the market go up. But where are we in this? Let me tell you, Mr Seselja, that we have rebates—87 per cent of people in our housing stock are on rebates and the cost to the taxpayer of that rebate is driven by the actual market rent. So, if the market rent were less, there

would be less drain on the public purse through those rebates. That is simple arithmetic. Once again, Mr Seselja should have done a bit of arithmetic before he opened his gob.

The unbridled attack on Dr Foskey is nothing short of scandalous. Those people over there say they did not introduce it into the estimates process. That is true, Mr Speaker, but who was it that introduced it into the media, into the community, in the first place? You know full well who it was and, if you can sleep at night, good on you. People who are in our tenancies are given a home. They raise their children in those homes. Sometimes there are people in there paying market rent and they are a bit elderly. Some elderly people have a four-bedroom home that they have lived in for 20-odd years. They have raised their children in that home, their partner has died, their support is in that neighbourhood but this lot would have us take them out of that home. Shame on you lot. There is no way in the wide world that we are doing that. I am very proud that it was this government that reversed the draconian policy that you people had. It is just not on. We give people homes; we do not give people tents to stay in until they have got on their feet.

Mrs Burke says that all of these people who have got these private properties are leaving the market place, and that they are leaving in droves. I do not see that reflected in the real estate pages. What I see revealed in there is a vacancy rate that is the highest it has been for a long, long time. It is sitting up at five per cent, which is just incredible.

Mrs Burke talks about morale in the department of housing. She would not know what the word morale meant. I do not think she knows how to spell it let alone know what it means. I speak to my staff regularly and their morale is at an all-time high, because they are delivering to the people in Canberra. Mrs Burke tries to frighten the staff of housing in the same way she tried to frighten those child protection workers when she so savagely attacked them in the last Assembly. She is a mistress of the art of scaremongering, and I do not know how she can do this. I really do not.

She also shows a lack of understanding when she talks about the appropriation figures being here and there and all that sort of stuff. She has to understand that Housing ACT is actually a trading enterprise. How do we acquire properties? We buy properties because we have got money from selling properties. The capital injection is to increase that capability. It is not a simple case of saying, "Oh, dear, there is something missing from the appropriation." That is not the case. Mrs Burke is the epitome of simplicity and babes in the wood when it comes to this sort of general accounting process. This is the government that did the affordable housing task force. This is the government that addressed homelessness. Mrs Dunne gets up and so eloquently talks about the guy living up the road here—well, we know where he is and we can stick him in accommodation, just like that, in the blink of an eye.

We have arrangements—the emergency accommodation service, backpackers hostels and caravan parks. We have got other supports through TAS Housing and a whole range of other things. Mrs Burke well knows that and so too should Mrs Dunne, if she had bothered to check it out. Nobody lives homeless in this town unless they absolutely have to. The government's record on tackling affordable housing in this town, in terms of developing options for people to get into their own home, in assisting people through rental to sustain their tenancies and to attack homelessness, is to be envied. We are

leaders around the country in so many facets of our housing policy. This just beggars belief. I ask that the house support the budget as listed by the Treasurer.

MR SESELJA (Molonglo) (8.42): I feel moved to respond to some of what Mr Hargreaves had to say. Mr Hargreaves tried to gloss over this matter when he just spoke. The exact words that he used, I am sure, on more than one occasion were “the greedy landlords”. That is what he was saying. It does not matter how he tries to spin it now; he talked about “these greedy, private sector landlords”.

Another thing came through in his diatribe just then. He seemed to be suggesting that those who own one property for their superannuation are good; those who own any more are bad. So it is: one house, good; two houses, bad. I do not quite know how he comes to that conclusion, but it is quite a ridiculous assertion that they are greedy if they have a few properties; if they have got one they are good, good on them, they are good blokes.

The other thing I think that comes out is the fact that, under Mr Hargreaves’s policy, some of these so-called greedy landlords are able to access public housing. We know that there are a few millionaires in public housing. Where does that come from? We know there are. Well, deny it. Put it on the public record that there are not any, and that will be fine.

Mr Hargreaves is happy for some of the so-called greedy private sector landlords to stay in their own public house. So he is quite conflicted in his class politics. He is not quite sure what he wants to do with it. He knows that they are greedy and are bad if they have got more than one. But he does not quite know what he should do with them. If they are convicted criminals, that is fine, too. They can stay. If they are serving a life sentence, that is fine.

The other interesting thing that came through, apart from the contradictions about his understanding of market rent, was that Mr Hargreaves got up at the beginning of his speech and said that if you took out the full-market renters you would have a budget blow-out. But then I said, “What are you doing about it?”

Mr Hargreaves: I did not say that.

MR SESELJA: You did.

Mr Hargreaves: No, I did not.

MR SESELJA: You said you were going to be losing \$12 million or something.

Mr Hargreaves: Check *Hansard*. I did not say it.

MR SESELJA: Anyway, he says, “You would be worse off if you kicked them out.” What he said in estimates was that they are encouraging them out. I said to him, “Why? Why are you encouraging them out? Isn’t it good that they stay in their home and contribute to the overall rental income?” He said, “No. It is still a good idea for them to get out.” There seems to be no rhyme or reason for this minister’s policy.

I think that part of it is that he is quite conflicted about this policy. He does not agree with it, but of course, in public, he has to; and he has to support it and he has to support this flawed policy that has been rejected around the country and rejected recently by his New South Wales colleagues. Permanent security of tenure has been taken away by the New South Wales government. Mr Hargreaves is becoming increasingly isolated, and I think he knows it. We are seeing that through his ridiculous bluster, not only in the estimates process but also here tonight.

He talks about the greedy market renters, but then he allows them to have a public house. He talks about greedy market renters, but then he bases what he charges public housing tenants on the market that he claims is infested with greedy landlords. It is just ridiculous. As I said, the policy that Mr Hargreaves is defending is getting harder and harder to defend. And it is becoming very evident to everyone that he is all over the place on this issue. I think, over time, we are going to see that come out more and more and we will see the divisions in the Labor Party on this issue more clearly in the public light.

DR FOSKEY (Molonglo) (8.46): I want to respond to a couple of things that were said earlier. It is interesting to hear the Liberals say that I keep raising this issue. I am raising it here in the Assembly tonight to put it on the record. I do not think it is okay that we shove under the carpet the yuckiness that has been this media campaign. I think it has to be owned right here in the Assembly. We need to have—and I do not think tonight is the time to do it, but we can anticipate it—the proper policy debate about this issue.

That is the only good thing that we can retrieve out of what has been going on. It has to be acknowledged that I do not think any of you would have liked to have been me lately. I do not want to talk about it particularly. I have not talked about it. I am talking about it tonight. That is it.

I have been told, by someone to whom I believe the Liberals are close—and I believe that I hear them utter some of the things that he said to me—that the property owners and developers will not be happy until they get rid of the policy of security of tenure. I would anticipate that the Labor Party can expect to be hammered over the next term on this issue, and I can see that you, the Liberals, are doing your job—I acknowledge that—because you see your job as representing that section of the community. I believe I heard it here tonight.

Mr Sesejla: No. We represent the whole community, not just five per cent.

DR FOSKEY: Okay, that is my perception. I believe that the government should be prepared and should be aware that that is the nature of what is going on here.

I want to address some of the things that were said, because I do think they show an incredible lack of understanding regarding housing and housing viability. Words were said that people living in public housing paying full market rent are soaking up public assets. I love the language, guys! But the public house, that house, remains the property of ACT Housing. The house is an appreciating asset. It can be borrowed against or can be kept for future reallocation for sale. It is the property of the government; it is an appreciating asset. Anyone who knows anything about property knows that.

There seems to be a particular resonance that that house is in Yarralumla. Hey, don't poor people have a right to live there? Do we get rid of every house in Yarralumla that is a public house, taking out market renters? It is interesting that quite a number of houses possibly in this category—we do not know and I certainly do not know—are in the inner suburbs. I do not know about that; it is just a suspicion. I guess if you know how many millionaires are in public housing, then you probably know the answer to that.

Taking out market renters and selling all houses within a 10-kilometre radius of Civic is not going to result in better access to housing for people who are homeless. It is going to shrink the public housing stock and force the few people in public housing to live on the outskirts of Canberra, where access to jobs, transport and other amenities is much harder.

In this, I have not even addressed the issues about public housing being a home and all the other good social reasons why Canberra has this policy. There is so much stuff that you people could read. You could learn something. Instead of sticking to a particular ideological position, you could go out and read things and inform yourselves. So that is what I suggest you do.

Mr Pratt: You cannot justify your own position. Why are you asking—

DR FOSKEY: I am not justifying my position, Mr Pratt.

Mr Pratt: It sounds like you are. You are far too defensive.

DR FOSKEY: Mr Pratt, I am speaking about it tonight, for the first time.

MR SPEAKER: Direct your comments through the chair, please, Dr Foskey.

DR FOSKEY: Thank you. That is all that I really need to say in this second speech. I felt it was very important to address some of the misconceptions that have been promulgated from that side of the house.

MRS BURKE (Molonglo) (8.51): It is unfortunate that Dr Foskey did raise this tonight. We cannot move from this place until we get a few things straight, as Dr Foskey herself says. I start with Mr Hargreaves who would wish that I was, as he had suggested—and I won't even use the words "quite childish and puerile"—not as diligent in my work as a shadow minister, I expect. I have to point out to members in this place that I am doing his work for him—that is okay—like I did for Mr Wood before him.

Members interjecting—

MR SPEAKER: Order!

MRS BURKE: Thank you, Mr Speaker. Through you: let us take our minds back, in fact, to the time when the revelation, so-called was made—and it was not by me, and I will talk about it in a moment—of Dr Foskey living in public housing. I wish to put it on the record in this place that it was introduced to the media by a concerned member of the public, I recall, on ABC talkback radio with the Chief Minister on Friday morning something like 13 May. Also, I will put it on the record in this place—and members will

be very interested to know—that it was indeed a Labor member of this house who advised me that Dr Foskey was living in public housing. I need to say this because I am not going to sit here and take this any longer. I have talked to Dr Foskey about the issue. Unfortunately, she knows my position.

Dr Foskey: Don't be so condescending, Mrs Burke.

MRS BURKE: I listened to you, Dr Foskey. I knew many months prior to any of the above that Dr Foskey lived in public housing. If I had chosen or wanted to be as vindictive and malicious as the Labor Party and launch a personal political attack on Dr Foskey, I could have done so; but I did not.

Mr Hargreaves needs to see the value of the policy his New South Wales counterparts are adopting. He needs to wake up and he needs to know that things have to change sooner rather than later.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (8.53): Very briefly, I would personally like to dissociate myself from this unholy imbroglio that has taken place and advise Dr Foskey that I do believe in the philosophy that I read somewhere—and she said, “People ought read.”—that radicals read radical literature and conservatives do not read at all. I think you have been wasting your time.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.19—Department of Justice and Community Safety, \$84,381,000 (net cost of outputs), \$54,539,000 (capital injection) and \$104,194,000 (payments on behalf of the territory), totalling \$243,114,000.

MR STEFANIAK (Ginninderra) (8.55): Mr Speaker, this government, the Stanhope government, has not managed this budget well at all. Indeed, over the past few years it has spent more than it has budgeted for. Now I think the people of the ACT are starting to see what happens when a government is undisciplined. The planned operating loss of \$91 million is not to be believed. I think we are the only state or territory which does not have a surplus budget.

On its track record of the last few years, there has been an average blow-out of \$172 million per year every year. We now have to face up to less revenue, after the heady days of skyrocketing stamp duty, land taxes, rates and GST. We find the government has not put aside the money for the inevitable decline in the fortunes of the economy.

In the justice portfolio we see both the folly of the government's inability to manage money and its ideologically driven policies and programs which privilege some sectors and individuals over others who are equally deserving. Let us have a look at the consequences of the Stanhope government's inability to manage the way it administers justice. The government's priorities are illuminating. The courts and tribunals are receiving a cut of around five per cent in the forthcoming year. This is on top of the \$900,000 which was ripped out of the Magistrates Court last year and which saw the loss

of some 13 staffing positions. I suspect this year, from estimates, that the Magistrates Court will probably bear the brunt of that again.

The office of the Director of Public Prosecutions is being cut by around 12 per cent, or \$742,000, as a result of cuts in the budget. The DPP, it should be remembered, is responsible for bringing all the prosecutions in the Magistrates Court and the Supreme Court in the ACT, and its smooth operation is critical to the administration of justice in the ACT. These cuts have slashed a small budget, despite there being increasing demands on the DPP.

I do not think it is good enough to say, as the Chief Minister said in estimates, that last year we had some extra costs in relation to, I think it was, Eastman and a coronial inquiry. I do not think the Eastman case is necessarily going away. You are always going to have those additional demands. Of course there is an increasing complexity in the criminal justice system, particularly in the prosecution of criminal offences. Prosecutors, moreover, are under increasing pressure to master scientific, technological and human rights issues as well as increasingly being obliged to assist courts, such as in sentencing proceedings. So-called reforms are adding to the pressures on the DPP. Staff are also being involved in work relating to the government's appeal against Coroner Doogan that takes them away from other duties.

The annual report of the DPP notes that the realistic increase in the number of total charges before the Magistrates Court from July 2003 to July 2004 is around eight per cent. Within the particular offence categories, the most significant increase was in serious offences against the person. The DPP reported:

With each year the scope of core business expected from prosecution agencies grows. It is no longer the business of the prosecutor to simply appear in court and prosecute a brief of evidence (if it ever were so restrictive).

That is at page 16 of their annual report.

While I am sure there is much to be said for circle sentencing, which gets around \$400,000 over four years in the budget, the reality is that what would have previously taken a prosecutor 15 minutes in court and preparation now takes up three hours of court time and several hours of work on the matter either side of the court appearance and resources to capture the relevant efforts to prosecute the various outcomes in order to measure and analyse that method of sentencing; yet the DPP has had its funding significantly reduced while having to do significantly more. That, I think, is going to be a significant problem.

Also, the way in which the ideological bent of this government impacts on the ACT's bottom line and the emptiness of the rhetoric are nowhere near as apparent as in the case of \$1.29 million being put up for the establishment of a commission for human rights to be presided over by a president who will coordinate the existing four commissioners, including a human rights commissioner, as well as a new deputy commissioner and a commissioner for children and young people. It should be remembered that such bastions of freedom as the former Soviet Union also had a bill of rights. Of course the problem with bills of rights is that by, prescribing freedom, they tend to limit and, as in the former Soviet Union, do not amount to anything other than a very deceptive brand of

advertising. The cost of a human rights edifice is mounting by the year, for no discernable benefit.

The papers refer vaguely to 6,500 occasions of service in the year. The government has not been able to say what exactly an occasion of service constitutes. The cost of each occasion of service is \$131. One can assume that it may well be a phone call. There could be wrong numbers or calls directed to other departments or community services, for all we know.

What the estimates inquiry also revealed was that the government does not collect information on how much the cost of compliance with the Human Rights Act is for government departments. Dr Foskey, today in question time, rightly raised the matter of lack of transparency about how it is determined that a piece of legislation complies with the Human Rights Act.

One thing I would agree with the Chief Minister to date on is that we have not yet seen a flood of matters before the court. He has mentioned there were four matters before the court in the 12 months where the Human Rights Act has been invoked. In one matter there is a worrying trend. That was a bail matter before a justice of the Supreme Court where normally that person would have been remanded in custody. But the Human Rights Act was invoked and that person was allowed bail. One criticism of Bob Carr and other critics of the Human Rights Act, indeed of our act, is that there is an overemphasis on the rights of criminals as against a lack of emphasis on the rights of victims and society.

One thing that concerns me—and I note that there have been 6,500 contacts with the office—is that I have yet to see an instance in the half dozen or so matters I have referred to that office where ordinary citizens' concerns are being addressed. I had a couple of instances. I got a letter back recently from the office saying they could not assist a fellow who had, wrongfully, some speeding convictions on his record which he didn't incur. I think it was Mr Hargreaves's department that expunged those convictions when the error was brought to their attention. But the human rights office was not able to do that.

Another person had a problem in relation to an ACTPLA matter and seemed to get the run-around from the office. Another person had their rights restricted in terms of what they could do within a club because of their employment—an issue that seemed right up the alley of the human rights office. Again, that did not seem to come within the category of what human rights are about.

We are forgetting that it is early days yet. We do seem to be getting a fairly selective interpretation of what things that office is going to do to assist rights and what rights are not really going to be assisted. If we get into economic rights—we are getting into the review period now—God knows how much that is going to cost.

I mentioned earlier the lack of knowledge, lack of detail, on just how much the cost of government departments complying with act is going to be. That, in itself, might add another layer of bureaucracy. I think we will see significant additional costs associated with that act and the compliance required under that act, for no discernable good for the average citizen of the ACT.

I am not going to talk about Quamby. Mr Seselja did that in relation to the Office for Children, Youth and Family Support. There is an example there, and the government readily admits it, of breaching its own act. I think we are going to see a lot more of that. There are some significant problems there.

The contradiction between what the government expects to be standing up for and what they do in terms of rights is glaring, too. In fact, only this week they refused to back an opposition private members bill to affirm the rights of animals to humane treatment. The same day the Chief Minister was making a media statement in relation to the International Whaling Commission and being against Japan killing whales commercially. I would certainly agree with him on that. Yet his government's failure to show the same care for local animals certainly was not lost on animal lovers in the ACT.

The proportion of money spent on administration of the victims services scheme is also a concern. Around \$200,000, or 20 per cent of the total budget of \$1.2 million for the victims services scheme, is spent on admin by JACS alone. The Victims of Crime Assistance League, commonly known as VOCAL, which provides three-quarters of all victims services, gets only \$144,000 per year to deliver the only 24-hour response service. Victims and their family can ring up any time of the day and night, including on weekends, to get support. There is also no time limit on this, as there is for the government's departmental service through ACT Health, which is limited to 12 hours. Yet between 2001 and 2004 the percentage of the budget for victims services being consumed by paid professional services climbed from \$173,484, or 26 percent, to \$114,309, or 43 per cent, last year.

Judging by the attorney's answers at the estimates inquiry, the government has a totally erroneous belief in the superiority of professional counsellors over the volunteers at VOCAL. The attorney stated in estimates recently that there is a difference between the two services, as though a volunteer service must, ipso facto, be an inferior one. I will take my next 10 minutes now, if I may.

As I understand it, many of the volunteers at VOCAL are very qualified. Some have masters or even PhD degrees and qualifications in psychology and social work. They have provided a magnificent service since its inception in about 1989 to so many victims in society. I think it is terribly important for this government to look at what it is spending and where it can really get value for money and ensure that the bureaucracy does not take over and shut down, which appears to be the case, a very good volunteer service that has provided excellent 24-hour, 7-day a week support to so many needy people in our community.

The government does not seem to be able to comprehend that a volunteer organisation can provide that emotional support, guidance and practical help, such as finding emergency accommodation when it is most needed outside office hours or on weekends. Moreover, professional counselling is often not appropriate for people who need to move house, deal with practical difficulties and financial costs. Being settled and capable of introspection is required to benefit from counselling and is usually not what victims of crime need, certainly at the outset.

The research literature shows that counselling is not the most important need for victims of crime, but that is what the government is increasingly spending the victims services scheme budget on. The point is how well taxpayers' funds are being utilised to provide services to victims of crime. The government is giving preference to referring victims of crime to professional services, contracted out at \$150 hour, when VOCAL offers both assistance and counselling for nothing. ACT Health advertises in a promotional brochure its own service as a 24-hour service. But all it amounts to is a duty of just answering the phone and telling victims they will hear from someone during working hours.

While VOCAL is receiving more requests for help due to the automated support link system used well by police and doctors, there are in fact victims of crime who do not find out about the support offered by VOCAL until well down the track, after they have endured much emotional trauma, including having to face perpetrators in court appearances, because they have not been informed by ACT Health or other government agencies about VOCAL and the assistance VOCAL can provide them. I was concerned to hear that there were only one or two people in a 12-month period referred by the professional services to VOCAL, bearing out that point I earlier made about perhaps the bureaucrats trying to shut out the volunteer service.

It seems the taxpayer is not getting value for money, with so much money being spent needlessly on professional service providers who are motivated to spend as much time as they can on patients simply because they do that at an hourly rate. I was told that in one case a victim of crime was given 48 hours of such counselling, which is 36 hours more than is allowed under the scheme for professional services. That person then went to VOCAL for assistance. They apparently had mental health problems that predated the crime. In that instance, the bill was, I think, \$8,100 for what turned out to be inappropriate and unnecessary counselling. For some people, the support they need is to be able to repeat their story ad infinitum.

We come now to the prison. This year's budget finally acknowledged what we have been saying for some time now: the government's fully funded, new ACT prison project has blown out beyond the \$110 million allocated in 2001. As late as the end of last year, the JACS incoming-government brief still put the figure at \$110 million. The government maintains that there has been no blow-out and that the \$18.7 million allocated in the last budget to cover the increase in construction costs in the last couple of years is the normal escalator. I think what they failed to explain is why the project has been so delayed. The \$18.7 million, in any case, goes nowhere near plugging the hole created by the delays and, obviously, the construction costs, which have risen by some 40 per cent since 2001, according to the Master Builders Association. Really, as a result of this budget, we are none the wiser in terms of the real operating costs of the prison.

In the Treasury briefing on budget day the Treasury officials indicated that the operating costs for the prison, including staff costs, would come out of the general government sector. Territory unencumbered cash was mentioned as a source. That was the excuse for why there was no provision in the outyears for the increase in recurrent costs. Unencumbered cash has come down from \$800 million seven years ago, to \$83 million in 2004-2005, to a projected \$24 million in 2006-2007 when most of this money will be needed. There may well not be enough cash, especially with the way this government is running budgets, for the increased running costs of the prison.

In another hearing, related to annual reports, we were told we will have some 200 people in corrections once the prison is up and running, but that number looks like increasing by around 100. That would mean probably an extra \$10 million or so for those extra 100 people. One has to ask: where is that money coming from? There are no proper answers given in the budget. I do not think one can accept the assurance from the Treasury officials that the unencumbered cash will cover it, given the huge chunks of unencumbered cash that have been taken out in recent budgets.

The downward slide has begun. I think we are in for a very bumpy ride due to this feckless, ideologically driven government. This budget is just one example of that.

DR FOSKEY (Molonglo) (9.10): Just briefly: I commend the government for providing funding for human rights in the coming year, for the purpose of the human rights commission's operating costs, ACT government evaluation of the act and a separate evaluation by the ANU. Whether it is enough dollars or not—and I do not suppose there are many areas of government that feel that they have been funded as much as they would like—I do think that, since the human rights office has a statutory obligation to assess the compatibility of legislation with the Human Rights Act, it would seem a simple and inexpensive matter to provide this analysis to the Assembly, at least through the scrutiny of bills committee.

An area of concern when we are talking about law and people's access to it is the underresourcing of the Legal Aid Office. While I am not sheeting the blame for that home to the ACT government—I believe that the funding cuts began with the federal government—we need to acknowledge the impact that this has on the ACT community and the ability for everyone to seek justice in the courts.

Finally, in reference to ACT Policing: one of the major themes of the estimates committee process has been the number of police officers available in the ACT. Far be it for me to rave on about that, but I am waiting to see the policing for the future report before making further comments in the area. I am concerned that the minister for police said last week in the Assembly that I will never get to see this report. Of course it makes me wonder what the minister for police does not want us to know.

I have got the greatest respect for the officers of the AFP who provide service in the ACT. I am concerned that there should be enough of them to perform their job, including community policing, in a manner that serves this city without stress to individual officers.

On the whole, I think that a lot of the work done in the Department of Justice and Community Safety is excellent and useful work. Those are just a couple of my concerns.

MR SESELJA (Molonglo) (9.13): Mr Speaker, one of the things that Dr Foskey just touched on was one of the important things that came through in this area, and that was, as we have stated earlier in this place, we finally got out of not the minister but the government officials the police numbers, the current number of sworn police officers in the ACT. It has been some time coming, I have got to say, and it has been quite difficult to get the figures out of this minister. Every time we have asked him a question in this place he has dismissed it and has said, "I am not going to have this debate with you; I am

not going to answer your trick questions.” But then he has gone on to say, “We have got more police than you ever had,” and all this sort of thing.

But of course what came out—and the figures show—is that that is not true. What we have now—and this is what the senior police officer confirmed—is 583 sworn police officers in the ACT. We see that, in 2000-01, it was 597. So that assertion by the minister, which he has been making for a long time now, is untrue. There are not more police now than there were in 2000-01. In fact, there are fewer in both real and absolute terms. What has been happening is that it has gone backwards under this minister.

We had this argument the other day when he talked about a policeman at every letterbox and in every driveway. He is the only person who has ever said that. I have never heard anyone else but the minister say that. It must be his invention. It seems like, under this minister, a police car for every district is more like it. It is going backwards. It was edifying, though, to find out the true number so that we now can have a reasoned debate about this very serious issue of police numbers.

No matter how much this minister wants to dismiss it, it is an issue of concern to people in the community. Every time we raise it, he says, “You are just making this up. There is no concern. You are scaremongering.” Every time Mr Pratt raises a question in the Assembly, he says, “You are scaring the people out there.” Big, bad, scary Mr Pratt, every time he asks a question of the minister, is somehow putting fear into the hearts of Canberrans.

This ridiculous argument should now be put to bed. We have real figures. Hopefully on other issues we will not have this kind of ridiculous answer for long. But what we have is real figures that show that, in real terms, in absolute terms, the numbers have gone down under this government. What we want to see is the government honouring their promise to increase police numbers. We look forward to the funding for that coming, obviously not in this budget but some time in the next budget.

The other thing that came out of this area of note was—and Mr Stefaniak has touched on it—that it was put to the Attorney-General that the Human Rights Act was being breached at Quamby and that the Education Act was not being complied with. When we put that to the Attorney-General he said, “I don’t believe the Education Act is; it’s your word.” It is true; it came out in the estimates process; it was undisputed. There is a clear obligation on the minister under subsection 76 (1) of the Education Act to consult with the non-government schools council before the budget, and that was not done. It was a breach of the law. No matter what the Attorney-General wanted to say about it, it was.

Of course he has admitted, and his minister has admitted, the breaches of the Human Rights Act at Quamby and at Belconnen Remand Centre. That is not disputed now, but it is an important point because the Attorney-General tried to dismiss it and say, “It doesn’t matter. It was happening before and it is happening now,” and all that sort of thing. Before, there was not a Human Rights Act. The Human Rights Act was only passed in 2004. This government champions itself as fighting for human rights.

There was always a question, when the Human Rights Act went through the parliament, put on the other side that it would not do much. There was a concern that it might have some unintended consequences but, in real terms, in terms of protecting people’s human

rights, it would not do much. What the Attorney-General has done is confirm that. He said, "That is all well and good, but we are not offending a law. There are no penalties there."

The question that then needs to be raised is: what is the point of it? If it is a piece of legislation, the government should be complying with it; it should be complying with its legislation. If it was meant as guidance material, then that should have been said. The Chief Minister and Attorney-General could have put out guidance material for the ACT government in dealing with human rights. Everyone would have said, "What a wonderful thing; human rights guidance material protecting people's human rights." He put it in legislation. Then we put to him that it is not being complied with and he says, "We are not offending a law; there are no penalties." It makes a mockery of what the Human Rights Act is; it is either a law to be complied with or it is not.

This is the concern that we in the opposition have: despite being a champion of human rights, the Attorney-General does not seem too concerned when his own Human Rights Act is not complied with and when other pieces of legislation are not complied with by his ministers and by government agencies. This was one of the real, serious concerns that came out of the estimates process in relation to, certainly, this part of the budget.

I think the only other thing I would add is that not only do citizens have to comply with the law—and the rule of law says citizens and governments have to comply with the law—but governments have an extra responsibility to lead the way in complying with the law. Even if there are no penalties and no-one can be sued or sent to jail for the breach of the law, it still sends a message that you are serious about it; you are serious about your legislation; you are serious about what you say; you are serious about being a champion of human rights. And that is not always seen from this government. We are not seeing leadership; we are seeing lip service on this issue. That was the clearest thing that came out of these parts of the estimates hearings.

MR PRATT (Brindabella) (9.20): The 2005-06 budget appropriation for expenses on behalf of the territory to provide an ACT policing service within the JACS portfolio is set at \$94.39 million, according to BP4 at page 341. The total cost of ACT policing in 2005-06 is \$95.781 million in total but only \$94.39 million is actually expended by the territory. I do not have a problem with this appropriation; I am not standing up to deny this line item, but there are some issues that need to be addressed.

This appropriation again reflects an inadequate commitment by the government to policing in general. The Labor government is obviously not concerned about hiding the fact that it is soft on crime. Quoting from page 341 of the budget, it states that this payment "covers the protection of persons and property, crime prevention and detection, and maintaining peace and good order and the enforcement of ACT laws". Clearly this payment only partially covers the aforesaid areas.

The reality is that ACT police numbers are still worryingly below the national average and the police force are therefore unable to carry out the full functions of their duties as described in the quote above. This is of serious concern to the community, the opposition and the police themselves, who are stretched to the limit. The police minister recently made a bold announcement that the 2005-06 budget provided for an additional 40 police officers over five years. The minister even had the gall to boast that this increase in

numbers would provide for two new patrols; one for the north district from July 2007 and one for the south district from July 2008.

There will be an additional 20 officers brought on line as a result of the 2004-05 budget. However, the provision of 20 new police officers at a cost of \$2.2 million, provided by the government to make up two extra patrols that will not come into effect for two to three years, is in fact an insult to the needs of the community. The minister said in his press release of 3 May that the overall increase of 40 additional police would occur between 2004-05 and 2008-09. This is just too far short of the mark. This will not even cater for the loss of manpower, given this government's lack of retention policies. This is an absolute abrogation of this government's responsibility to the ACT community when we need at least 100 to 120 officers now to bring the ACT into line with the national average and to ensure that we have enough police on the front line.

When the Stanhope government campaigned for government in 2001 it stated in its election promise that it would increase police numbers in line with the national average. The Stanhope government has fallen well below the mark on this count. In fact, we have fallen so far below the mark that we now have the lowest number of sworn police officers in four years, as Mr Seselja pointed out. I will not go into the detail of that but the bottom line is that sworn, effective police numbers have actually fallen in four years and not increased, as continually claimed by the government.

I take this opportunity to welcome the government's expenditure of a total of \$7.83 million on capital works for the new Woden police station. I look forward to seeing this police station operational, as it has been a long time coming. However, I do wonder where we will get the police to man the station in its new increased capacity. Let us face it: we have had too many incidents where police stations have had to close, or have been unable to respond to callouts, due to a severe lack of manpower. The new Woden police station will, of course, have a larger capacity than the present station but where we will get the police from to man it is a matter of concern.

My office receives complaints on a regular basis from constituents who have been told by police, when they have reported crimes in progress, that there are either no police or no cars available for police to attend the incident. Members of the community are constantly telling me that we do not have enough police to respond to callouts. That signals to me that there is a serious problem, despite the police minister's claims that I am simply scaremongering, to quote the minister himself and as Mr Seselja pointed out. The minister also claims that the ACT now has an intelligence-based policing model and that therefore people should simply ring police to report incidents so the police can gather intelligence. Intelligence-based policing, in the truest sense of that definition, means a community policing presence where there is a relationship between the police and the community to gather intelligence on a face-to-face basis. If the police do not have the manpower to attend an incident, then of course we do not have a preventative policing capability in place.

It was apparent to all who heard the police portfolio session in estimates that the police minister and the chair of the committee caused blatant and significant interference to the questioning process, a process that is meant to allow for the scrutiny and accountability of the government to the community to be upheld. The chair in any parliament is

naturally expected to favour his or her own party colleagues. We understand the spirit of that but the chair was supposed to be running an inquiry or committee process that has an inquiring, collective mind.

The chair's interference in this case was blatant during the estimates hearings. Her decision to deny visiting MLAs the opportunity to ask core formal questions was hardly discreet. I refer to the *Hansard* of the estimates hearings on 26 May. That shows that it was 40 minutes before I, as shadow police minister, was allowed to ask the first formal question on policing matters. That convention has been exercised in this place for the last four years. Even when I was afforded the opportunity to finally ask questions I was then subject to Mr Hargreaves's normal barrage of insults and, of course, all the evasive filibustering that we have come to see in this minister in the chamber as well as in committee rooms from time to time. He is hypersensitive about being questioned because clearly he has something to hide.

It needs to be stated for the record that Mr Hargreaves's belligerent attitude was the standout negative performance of all performances in estimates. His behaviour tragically reflected on the democratic process and indeed undermined democracy in the ACT. His behaviour reflected very poorly on this place. In 21 out of 58 questions that we had to put to estimates—there were so many questions that had to be put because they could not be asked as questions on notice to estimates—only 21 have been answered. We are looking forward to now seeing some of those questions being answered. If time permits we want to see all of those issues accounted for. The questions we were asking go to the heart of ACT Policing's capabilities and the minister's management of policing matters in this territory. They were blatantly avoided during estimates and have clearly been avoided during the questions on notice process.

It is convention in this place that ministers and their departments are scrutinised in estimates committee hearings. That clearly has not been allowed to happen. I have no bone to pick with our police; they are hardworking servants of the community who do the best they possibly can; and whilst dedicated and resourceful, they are overworked and have too many overtime shifts.

While a policeman should have the opportunity to do overtime if he or she is fit and rested, the rostering system to meet minimum police station shifts should not have to rely on overtime to work. Sadly this would seem to be the case here in the ACT. This is why a significant expansion of numbers is needed quickly to reduce the strain on the force. The real problem here lies with this government's lack of commitment, clearly apparent in the 2005-06 budget, to increase ACT Policing numbers to ensure an adequate policing presence throughout our community. A token gesture of 40 new police over four years which will not even meet attrition simply does not make the grade.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.20—Emergency Services Authority, \$53,495,000 (net costs of outputs) and \$13,514,000 (capital injection), totalling \$67,009,000.

MR SESELJA (Molonglo) (9.31): One of the significant issues that came out in relation to emergency services was the commitment to the McLeod report, so to speak. We saw a failure to deliver on a number of recommendations. One of the key recommendations

of the McLeod report was new emergency services headquarters. When the report was handed down the government's response was that it will implement all of the recommendations. Other priorities, such as the arboretum, are obviously now taking precedence.

Mr Hargreaves: Don't you like it?

MR SESELJA: I had to mention it, John; I know it is one of your favourites. All sorts of other priorities, a number of which we have identified in our dissenting report, have taken precedence and the question is now when this promise will ever be delivered. In January we had a communications blackout during a quite severe storm and Mr Hargreaves's response was that it was because of scheduled testing. It is clear that the current headquarters are not up to scratch, but there do not appear to be new headquarters on the horizon.

Another issue of concern was in relation to community fire units. Having promised 80, I think only 28 have been delivered to date. This was another priority which has been pushed back. There is no doubt—and I do not think there is anyone here who would suggest otherwise—that the community fire units are a significant priority. We see spending on things, some of which, as we have said, are good things in themselves; but when we see priority being given to things like the real-time information service ahead of things to protect vulnerable bushfire affected suburbs, there is concern in the community. Mr Pratt has raised this issue a number of times and it continues to be a concern.

Issues around FireLink also emerged from the estimates process. There were some questions asked but nothing was established. It is unfortunate that this, like many other issues, was shut down by both the chair and, I think, the minister. That is disappointing. We saw that on many issues. That is another example of where the committee was not able to dig as much as it should have been able to to get to the truth of matters.

The constant refrain that, "You can put your questions on notice" is really no answer at all when we know that we could bypass the whole estimates process and not put any questions to ministers; we could put them all on notice and save ourselves the trouble. Of course, as anyone who has been involved in the process knows, it sometimes takes a few questions and a few pearls of wisdom from someone like Mr Hargreaves to really enlighten an issue and display areas of government mismanagement. Unfortunately on many occasions that was shut down. One of the things we have seen is that Mr Hargreaves likes to trot himself out in front of a fire tanker, helicopter or some sort of equipment. We know that ministers love doing that, and they love turning the first sod.

Mr Hargreaves: I haven't turned a sod!

MR SESELJA: It would be helpful if this minister focused on some of the real issues of concern in the emergency services area. You continue to enjoy yourself, Mr Hargreaves, but make sure you are delivering for the people of Canberra the kinds of services in the emergency services area that are needed, especially in light of the 2003 bushfires. I would like to restate that the issues of real concern were the failure to respond to the McLeod report and the failure to provide the CFUs as promised. We look forward to the government picking up its act in the next budget and delivering on some of the promises

it gave well before the election and just before the election. We will continue to read the fine print of some of this minister's promises.

MR PRATT (Brindabella) (9.35): In the 2005-06 budget the ACT government has appropriated \$67.009 million for the ACT Emergency Services Authority's operations for the year. In the 2004-05 budget an initial amount of \$66.2 million was appropriated, with an additional second appropriation of \$1.974 million for increased wages. On top of that we have recently seen additional funds totalling \$5.4 million issued in 2004-05 in the form of a number of Treasurer's advances for so-called unforeseen expenditure. This brings a total ESA expenditure for 2004-05 that we know about—so far anyway—to \$73.623 million. That is a whopping 10 per cent budget blow-out for so-called unforeseen expenditure on general insurance, additional security measures at the headquarters in Curtin and overtime for fire brigade staff.

The opposition's concern is that this budget blow-out may be a breach of the Financial Management Act, given that the ESA's expenditure has clearly exceeded its budget appropriation for the 2004-05 financial year. It also means that the \$67.009 million appropriated in the 2005-06 budget is \$6.614 million less than that appropriated in 2004-05. Does this mean we will see another budget blow-out in 2005-06, given that the funds appropriated are less than in the previous year? Will we therefore see more Treasurer's advances required next year to cover the shortfall?

Those are interesting questions. Not only is the money appropriated in 2005-06 less than in the previous year but we also see the loss of some key projects in the portfolio. Almost \$10 million has been withdrawn from the emergency services budget for the construction of joint emergency services centres in Belconnen and West Belconnen. Those projects have disappeared. Funnily enough, by the way, this is suspiciously close to the original \$10 million in funding the Chief Minister requires to build his arboretum.

Mr Hargreaves: Don't you like that?

MR PRATT: While it is not my intention to defeat the appropriation line in the budget, there are major concerns that I wish to bring to the government's attention and place on the public record. I love the arboretum! I will now look at those concerns in more detail. The latest budget blow-out comes on top of a raft of failings to the emergency services portfolio that are major components of the McLeod inquiry, which the Stanhope government promised to implement after the January 2003 bushfire disaster.

Those failures include the failure to increase funding to ensure the continued rollout of community fire units; the lack of commitment to ensure the continuation of the fire management unit in urban services; the clamp on rural fire services drivers undertaking urgent driver duty; the sidelining of funding for the new ESA headquarters, or at least—and we would favour this option—the provision of a modest amount of refurbishment funding for the existing ESA headquarters at Curtin; and, finally, the reversal of the \$10 million for the joint headquarters centre.

The bushfire threat should not be ignored just because the government has become complacent. It is looking suspiciously as if Jon Stanhope is hoping that the community's memories about the fires and their suspicions that his emergency management regime failed, letting the community down, have faded. Let us have a look at the CFUs. The

stalled program was supposed to ensure a significant increase in the current number of 28 units—that they be raised, trained, equipped and fielded before the next bushfire season.

In budget estimates the minister failed to justify, when questioned, the rationale for the decision to drop the program. When asked as to what had changed in the bushfire risk analysis that justified not continuing the momentum of this vital program, the minister chose not to answer. We have already talked tonight about filibustering and evasion. That was another example of where a committee of inquiry was not able to ask a logical question and get a truthful answer.

As to whether the ACT can afford to reverse or postpone bushfire risk programs, although a good deal of the long-neglected forest and bushland fuel hazard was eradicated in the January 2003 fires, there is still a considerable hazard around and through the ACT. I would remind members that the bushfire drought index measure is still extremely high, regardless of the rain and everything else. The minister has also demonstrated his disinterest in emergency management by indicating that any delay in bringing on line the remainder of the CFUs simply presents no concern at all. That is an astounding statement for a minister to make, given the recent history in the ACT.

I turn now to the ESA headquarters. There is a blatant omission in the 2005-06 budget either for the funding of these headquarters or for at least a significant upgrade. As I say, we would certainly support, as the better of two options, the upgrading of the existing facilities. One of McLeod's major recommendations was as follows:

The ACT Government should take urgent steps to upgrade the Emergency Services Bureau's operational command and control facilities—either by carrying out a major refurbishment of the existing facility at Curtin or, preferably, by locating to a more suitable alternative site ...

A major upgrade with a better command and control system and better facilities, so that all of the agencies operating there can operate in cohesion, is what is required. All the feedback is that we are still short of the benchmark. The government has so far failed to either upgrade the existing headquarters or to construct new headquarters. We are hoping the government will revisit this issue.

There are a number of unanswered questions that we have now had to put to estimates. Again, these questions were not answered in estimates at all and answers have still not been received. We are going to give them back to the minister and get those questions answered one way or the other. We had to put about 61 questions because we were simply blocked from having those issues discussed in the estimates process. Given the 2003 bushfire disaster, the Canberra community deserves answers to those questions. They are definitely not getting answers from the Stanhope government in the normal way they govern, which is in a rather arrogant fashion.

It is not our business and it is not the community's business to make sure that these capabilities are working properly, particularly those recommended by McLeod. I do not have a great deal of support for the McLeod inquiry—I am on record as having said that—but at least the McLeod inquiry, soft as it was, made some rather useful

observations and recommendations. Those identified for which money was appropriated were certainly worth persevering with.

The questions for which we do not yet have answers are those going to the heart of crucial issues like the communications system. Communication failures were instrumental in contributing to the poor response to the 2003 bushfire disasters and were one of the serious failings identified by McLeod. The government has stated in annual reports and estimates that communications are working okay in general terms, yet we constantly get feedback from the people in the field units that the implementation of the various communication systems—TRN, FireLink, communications vehicles, datalink and the Plumtree software programs—is being fielded in a haphazard fashion with mixed success.

Major questions remain over the reach of the new radio network. The continuing use of the old primary network has never been transparently explained. Why is this? It is because that is still required to piggyback the new TRN system. This issue alone begs very deep questions about the efficacy of the system and about why so much money appropriated in the last 2½ years has not delivered efficient and reliable communication systems on time and with the urgency they deserve. When I examined the original communication system's operational requirement—which was designed in accordance with the McLeod recommendations—I, and indeed many others, had major questions about where the funding went and what we got for it. In estimates the minister evaded those questions.

Let me identify the breakdown of the communication system's operational requirements, which I have no confidence that this budget any longer supports or respects. The program to implement the communications plan was spread out over four years at a cost of \$26 million, which was then downgraded, understandably, to about \$23.6 million. It included a new trunk—basic network—system of \$15.4 million, a mobile and portable system worth \$4.2 million, a portable manpower system worth \$3.8 million, a radio relay vehicles program worth \$0.6 million, an RF-based wide area network worth \$1.2 million and a project management program worth \$1.6 million. That was the benchmark designed 2½ years ago, for which appropriations were made, but there are questions over whether those capabilities have been properly delivered. We cannot find out, even though there is a deep amount of concern.

The last point I want to make is in relation to the information management communication command and control section, or IMCCC as it is called—the group that now operates within the ESA headquarters alongside of the operations section. I have major questions and deep concerns that the operations section itself and the IMCCC, which is part of that inside the ESA headquarters, has become a bloated, costly and inefficient organisation responsible for a very large blow-out in the order of \$5 million, which I understand has had to be departmentally investigated.

The department has had to come into the ESA and question why that amount of money has been blown beyond budget. We have asked about that but we do not have the answers. We will continue to get to the bottom of that, and why a group which is responsible for communications and technical support now has in the region of at least 18 staff when, in the previous regime, the communications support section was staffed by six. We want to see what we are getting for our dollar. We want to know how

massively improved the communications system is to justify an organisation of that size. We still await the answers, even though we have been asking in estimates and in questions on notice. The community deserves to know that the emergency management system and the emergency services capabilities backing that up are well funded and quite capable.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.21—Department of Education and Training, \$452,142,000 (net cost of outputs), \$27,099,000 (capital injection) and \$157,687,000 (payments on behalf of the territory), totalling \$636,928,000.

MR SESELJA (Molonglo) (9.48): The Treasurer made a comment earlier this morning when trying to read something into the fact that Mr Mulcahy was leading off when it was not his portfolio area. I am leading off here. It is not my portfolio area, but I assure you, Treasurer, that you do not need to read anything into that. A number of important issues came out in the estimates hearings, one of which was bullying. That has been the subject of a lot of discussion. It was clear, in my opinion, that there was a seriousness among officials in dealing with this very serious issue. From what came out in the hearings one concern was that there was no specific funding or funding strategy when it came to dealing with bullying, and that there did not seem to be any real way of gathering statistics. There was a little bit of a concern there. No doubt that will inform community debate somewhat in the coming years, which will be welcome, and allow the community to understand how widespread the significant issue of bullying is.

Another issue of concern was voluntary fees. This seems to be a bit of an issue for the government as far as its funding is concerned. Something like \$3 million a year is collected in voluntary contributions from parents. We saw that drop when it was highlighted that these contributions are voluntary and it was made clear to schools that they had to tell parents that they are voluntary. Obviously that is something the minister addressed to some degree, but it is a concern. I took the minister's assurances that no child who is struggling will miss out on excursions and the like. No doubt Mrs Dunne will continue to watch that issue closely and ensure that that is indeed the case.

Another issue of concern was with regard to school ovals. We had quite an animated discussion about that. There were some claims of kids walking eight kilometres. I do not know that it was actually eight kilometres, but there was a distance for some students to walk, at schools where their ovals had died, due to both the drought and the water restrictions. I want to put on record that I think that, generally in respect of ovals, it seems like an odd use of resources for schools or other bodies to let a certain number of ovals die, especially in areas like Gungahlin where there is a high rate of usage and the local soccer clubs and others are crying out for them and, later on, lots of money has to be spent to rehabilitate those ovals. The savings in water could probably be found somewhere else. Mr Pratt has certainly had something to say about that.

Disability funding for non-government schools was a big issue during the election campaign. There did not seem to be much additional funding for students with disabilities at non-government schools. This remains a significant concern. Obviously there is no data to suggest that disabled students in non-government schools are any less needy; and there does not seem to be any real reason for having any less funding for

those students in non-government schools than there is in relation to those in government schools.

The overall funding mix for non-government schools versus government schools I think has stayed about the same, which is around the 17 per cent mark. I am not referring to disability funding here. We are on record as saying that we think that is too low; that that is the wrong mix; and that some non-government schools are suffering as a result. I am thinking in particular of a lot of the systemic Catholic schools, which struggle. They are certainly not the preserve of the wealthy; they do not have lavish facilities; and they struggle at times for funding. I think it is legitimate that they continue to seek additional funding in coming budgets.

We saw that section 76 of the Education Act requires the minister to consult with non-government schools and with the education council, I guess partly for that reason; so that the overall mix of funding for different schools is right. We saw that that was not done ahead of this budget and that that section of the Education Act was breached. That was disappointing for a number of reasons. I have gone into the legal issues but this one is really about getting that funding mix right.

Of course the minister could have disregarded whatever the council said but it would be good if, hopefully, for next year's budget they were listened to. Hopefully what they say will be taken into account in determining the funding mix for both government and non-government schools. That is a bit of a summary for the opposition. No doubt Mrs Dunne will talk more as the relevant shadow, but the failure to comply with section 76 and the lack of much additional funding for disabled students in non-government schools continues to be of concern to me.

MRS DUNNE (Ginninderra) (9.54): Mr Speaker, there are many issues in such a large portfolio that one could touch on when commenting on the budget. Last night I spent some time at a P&C meeting at one of our local high schools. No matter where you go, the list of requirements and the list of things that people would like to see in their schools is almost the same. They want more male teachers, they want better counselling services, they are concerned about the maintenance and the look of the school, and they are really concerned about the continuity of teachers and getting the right teachers for the right classes. Parents and teachers come together in organisations like the P&Cs to work hard for their schools.

The big message that has come to me since the budget is the complete abandonment, it would seem, of ACT government high schools by this government. There is a very large level of discontent in the community because the high schools are seen as the poor cousins in everything. Over successive governments lots of money quite rightly has gone into the early childhood years, the early years of primary school. We have cut down class sizes there. There is always lots of money for the jewel in the crown, which is the ACT college system. In the middle there are the high schools that, for the most part, feel that they have missed out.

The big message that I receive when I visit high schools and talk to the P&Cs is that they feel their schools are missing out. Most importantly, the big message that I am getting is that there are not enough resources for pastoral care and for counselling. I was at Melrose high school recently and they have a counsellor for three days a week. That

counsellor, who works in another school on the other two days a week, is concerned that she is not able to make the impact that she could if she were there five days a week. The school cannot cobble together some more staff money to get the counsellor five days a week. There is a problem with finding people who have the appropriate qualifications both as a teacher and a counsellor to act as a counsellor in the schools and as a result they feel that the children in their community who are at risk are missing out.

The government talks a lot about doing more for pastoral care and for the care of students in the high school system, and there was a promise of some money in the last budget. The minister could not remember the government's promises, and I was entertained when reviewing the *Hansard* to come across this little exchange:

DR FOSKEY: Correct me if I am wrong but I thought the government promised a great deal more for these student support funds. Would I be right? \$12 million?

Ms Gallagher: No, I don't have my election policy here, but it was certainly nowhere near \$12 million.

The conversation goes on backwards and forwards and Ms Gallagher ends up by saying:

I am just trying to recall the election document. I think it was half a million a year, \$2 million over four years.

So I think we need to go back to the Australian Labor Party policy at the last election. Under the heading "High schools at the centre of our approach" the policy document states:

Labor knows that high school presents many challenges for students. High schools must be a place where students learn and develop in a safe and supportive environment. In a major investment in high school teaching resources and care, Labor will provide in excess of an additional—

What was the figure, Mr Speaker? Not \$2 million but \$12 million. Dr Foskey was right. Go to the top of the class, Dr Foskey—

... in funding for increased focus on pastoral care, student support and student welfare.

But this money is not forthcoming and the people in the high schools are not seeing it. Probably one of the reasons they are not seeing it is that the minister has forgotten what their commitment was, and a little later I will talk about curriculum. From what we have seen, there probably needs to be some money in next year's budget for remedial studies for the minister, both in education policy, as expounded by the Labor Party, and in statutory obligations, as has been outlined by Mr Seselja.

Mr Seselja also touched on voluntary contributions. He said that there were assurances from the minister that no-one would miss out on excursions. The trouble is that people are missing out every day in schools because of the funding arrangement whereby voluntary contributions actually contribute to mainstream courses. I have used the example of art supplies purchased through voluntary contributions. Another example that was recently brought to my attention by a parent is that the voluntary contributions and

whatever put together for cooking classes mean that a teacher of home economics has the princely sum of \$2.50 per student per class to spend on ingredients. Mr Speaker, apart from learning how to boil an egg and make a cup of tea, there is not very much that you could do in home economics on \$2.50 per student per class. This situation arises because the government does not fund the course appropriately and relies upon voluntary contributions from parents to top things up.

It is not just about excursions. It is about basic materials to do basic work in the classroom. It is about ingredients for home economics, it is about art supplies, it is about metal and metalwork—it is about all of these sorts of things which are not available to students and students are not getting the full advantage of their curriculum because the government does not fund these activities.

One of the things that have really concerned many parents in the government school system is the decline in maintenance. When I first came to this job and I talked to my colleagues interstate about the issues that they thought were important, they kept talking to me about school maintenance. I was surprised because I really did not think that school maintenance would be such an issue in the ACT, which has a relatively new infrastructure. But school maintenance is becoming an increasing problem and it is one that parents are particularly concerned about. They are concerned about the impression that their school makes. Schools which have open days in order to encourage students to enrol find it very difficult to make a good impression if their school looks down at heel and a bit ratty around the edges and if paintwork needs to be done. We find that this is a problem everywhere.

We would be better off spending our money on maintenance and topping up curriculum areas such as home economics and art than on some of the things that I have called vanity projects such as interactive whiteboards. Interactive whiteboards are about the medium and not what is taught. I think there are considerable failings in what is taught in ACT government schools.

Mr Seselja touched on the issue of the failure of this government to address the issue of children with disabilities in non-government schools. He also asked questions in estimates relating to numeracy indicators and the comparison with other countries, particularly Singapore.

Ms Gallagher: We come fourth in the world.

MRS DUNNE: It was particularly interesting to look at where we come in the world. However, the minister gets all hoity-toity when we mention Singapore. She said that she wanted to go to Singapore and find out what they were doing—why they were achieving so much better than we were. I think it is very important that she do that because she might learn something about the way we teach.

In the latest survey Australian year 8 students achieved a mathematics scores in TIMSS—the trends in international mathematics and science study—of 505. The ACT does very well with 538, and the international average is 467. But all of these figures are well below Singapore at 605 points. In addition to that, there is a higher percentage of children in Singapore reaching advanced levels in their mathematics studies. The

benchmark in Singapore is 43 per cent. In Australia only seven per cent of students study high level maths.

In estimates, Ms Gallagher and her bureaucrats defended the current trend on the grounds that in Australia we have a more cooperative and team-based approach, and that this is not conducive to mathematical training.

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

MRS DUNNE: Mr Speaker, I will take my second allotment of time. Advisers at estimates told us that Singaporeans place much more emphasis on content and less on a cooperative team-based approach, as we do in Australia, where there are a variety of approaches being used—a combination of rote and cooperative learning. According to Ms Gallagher, the ACT curriculum is as relevant as possible to the world in which the kids live. It is as relevant as possible but they do not know their tables. I know that my children do not know their tables and I do something about it to ensure that they do.

Ms Gallagher says that we are trying to promote and foster a whole range of skills through the delivery of a comprehensive curriculum. I would like to talk about the curriculum. We have this wonderful document. I have been criticised for being ignorant and not knowing anything about curriculum because, as Ms Gallagher said, I was not a teacher. Perhaps she should read my CV from time to time before she makes such statements.

Mr Hargreaves: Can you say your seven-times table?

MRS DUNNE: Yes I can do my seven-times table, and I really love it. We were told wonderful meaningless things. We were told that students understand and apply numbers. After a bit of burble we were then told that they calculate by choosing and using a variety of strategies and tools, including written and calculator methods when numbers are beyond their mental scope. That is usually when you get to 13 times 13, Mr Speaker.

What we have here in the ACT is a complete failure to really address the falling decline in a whole range of our curriculum areas, particularly numeracy. Society increasingly depends on mathematical competence at all levels but standards are actually falling. And do not believe me; believe the experts—the people who have been teaching for longer than I did.

As indicated in submissions to the House of Representatives committee on teacher training, there is a huge drop-out rate among maths students in years 11 and 12. Also, there is a serious and worsening shortage of qualified mathematics teachers and most of those undertaking teacher training in mathematics have no formal qualifications in mathematics at the beginning of their training. Data from the Australian Mathematical Sciences Foundation on students entering mathematics teacher training courses show that only four of 31 universities require year 12 mathematics of any type; so you could leave school tomorrow, go to university and become a maths teacher and not have done year 12 maths. Another eight indicate that they require only year 11 maths. The remaining 19 do not have any requirements for maths as an entry to become a maths teacher.

The House of Representatives committee was also told that teacher training in maths has little or, in some cases, nothing to do with maths itself but rather various forms of half-baked sociology, such as learning to sort and classify, and deciding what needs to be measured and what appropriate tools are needed to do this. This is so prevalent that the Australian Mathematical Sciences Foundation felt it necessary to state in one of its recommendations to the House of Representatives committee that diploma of education courses for prospective teachers of mathematics should have a clear focus on the teaching of mathematics. This does not sound like rocket science. It seems pretty obvious that if we are not teaching our teachers mathematics, how can they teach the children mathematics?

This is a cause of grave concern. One result, according to the Australian Secondary Principals Association, is that while 25 years ago there were 100,000 students doing pure maths and logic at university, today there are fewer than 16,000. An item in last week's *Australian* pointed out that states are in disarray when it comes to the teaching of maths. To quote from the article:

Maths students in some states are missing out on learning core skills while others are being taught those skills too late, a leading maths education body has warned.

The article goes on to tell us what is wrong with the teaching of maths in schools. And maths is only one example.

To see where this is leading, we might look at a report this week by leading mathematicians on the condition of maths teaching and training in the UK—admittedly this is the UK and we are not as bad as they are at the moment. These leading maths teachers found that national test results are “grossly inflated”; the students with top grades are “increasingly innumerate and even uneducable”; the shortage of qualified teachers is reaching “dangerous levels”—and we are getting to that position because we do not require maths qualifications for those going into teaching; and most postgraduates with a PhD in maths from a British university are now “largely unemployable” as mathematicians. The maths teachers are saying that this is all because over the past 15 years the subject has become fragmented and reduced to a collection of simply one-step routines that have undermined its integrity. In other words, it has become student-centred as opposed to content-centred learning—that is, they can do what they like and not learn their tables.

While we are not yet in the parlous situation that exists in Britain, we are on the slippery slope and we can see that there is no hope if we adopt our curriculum guidelines. It is crucial that we stop pandering to this fashionable nonsense. The only effect of this will be to provide students and teachers with a substandard education. At the moment the ACT is performing relatively well but the government threatens to undermine past achievements by extending the very education philosophy and practices that have caused havoc elsewhere and have been lampooned across the world—in Britain and in Australia, through the submissions to the House of Representatives inquiry into teacher education.

The crisis in mathematics exemplifies a broader problem—the impact of student-centred learning as an underlying educational philosophy and the reliance on gimmicks like electronic whiteboards to make up for the increasingly obvious shortfalls of the

education system. This is also exemplified in the budget's misplaced priorities—interactive whiteboards and other supposed technological panaceas, which really mean quick fixes and throwing money at the problem, endless consultative bodies and task forces, instead of a focus on elementary learning and adequate teacher appointments and conditions. We can only hope that Ms Gallagher and her zealots do not do too much damage before the next election.

DR FOSKEY (Molonglo) (10.11): Mr Speaker, I will start off with pre-schools. Initially I welcomed the increased funding of just under \$8 million over four years to increase pre-school hours to 12 hours per week per child, although I have heard constituents say they are concerned about the way that is going to be implemented. Since then we have learned that the 12 hours will be implemented in a flexible way that allows parents to choose the most appropriate format of participation for their child.

However, since the announcement of this funding I have heard concerns from non-government pre-schools that there is a looming early childhood staffing crisis in the ACT and that this initiative is likely to exacerbate the problem; and, furthermore, that non-government services, which include a number of community schools around the ACT, are disadvantaged. I think it is a shame that the initiative is driving a wedge between public and private early childhood services. Perhaps more consultation and consideration would have found a win-win solution here, and perhaps it still could. So I urge the minister to give this some attention.

In regard to schools, in my first speech on the budget I also welcomed the allocation of additional funding to SCAN—funding to support the access and participation needs of students with a disability—to meet the needs of increasing numbers of students with a disability. I stand by the need for additional funding to assist students with a disability but some important concerns have been raised with me about this program. Examples of these concerns, which I raised at the estimates committee, include the following: the process can be demeaning for students and families since it focuses on deficits rather than strengths. The funds are capped and are often insufficient to fully address individual needs. This has led to failure in some cases, which contributes to the perception that intergrading students with a disability does not work. Funds are used at the discretion of principals, which works well in some schools but not in others. Increasingly, students with a disability, especially students with particular needs such as autism, are being forced into specialist units and therefore there is decreasing participation in mainstream settings for them. I urge the minister to consult with families and undertake a full evaluation of this program to measure the extent to which it is enabling students to participate in mainstream education rather than segregated settings and the extent to which it is empowering rather than frustrating families.

I support the allocation of student support funds that will provide funding to government schools to enable children and young people to have the opportunity to access and participate in school activities regardless of economic circumstances. I am disappointed that there are not more student support initiatives. The Greens would have liked to have seen an increase in the school counselling and the schools as communities programs, and were hoping to see some expansion of student support programs to preschools.

Lastly, the review of colleges is a reasonable initiative but it is our understanding—and I think we have heard it here again tonight—that there is considerable concern in the

community regarding ACT government high schools, with research indicating that there is a substantial gap between students achieving high and low outcomes as well as a significant level of dissatisfaction and disengagement of students at high school. I know that both the P&C and the AEU have called on the government to address issues with high schools in this budget. I had hoped that this budget would indicate a commitment to examining these issues and addressing them accordingly.

Mr Speaker, high schools are the most difficult area to teach in. I certainly know that from my own experience as a teacher. I think the physical surroundings of a school that is allowed to run down a bit influence the way that children or young people experience their school and then treat their school. It is very difficult as a teacher to be trying to teach art, for instance, when you run out of materials half way through the second semester and you have got to entertain students in some way, let alone teach them.

I think high school is the area where we win or we lose students. It is the area where vulnerable students fall through the cracks, and I have seen it happen time and time again. Primary schools have a pastoral care approach that enables all students, whether they are failing or succeeding academically, to feel part of the place. But at high school students start being labelled and labelling themselves. I am not saying this happens everywhere but students do it to themselves irrespective of what schools do. Students are learning many other things in their lives and some of those things are much more interesting than education. So I think a greater effort needs to be made at high school to keep those kids engaged in the system because if they are going to drop out, that is when they are going to do so, and this happens way too often.

I will now turn to vocational education and training. It is very disappointing that the budget does not expand measures to provide fee relief, bursary support or access to fee exempt courses in CIT for disadvantaged members of the community such as the unemployed, young people at risk, women wanting to return to the work force, people with little education, those with very poor literacy and language skills, people with a disability and people from low income families who wish to increase their education in order to improve their life situation. CIT offers the opportunity for the students we lose in the high schools and colleges to re-engage with education, and it is good at doing that. Students can go back and do their year 12 certificate at CIT and they are back on the road again. CIT is really important.

Before the election the government promised to introduce a bursary scheme for disadvantaged students but this was another casualty of the tight fiscal position that allows us to spend scarce resources on—

Mrs Dunne: Electronic whiteboards.

DR FOSKEY: an arboretum—I am not going to get into electronic whiteboards; I am leaving that one to you—and a dragway but not help disadvantaged students gain the skills that they need to access the work force.

Also missing from this budget is the \$2 million of additional funding promised to CIT. I acknowledge the minister's assurance that CIT has been quarantined from cuts to achieve savings measures but I remain disappointed at this government's priorities. It

seems that new and non-urgent projects take precedence over election promises and core areas of government responsibility.

I believe that the ACT government could do much more to address skills shortages in the ACT and to assist disadvantaged students. I hope the next budget will see a more substantial demonstration of commitment in this area, but I am worried the government will still be propping up the arboretum and the dragway instead of education, disability and public housing.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.21): I would like to make a few comments on this line and, for the large part, thank members for their contribution to the discussion on education and training. I think it is an area where there is a lot of agreement across the Assembly around priorities, need, what is good and what is going on in our schools, and that has come out tonight in the debate.

People have spoken on some issues that came up through estimates. There are issues around priorities of delivery in respect of the commitments made by the Labor Party, and we did go to the election with a strong commitment around education. Of course, like other ministers, I would have liked to have been able to do a bit more in this budget. But I think education did very well. We have got our commitment to pre-schools, extra money for students with a disability, extra money for VET growth, some money for the student support funds, the college review, additional money in the second appropriation to non-government schools for early childhood initiatives, a school building renewal fund and, of course, the very popular—coming, I think, second the arboretum—interactive whiteboards. This budget is a very responsible one in terms of what it delivered for education. It addressed core areas of need. In particular, it addressed the huge peak in training over the last two years, which was outside of our decision-making process.

I will touch on some issues that were raised. School maintenance is an issue that we face here in the ACT. We have 97 schools, of which the average age is 33 years—many of them are above 33 years—and we have significantly ageing schooling stock. It gets harder each year to ensure that those facilities remain as good as they can be so that parents are happy to send their kids to them. The stakeholders and I have constant discussion around how do we make our schools look nice so that public education can be promoted through them. For some reason school buildings are given a life span of 30 years. I do not know why that is but that is the advice I have been given. I do not know why you would not build them for longer than that, but our ageing stock is, of course, a real issue for us. There is an additional \$2 million in this year's budget which is in addition to the around \$11 million that will go into the capital works upgrade program to deal with more and more work in schools across the ACT.

I would like to touch on some of the comments that were made around the curriculum. Mrs Dunne would have us believe that there is a crisis in curriculum of enormous proportions when, in fact, our students do very well. They do very well nationally and they do very well internationally. They do very well in areas of numeracy particularly. I have concerns around writing and we have seen in the benchmark reports of last year

that we are not doing as well as we should in areas such as year 5 writing. But I do not think there is a crisis in numeracy to the extent that Mrs Dunne would have us believe.

Students in Singapore do do very well in maths and science. The *Hansard* report of the estimates committee shows that I was trying to make the point that schools in Singapore are very different from schools in the ACT. I am told that they use very different techniques in their teaching. I have not visited Singapore yet. I was due to go there on 4 July but I have had to cancel that trip for personal reasons. My understanding is that the way in which students are taught, their freedom within the school and their freedom to make decisions about their education are not as flexible as they are here. Mrs Dunne may think that is a better way to teach but what I was trying to say is that we are teaching children in Australia who live in Australia. They do not live in Singapore, which I am advised is culturally a very different environment. Part of the reason I wanted to go over there was to check that.

Part of the difference in the curriculum approach is that in the ACT, in Australia and across the UK and America, for example, we are teaching our students to be critical thinkers. Again, this is the advice that I have been given. I am not a teacher. Mrs Dunne, I apologise if I said you are not a teacher and you are one. But my advice is that students are taught to be critical thinkers. No longer do you just read and accept what the teacher says. There is a different relationship. That is not the method of teaching in Singapore. My advice is that the tables turn if you measure Singaporean students against some areas other than maths and science. That will be part of my investigations in Singapore, which I will head off to when I can.

In relation to the essential learning achievements that Mrs Dunne talked about, there was a unanimous approach to the curriculum renewal process. Every single stakeholder who worked in curriculum across the ACT was involved in that. I have never seen a more positive approach to agreement to a single document in education than I saw to that curriculum document. This included people like Di Kerr, Geoff Joy, who headed up the Catholic Education Office, the chief executive of the Department of Education and Training, numerous curriculum experts and teachers, and representative of the AEU and the P&C. Everybody was involved in that document and everyone has been very excited about how that is being implemented in the schools. So I would certainly argue strongly against the idea that there is some crisis in curriculum and crisis in learning in our schools.

We are a couple of steps ahead of the Liberals on maths retraining. A couple of years ago we introduced a retraining program for primary school teachers wanting to teach in high schools. We paid for the training at the University of Canberra to upgrade their qualifications to become maths teachers. We are dealing with a national shortage of maths teachers. So for a couple of years we have been dealing with this and encouraging the retraining of maths teachers.

I do not think the issue of voluntary contributions is going to go away. We have put in place very strict measures around advice as to what schools can ask for and how they ask for those contributions. Members say that there is not enough funding within schools to offer courses but I should point out that school boards make decisions about school budgets. They have a school budget. School-based management payments are given to the school. The school board then determines how those payments are to be allocated.

We know how much money is in school bank balances. We know that there is around \$16 million in school bank balances and that schools have some discretionary component—not all of that is discretionary. I reject the argument that schools cannot afford to teach certain courses.

We have introduced student support funds, and this is what Mrs Dunne got mixed up with in her speech when she said I did not understand my own election policy. Dr Foskey asked me about student support funds, which was an initiative of \$2 million. The high school students support teams initiative was an election commitment of \$12 million. We delivered on the student support funds in this budget. High school students support teams will have to wait for another year. But we have introduced the student support funds and they are in place.

Every school has on average an additional \$5,000 to deal with excursions and other costs for students that cannot afford it. And that is on top of the \$300,000 that goes into the school equity funds across 16 different schools—\$300,000, divided up, goes into those schools where we know there are populations of young people who cannot afford materials for school or excursions. So that money is there in addition to the school-based management payments that have a component of money.

Mrs Dunne calls interactive whiteboards a gimmick. Again, this is the way children learn today. They learn through ICT. If you do not have good ICT in your schools for children to learn then they are going to be behind everybody else in the world. Members opposite can laugh at that but they should go and take some time and see how children learn today. They learn through computers and the interactive whiteboard is a big computer screen. I do not think Mrs Dunne heard me say this but the other day I was at a learning support unit where a child who had significant communication difficulties was interacting with the whiteboard. He was communicating in a way that he would not have been able to do had he not had that technology in his classroom.

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

MS GALLAGHER: Mr Speaker, I will take my second 10 minutes, even though I said I would not do so. This is a classic example of how fantastic this technology is. People visiting from other places around Australia say, "I wish we could do what you are doing here. Because you have got a small system and you can make a commitment like this and deliver, your children are in a much better position than ours". All around the country people want to put in place these interactive whiteboards for students. We have promised to buy one for every one a school buys, up to the limit of the initiative, which is just over \$1 million.

This is a fantastic resource for schools and they will get two whiteboards instead of the one they can afford. We have some schools where every classroom has an interactive whiteboard. We have other schools that have maybe one and I think there are probably schools which have none. This is about trying to create a standard, setting a level where children have access to this fantastic technology so that they are in a position to compete with their peers in the community. It is a great initiative and it should not be talked down by Mrs Dunne and the Liberal Party.

The Stanhope government has made an enormous commitment to training to deal with skills shortages. We have seen significant growth in training in areas of skills shortages over the last year—in automotive and transport, 46 per cent; building and construction, 90 per cent; community services and health, 87 per cent; tourism and hospitality, 14 per cent. That is not to say that this will address the skills shortages we see in the territory but I do not think you can criticise the government for not addressing this area.

If I could just finish on the issue of the section 76 non-government schools education council. I accept the criticism from the Liberal opposition around the requirements of the act and how they were not met this year. I thought I explained myself in estimates. It was largely a timing issue. It was unfortunate that the establishment of that council was not done in time for the budget. It will not happen again. I can assure you that everyone on that non-government schools education council provided the government with a submission on the budget. The Independent Schools Association and the Catholic Education Office provided the government with a submission. So it was not that we did not get advice from them. I accept the criticism. As I said, it was a timing issue and it will not happen again. It was a problem with the implementation of that part of the act. But advice was given by the Catholic Education Office and the Independent Schools Association.

I thank members for their comments. I think this has been a positive year for education where a number of the commitments in the election were delivered on.

Proposed expenditure agreed to.

Proposed expenditure—total appropriated to departments, \$1,732,880,000 (net cost of outputs), \$466,568,000 (capital injection) and \$379,644,000 (payments on behalf of the territory), totalling \$2,579,092,000, agreed to.

Proposed expenditure—Part 1.22—Treasurer's advance, \$25,700,000.

MR MULCAHY (Molonglo) (10.35): I wish to make a few comments in relation to this item. One gains the impression with the Treasurer's advance that near the end of the year it is seen by agencies as a pot of \$25.7 million to be raided and departmental heads and ministers become very inventive when it comes to describing their additional expenditure proposals as unforeseen and urgent.

Regrettably, at the end of 2001-02, prior to my election to the Assembly, the Treasurer set a rather bad example when he spent what he saw as spare cash in the Treasurer's advance by transferring \$10 million to housing, even though documents obtained under FOI showed that there was no unforeseeable expenditure and no urgent need for the funds. At least the Treasurer subsequently conceded that he would never try that one again.

The emergency services commissioner, who has not, obviously, been able to operate within his budget and does not appear to be under the same restraints or pressure as others, has seen some spare cash in the Treasurer's advance and has been able to acquire significant quantities of it. We have seen a number of presentations in recent weeks outlining his claims on the Treasurer's advance as it applies to the year that is ending.

I would hope and the opposition would hope also that the Treasurer will be much more rigorous in the coming fiscal year in ensuring that requests by agencies to spend money from the Treasurer's advance are put through the unforeseen and urgent test and that their reasons in more detail are disclosed to the Assembly. I think there would be a lot more comfort if the reasons were expanded beyond the rather trite explanations that we see in the documents that have been tabled, particularly of late.

Mr Speaker, we will be supporting this line item, but those are some of the concerns that have existed and we hope that they will be taken into account in the future.

Proposed expenditure agreed to.

Proposed expenditure—total appropriations, \$1,732,880,000 (net cost of outputs), \$466,568,000 (capital injection) and \$379,644,000 (payments on behalf of the territory), totalling \$2,604,792,000, agreed to.

Clause 1 agreed to.

Clause 2.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.39): I move the amendment circulated in my name [*see schedule 1 at page 2647*].

The amendment allows for the fact that there is not time to complete the legal niceties this evening and the words need to be changed a little to make sure that the budget operates immediately from midnight tonight.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 13, by leave, taken together and agreed to.

Schedule 2 agreed to.

Title agreed to.

Schedule 1, Part 1.12—Department of Urban Services—reconsideration.

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

That Schedule 1, Part 1.12 be reconsidered.

Proposed expenditure—Part 1.12—Department of Urban Services, \$214,611,000 (net cost of outputs) and \$74,999,000 (capital injection), totalling \$289,610,000.

MR SESELJA (Molonglo) (10.41): For the benefit of members, I will try to limit my comments on the arboretum as much as possible.

Mr Quinlan: Why don't you call it the magic pudding and be done with?

MR SESELJA: I could call it the big tree park, if you like. Mr Speaker, in addressing the budget with regard to the Department of Urban Services, it seems that the recurring theme of increased rates, taxes and charges and the recurring theme of job losses might best be seen here. This portfolio seems to be a particular example of the inability of the government to find the savings it claims will be made in this financial year.

It is interesting to see the response of the minister for this area when he is questioned on staff losses. He throws the accusations left and right and he blusters and bluffs, as we have seen. To paraphrase Shakespeare, methinks he doth protest too much. Whenever someone asks Mr Hargreaves a question about where he will find these savings, he returns to the old form, the bluff and bluster, and often he wants an apology from all and sundry.

He wants Mr Pratt to apologise to people who fear that they might lose their jobs. It is his government that has identified 80 jobs that will have to go from DUS. He confirmed that on Tuesday and he clarified it again in question time. I do commend Mr Hargreaves for being honest about it. We found it very difficult in the estimates process to get from various ministers an answer on the number of jobs that were going to be lost but, to Mr Corbell's and Mr Hargreaves's credit, they did come out with one, although Mr Hargreaves has seemed to want to backtrack from it and exactly what it means since then. But the loss of 80 jobs, make no mistake, is a result of this government's economic mismanagement. Those people are suffering the direct consequences of a government that has not been able to manage its budget and they are paying with their jobs.

Mr Hargreaves can protest all he likes about Mr Pratt being a scary bad man and say that every time he raises something he is scaring the people, but Mr Hargreaves is the one who is sacking them. He is the one who is going to get rid of 80 staff. That is the truth and the people who are going to lose their jobs need to know that it is a result of his and his government's mismanagement of the territory's finances. The government expanded the public service and now people are losing their jobs because it cannot sustain the situation. No doubt, we will see that continue in coming years.

It seems to me that perhaps Mr Hargreaves is uncomfortable with the fact that he has to reduce his department so drastically. He does seem to be uncomfortable about taking on some of his factional opponents in cabinet and in the party room on this issue, particularly as he is now responsible for the loss of jobs of former staff of Totalcare whom the Chief Minister had promised would all be looked after. In his first year of responsibility for the ministry he has to take the axe to the department.

Perhaps, in providing unsolicited advice to Mr Gentleman on his political education, as we saw in the paper, Mr Hargreaves is upset that Mr Gentleman went to learn from one of his more experienced colleagues, Mr Berry. He might have wanted to pass on the lessons he had learned as some sort of Yoda-like character. But Mr Gentleman, wisely or

otherwise, seems to have chosen a different path—slightly to the left, but a different path nonetheless.

I do have to mention the arboretum, the big tree park. There are a number of aspects of the urban services budget that are of concern. My colleagues have spoken of the problems they see with the inability of the ACT government to adequately fund the arboretum. The Chief Minister has spoken at length on the wonderful legacy he believes that the tree park will be. There is no doubt that this area of the budget will blow out. We have had reference to \$20 million and \$12 million—the government does not really know—and to having to charge people 20 bucks and getting 600,000 people coming through. The figures are all over the place. Mark my words: in the coming years the cost will not be \$12 million; it will be significantly more. The people of Canberra will be paying for this thing for a long time.

I am aware that the National Botanic Gardens in Canberra has an annual operating budget in the order of \$8.2 million. The proposed arboretum supposedly will be one of the foremost gardens of the world, according to the Chief Minister, and there is to be only \$800,000 for operating costs. One has to wonder about the ability of this government to deliver this arboretum on time, within budget and to anything like the standard that they seem to be suggesting it will reach.

I turn to the issue of parking enforcement and some of the other initiatives in urban services. There is \$140,000 for additional parking compliance. I recall Mrs Dunne speaking at length earlier in the year about issues with the current parking system in the ACT, with a voucher system that currently penalises those who get caught in a queue in the bank or perhaps a queue in a Canberra Connect shopfront, one area in which Mr Hargreaves might seek to wield the axe when he has to get rid of those 80 jobs.

Hiring additional parking officers seems to be an attempt by this government to fine and tax the people of Canberra in order to balance the budget. It seems to me that they are trying to pinch an extra \$68 out of our pockets a couple of extra times every year in order to make up for the fact that they are \$91 million in the red this year. It also troubles me, and I am sure many Canberrans, to see that the government is ramping up its fines and the number of fines that it hands out for parking infringements at the same time as Mr Corbell is reducing the amount of car parking available, especially in the city area. That is a constant complaint I receive from members of the community, yet we have Mr Hargreaves fining everyone in sight and Mr Corbell getting rid of car spaces at an alarming rate.

Another issue with urban services had to do with ovals around the ACT being allowed to die, the shortage of ovals in Gungahlin and the lack of planning. Apparently Mr Hargreaves has been rolled in relation to ovals in Harrison. As opposed to what he did in the housing area, Mr Hargreaves actually asked for the money but was rolled on it. That is disappointing because, as I have said before, Gungahlin is an area bursting at the seams with young people. It is an area that does not have a lot of private open space. It is an area that does not have as much public open space as the rest of Canberra. So it seems to be a terrible use of resources not only to let some ovals die but also not to adequately fund the provision of extra open space and extra ovals in expanding areas of Gungahlin. I know that junior soccer teams are reporting that home games are being played in Belconnen as there are too many teams in Gungahlin compared to the ovals available.

Another issue raised was the delay with the Gungahlin Drive extension. Completion is now to cost an extra \$16 million, but we will be still getting only one lane each way. A fundamental problem with this project is that, by the time it is finally finished, we will have a two-lane road that needs to be upgraded to four lanes. With a bit of foresight, the government could have come to that conclusion a long time ago, but failed to do so. The people of Gungahlin continue to wait in traffic and they will continue to do so for a long time. In fact, with one lane each way with the extension, as I think one official put it, it will be a great road for 22 hours a day and it will be a car park for the rest of the time. So we do look forward to duplication of the Gungahlin Drive extension starting at some time in the near future.

Standing order 76—suspension

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

That standing order 76 be suspended for the remainder of the sitting.

MR PRATT (Brindabella) (10.50): Mr Speaker, the 2005-06 appropriation for urban services, \$289.61 million, is not as large as it sounds as it needs to accommodate all of the ongoing projects, responsibilities and capital works that are undertaken across a range of agencies within the department. There are areas of funding in the budget for urban service that are indeed welcome. I am sure that the government will highlight these areas and I guess that we will analyse just where those programs intend to be going.

It is good to see that the government has continued with the programs that it has decided to fund in 2005-06. However, what I will do today in this speech is highlight those areas of concern to me and my colleagues that arise from examination of the urban services department's appropriation for 2005-06. The fact is that this territory is spreading geographically and increasing its public infrastructure, which all needs proper, ongoing maintenance, yet the funding by this government has not risen in proportion to the growing community's urban management needs and it does not appear to have risen with the CPI either.

More and more land is being released, which is good, but where will the money come from to guarantee the maintenance and upkeep of all of that? Given that the urban services department has to find an additional \$10 million in savings in future years, there will have to be significant restructuring. That means that the 80 jobs forecast to be lost from the department could be simply the start in relation to future job losses in order that the department can ensure that it does save \$10 million per year in the outyears. The urban services minister cannot seriously believe that funding cuts of this size will not impact on the front line operations of the department and workers in the field.

Mr Speaker, you will recall that in question time this week the minister said in relation to the restructuring of the department and the advertising of two new SES positions, "It is about rationalising. It is about taking 13 or so SES positions down to 4 or 5." That is patently ridiculous. There is already a chief executive. That is one SES position. There will be two new divisions to replace Mr Hargreaves's silos and each will have a director, which will take the number up to three SES officers. Finally, on Saturday, two SES positions were advertised, which will take the total to five. Congratulations, minister:

you have already reached your target and you have not even started restructuring! The minister obviously has been taking lessons from Lewis Carroll's Humpty Dumpty that a word means whatever you want it to mean.

It is no wonder jobs will have to go if the government has reduced the department's funding to such a great extent, \$10 million a year. Clearly, it will not have the funding to put into providing key services to the community; so, clearly, it will not need the workers to do the tasks.

I do not give credence to the minister's claims that the government is simply streamlining operations to ensure more service provision at the front line and that to do that jobs have to go. The minister cannot even guarantee that Canberra Connect shopfront workers will not lose their jobs. What does that say for the level of service delivery we can expect from this government in the future? If the department is subject to cost savings and positions are being made redundant, there will be no provision for transferring that funding or those resources to the front line and the provision of services. Therefore, services will suffer as a result.

We have not seen any statements detailing the shifting of staff positions from administration and support to the front line of service delivery. We have asked for them and we have had no response. There has been no clear statement about how all of it is going to work and make the delivery of municipal services that much more effective. If anything, I fear that Canberrans could see an even further reduction in service under the latest budget round.

Let us look at capital works. The total for new capital works in 2005-06 is \$31.7 million, down from the \$37.922 million allocated to new capital works in the 2004-05 budget, a decrease of 17 per cent. It is also down on the 2003-04 budget, which allocated \$34.6 million to new capital works. Clearly, the government's commitment to upgrading urban infrastructure is waning, as the lowest amount of capital works funding in three years illustrates.

One area where this government's commitment is lacking is with shopping centres. There are no new shopping centre upgrades in the 2005-06 budget, despite the concerns of the community about the state of many older, rundown suburban centres which this government has clearly ignored in favour of other projects, such as arboretums and the like. This government is not concerned about the look of our older suburban shopping centres, but it is concerned about providing ostentatious memorials to this Chief Minister's reign that have the potential to be clearly viewed by satellite. Perhaps the arboretum will be designed in the shape of "Prince" Jon's initials and enable him to be the first political leader to be identified from space.

The point is that key areas such as health, urban services, education and police are all suffering, yet the government continues to waste money on grand emperor-like projects in order to buy votes, buy popularity and pander to lobbies. The community is not imagining that the place is deteriorating. It has become a reality under the Stanhope government, a government that is not only soft on crime, but soft on presentation as well.

I will now run through a couple of other areas of major concern. I spoke last Thursday in the discussion of an MPI about how distressing it is to see our city looking in such a poor

condition. At a time when the government is talking of cutting positions in urban services, we have a clear failure to deliver the essential services needed to see the city kept clean. I remind you, Mr Speaker, of the points I made about essential services in my contribution to the MPI.

I really do think that the Chief Minister and many of his MLAs are simply too self-absorbed in putting their minds and their precious Assembly time and resources to tilting at national and international windmills, rather than ensuring that the essential debates about the Canberra community and the focus on the delivery of ACT services do occur. What we do see, which can be directly tied back to the shortcomings of this budget, is laziness about municipal services.

There is no clear-cut commitment in this budget for an effective tackling of the graffiti problem. As I said last Thursday, we know that graffiti vandalism is too widespread in this city. I have talked about the unacceptable situation in which the shopkeepers at Calwell found themselves and the work that they had to do to clean off graffiti.

Mr Hargreaves: Good on you, Supercleaner!

MR PRATT: That was really clever, John! It does not take too much brain power to work out that if you multiply the example for Calwell—where Techni-Clean, your contractor, also had to get involved, spending up to \$400—and the money spent by the Calwell shopkeepers by the dozens of graffiti reports and add to that the estimate of \$1 million spent on cleaning up government assets, you will find that the true cost of graffiti vandalism to the community is enormous, many millions of dollars I would have thought, yet there is no significant commitment in the funding for graffiti removal.

There is pathetically little in this budget for tackling the graffiti problem effectively, with most of the government's focus on the subject being on so-called graffiti art programs. The minister's proud boast that the creation of graffiti art walls is an effective strategy is just plain wrong-headed. That, of course, is the soft approach. The territory will continue to suffer because the government has not got the bottle to run no-nonsense preventive programs.

My colleague talked about ovals being in rundown circumstances. There is no strategy in place to save precious water and to save the assets. There is no strategy in place to head off what is otherwise going to be a \$15,000 per hectare cost to save and recover ovals across the ACT.

In conclusion, Mr Speaker, the minister has yet to guarantee that the 80 job losses will not include front line essential service positions. Essential municipal services are of paramount importance in ensuring that the ACT looks good to the community and is a place for us to be proud of. However, that will not be possible if services are cut. One must conclude therefore that the government is so wrapped up in its ideological pursuit of pet projects that it is increasingly neglecting the fundamental delivery of services to the ACT.

Proposed expenditure agreed to.

Bill, as amended, agreed to.

Estimates 2005-2006—Select Committee Report

Debate resumed.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.00): Mr Speaker, there is a tradition to be played out here. Every year since I have been in the place, at least, the Treasurer has risen to say that that year's estimates report was the worst ever, but I cannot say that of this year's report because it was not the function of a hostile estimates committee. But let me say that the dissenting report has got to be, the 82 pages of it.

What is most disturbing, I guess, about the dissenting report is that within the first page and a half it goes back to saying, "You've had a deficit over four years of \$688 million," even though I tabled with the estimates committee a schedule to show that there was not that overexpenditure, that there were a whole lot of accounting entries in it. So it is clear that we have an opposition that wants to perpetuate misinformation. It is not right to say that we have overspent; it does not wash.

In relation to the debate on the estimates report I have to say that, for all of the time that we spent on it on Tuesday and Thursday, if you go back over *Hansard*—if you have nothing to do with your life other than to go over *Hansard*—of the two days that we have spent on this budget and distil out of it what the opposition has found wrong with this budget, you will not come up with a whole lot. You will come up with a whole raft of repetition. Although we made joke of it, with the arboretum becoming the magic pudding, that arboretum was probably spent 20 or 30 times.

The reason it was spent 20 or 30 times is that we have an opposition that is totally bereft of ideas and, therefore, just had to keep falling back on it. It was said that we should have done this and we should have done that, but at the end of the day what we did have was an opposition that just had no positive suggestion to make. We have got three and a bit years to go of this Assembly. We can hold hope, but we have had pretty well the same team here for 3½ years and we have not had a sensible, positive suggestion put forward.

I would just finish by saying that it was a bit disturbing to hear two grown men whingeing in this place about being beaten up in a committee room by a poor little Jewish lass. That says something as to the strength of our officers.

Question resolved in the affirmative.

Estimates 2005-2006—Select Committee Report—government response

Debate resumed.

Question resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

The Assembly adjourned at 11.05 pm.

Incorporated documents

Attachment 1

Document incorporated by the Chief Minister

Mr Speaker, the Justice and Community Safety Legislation Amendment Bill 2005 (No. 2) is the thirteenth bill in a series of bills dealing with legislation within the justice and community safety portfolio.

The Bill makes a number of minor and technical amendments to portfolio legislation. The amendments are as follows.

Administrative Appeals Tribunal Act 1989

Amendments to the *Land (Planning and Environment) Act 1991* and the commencement of the *Heritage Act 2004* have had the effect of removing provisions relating to appeals to the Administrative Appeals Tribunal in heritage cases from the *Land (Planning and Environment) Act 1991* to the *Heritage Act 2004*. A consequence of these amendments is that the *Administrative Appeals Tribunal Act 1989* appears on its face to require heritage cases to be dealt with in the General Division of the Tribunal, instead of the Land and Planning Division. To clarify that heritage cases should not be heard in the General Division, the Bill amends section 19(1) of the *Administrative Appeals Tribunal Act 1989* to explicitly include proceedings arising from the *Heritage Act 2004* as those which shall be dealt with by the Land and Planning Division.

Civil Law (Wrongs) Act 2002 and Civil Law Wrongs Regulation 2003

The provisions in section 51 of the Act currently provide time limits for a claimant to undertake pre-court procedures for personal injury claims. The penalties for not meeting the set time limits do not arise if the claimant has a reasonable excuse for non-compliance. For example, if the claimant is delayed due to undertaking conciliation of the related health complaint, the courts would not seek to penalise the claimant for engaging in an alternative dispute resolution process. However, the specific circumstances that would be considered 'reasonable' are not articulated in the Act.

To ensure that claimants are not deterred from undertaking conciliation processes before initiating proceedings for personal injury claims, the Act is amended to prescribe by regulation a list of specific 'reasonable excuses' for not meeting the section 51 timeframe, and the Regulation clarifies that the undertaking of conciliation for a health complaint is a reasonable excuse for delay.

In addition, the ACT Law Society has expressed concern over the timeframe in section 51 of the Act, that states that the first step of the pre-court procedures for a personal injury claim must be met 'one month after the date the claimant instructs a lawyer'. It has recommended that a more appropriate timeframe is four months rather than one month. The Bill has been amended to reflect this change.

Section 50 of the *Civil Law (Wrongs) Act 2002* deals with the application of pre-court procedure provisions in Chapter 5 of the Act. The procedures do not apply to matters under the *Workers Compensation Act 1951*. Concern has been raised that the procedures may still apply to common law workers' compensation matters where a

claim for workers compensation was originally made under the Workers Compensation Act. To ensure that claimants do not re-lodge notice or duplicate notice procedures, an amendment to section 50 of the *Civil Law (Wrongs) Act 2002* states that the pre-court procedures need not be complied with if a claim for compensation has been made under the *Workers Compensation Act 1951*.

Corrections Reform Amendment Act 2004

The *Corrections Reform Amendment Act 2004* contains a rudimentary form of combination sentences and sets some criteria for sentencing courts to apply. Due to an automatic commencement provision in section 2(2), the Act is due to commence on 6 September 2005.

Since the passing of the Act, the Government has formulated a more comprehensive sentencing policy which will consolidate all sentencing legislation into three bills. Part of the sentencing policy is to repeal the *Corrections Reform Amendment Act 2004* as part of a consequential amendments bill. However, the consequential amendments bill will not commence before the *Corrections Reform Amendment Act 2004* is due to automatically commence.

To avoid unnecessary complication of ACT sentencing laws, the amendment to section 2(2) of the *Corrections Reform Amendment Act 2004* extends the commencement date of that Act to 6 September 2006.

Domestic Relationships Act 1994

Section 33 of the *Domestic Relationships Act 1994* deals with domestic relationship agreements. In particular, under section 33(1)(d) the court must be satisfied that the parties sought independent advice from a solicitor before signing such agreements dealing with factors such as the effect of the agreement, the financial advantages, whether it was prudent to enter the agreement, and whether the agreement was fair and reasonable in light of reasonably foreseeable circumstances.

As a matter of principle, solicitors should only provide advice on matters about which they have expertise. Solicitors are not generally equipped to provide financial advice. The onus on solicitors to provide advice on whether a matter is prudent or fair and reasonable is also inappropriate, as it requires a solicitor to provide subjective advice that looks to the future. Accordingly, the amendment to section 33 removes these factors from the independent advice given under the section.

Partnership Act 1963

In 2004, the Commonwealth made a series of amendments to the *Bankruptcy Act 1966* (Cwlth). In particular, it repealed three types of administrations (deeds of assignment, deeds of arrangement, and compositions), replacing them with a single 'personal insolvency agreement'. Consequently, the amendment to the *Partnership Act 1963* replaces references to the repealed administrations with references to 'personal insolvency agreement'.

Powers of Attorney Act 1956

There is currently no provision in the ACT for the recognition of enduring powers of attorney made in other Australian jurisdictions. This is causing difficulties for some people from New South Wales ending up in ACT hospitals who have made valid arrangements for substitute decision-making, yet they cannot be used in the

ACT. In such cases, the Community Advocate is forced to seek guardianship orders so that they can make necessary decisions, causing unnecessary strain on resources.

While this department is undertaking a review of the *Powers of Attorney Act 1956*, legislative changes arising from the review are expected to be prepared in late 2005. In the meantime, there is a pressing need to recognise enduring powers of attorney made in other Australian jurisdictions. The Bill contains an amendment to the *Powers of Attorney Act 1956* to recognise interstate enduring powers of attorney.

Residential Tenancies Act 1997

Changes in 2004 to the *Residential Tenancies Act 1997* led to the short-term occupancy market formalising occupancy agreements. This presented the opportunity whereby bond collected under such occupancy agreements could be managed in the same way as similar rental agreements, by the Office of Rental Bonds, on a fully funded basis. The amendment to the Act permits (but does not compel) the Office of Rental Bonds to accept bonds from occupiers.

In addition, an amendment has also been drafted to section 51 of the Act to clarify that only a lessor can make an application to a tribunal for a termination and possession order.

Standard Time and Summer Time Act 1972

Last year, all Australian States and Territories agreed to implement the National Time Commission's recommendation to replace references to Greenwich Mean Time (GMT) in legislation with Co-ordinated Universal Time (UTC). GMT and UTC are approximately equivalent. The difference between the two time scales is minute, but is important for computer programs that use high speed data transfers and in universal synchronization applications. UTC is also the recognised legal standard for time under the Commonwealth's *National Measurement Act 1960* and is the only time scale supported by a technical infrastructure. The National Time Commission predicts that UTC will replace GMT as the international time standard. The amendments to the *Standard Time and Summer Time Act 1972* give recognition to UTC as the standard time in the ACT, to commence on 1 September 2005.

Supreme Court Act 1933

Under section 37J of the *Supreme Court Act 1933*, the Appeals Court can be constituted by a single judge when dealing with certain matters, such as applications for leave to appeal, extensions of time to appeal and leave to amend the grounds relied upon. To improve efficiency, the amendment to the *Supreme Court Act 1933* permits the Court of Appeal to be constituted by a single judge (rather than three) with authority to strike out an appeal for want of prosecution or failure to comply with procedure requirements or for appeals that are scandalous, vexatious or unintelligible. The amendment to section 37J broadens the range of matters that can heard by a single judge in the Court of Appeal.

In addition, section 37U of the *Supreme Court Act 1933* does not make provision for pension or long service leave entitlements for any incoming judge following the current Chief Justice's retirement. An amendment to section 37U permits any new judges following the departure of the Chief Justice to receive the same entitlements as the remainder of the ACT judges.

A technical reading of section 37U of the *Supreme Court Act 1933* suggests that neither the Chief Justice nor the President of the Court of Appeal are entitled to pension entitlements based on their higher level of remuneration. The amendments to section 37U make it clear that the entitlements are based on total remuneration, as is the case with other superannuation beneficiaries.

The Bill also makes amendments to the *Supreme Court Act 1933* and the *Remuneration Tribunal Act 1995* and repeals the Supreme Court (Remuneration) Regulation 1995 to allow for the Remuneration Tribunal to determine the remuneration and allowances for acting judges.

Trustee Companies Act 1947

The references in section 10 of the *Trustee Companies Act 1947* regarding administration bonds have become redundant. Administration bonds are no longer required for trustee companies under the Supreme Court Rules 1937. The Bill therefore amends section 10 to remove references to administration bonds. In addition, the Bill makes a number of technical amendments to the Act to remove unnecessary references to Supreme Court procedures.

The Bill also amends the *Conveyancing Act 1919*, the *Legal Practitioners Act 1970*, and the *Trustee Act 1925* to update the references and definitions to 'trustee company'.

Trading Stamps Act 1972

The *Trading Stamps Act 1972* prohibits the distribution of trading stamps in retail trade as a form of loyalty scheme. This Act is now redundant, as the market conditions that existed at the time the Act was introduced, and the prohibited schemes that the legislation sought to counteract, no longer prevail in the ACT. Accordingly, the Bill repeals the *Trading Stamps Act 1972*.

Mr Speaker, I commend the Justice and Community Safety Legislation Amendment Bill 2005 (No. 2) to the Legislative Assembly.

Attachment 2

Document incorporated by the Minister for Urban Services

I present the Litter Amendment Bill 2005.

The Bill amends the Litter Act 2004 to empower an authorised person to require a person found committing an offence or believed to have recently committed an offence against the Litter Act to state his or her name and address. This information may be used to issue an infringement notice or a warning letter.

It is a regrettable fact that some in our community persist in disposing all manner of items anywhere they want with little regard for the safety of others or amenity of public open space. Leaving items around charitable collection bins or along the side of a road is not acceptable. It makes the city unsightly and can be potentially dangerous. The government spends more than \$1.6m a year on cleaning up illegally dumped items, while charities are forced to divert time and money away from helping the disadvantaged in our community while they clean up rubbish dumped around their charity bins.

I am pleased to report that a recent blitz on illegal dumping around charity bins has proved very successful, with charities reporting reductions of up to 90% in the amount of dumping around their bins. Fourteen \$200 on-the-spot fines have also been issued so far for people caught illegally dumping. Quite clearly, it is important we do all we can to assist City Rangers and other authorised people to enforce the Litter Act.

The current Litter Act only necessitates that people who are 'occupiers of premises' need provide their name and address should they be suspected of littering. Upon identifying this omission, my department has worked quickly to develop the Bill before the Assembly today to ensure that any person suspected of littering must provide their name and address to City Rangers and other authorised people should they fail to volunteer this information.

The Rangers will continue to target illegal dumpers and are patrolling trouble areas on the weekends and during the evenings. The Bill will support them in this work.

I commend this Bill to the Assembly.

Schedule of amendments

Schedule 1

Appropriation Bill 2005-2006

Amendments moved by the Treasurer

1

Clause 2

Page 2, line 4—

omit

This Act commences on 30 June 2005.

substitute

This Act is taken to have commenced on 30 June 2005.
