DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

18 OCTOBER

2005

Tuesday, 18 October 2005

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

Chief Minister
Motion of censure

MR SMYTH (Brindabella—Leader of the Opposition) (10.31): I seek leave to move a motion censuring the Chief Minister.

Leave granted.

MR SMYTH: I move:

> That this Assembly censures the Chief Minister for his recklessness in publishing the draft-in-confidence Anti-Terrorism Bill, an action that has jeopardised the faith and goodwill of other State and Territory leaders, as well as the Commonwealth, and embarrassed the ACT and exposed it to ridicule.

When censure is deserved it is important that it is moved immediately. That is why this morning, as we start the sitting week, I move the censure of this Chief Minister. The question is this: we have a Chief Minister who paraded around like a lion that he was not going to be rolled in the COAG meeting; he was going to go forward and stand for civil liberties; he was going to go forward and put the case of the ACT; he was not going to be perturbed or disturbed or moved from his course.

Yet the lion that went into the COAG meeting emerged like a lamb, ashen faced. He had been told the story of what was needed and he was now in agreement. The Chief Minister signed up, as did all the other premiers and the Chief Minister of the Northern Territory, to the anti-terror legislation. He agreed. He said he had been convinced that this legislation should go forward. But the Chief Minister, who was so concerned about this legislation, who did not front his Labor colleagues, did not look the Prime Minister in the eye and say, "No way. This is never going to happen—not while I am the Chief Minister."

He came back to the ACT Assembly and decided that he did not like it, that he was going to do it his way, that he was going to grandstand and put out there the case that this was too draconian, even though he had signed up to it in the COAG meeting. He felt so strongly about this legislation that he then chose to release, on Friday, a confidential draft. Not only did he release the confidential draft—a draft given to him and to all premiers and the Chief Minister of the Northern Territory in confidence; he also posted it to the worldwide web for all to see, saying that this was to encourage discussion and public consultation.

If that was how he felt, why on earth did he sign up to it in the first place? We have quotes from Premier Bracks and Premier Iemma saying that what was promised in the meeting is what is being delivered and that they will work with the commonwealth to

ensure that it is delivered. But the Chief Minister of the ACT would rather go it alone, embarrass the ACT, open it up to ridicule and say, "No, I am not going to sign up to what I agreed to."

We see in this legislation agreement by all the states and territories that we have a problem, and that it is only through a consistent national effort that we can fix that problem. But we have a Chief Minister who is now proposing that, if necessary, he will write his own legislation. The fear that has been raised by this side of the house for some time now—that we will become the back door for terrorist activity by not having nationally consistent legislation in the ACT—may well be realised.

I go back to the question. If you did not like it, why on earth did you not have the guts to say no in the first place? I am reminded of Peter Walsh's comments about old jellyback. Did old jellyback sit in the COAG meeting and nod, shake his head, agree and go along with the boys because that was the good thing to do? Then, when he came back, because people pressured him here in the ACT, he simply changed his mind. It begins to look like doing a bit of the hokey-pokey: I put my left foot in, I put my left foot out; I put my left foot in and I shake it all about. That is what we are doing: we are shaking the ACT around and around so Mr Stanhope can simply grandstand. That is what this is about.

How can we forget how he talked up his stout defence of civil liberties before the COAG meeting? How can we forget how those brave words turned out to be nothing more than flim-flam? Never, I think, in the history of the Assembly have we seen such an abject backflip. If there was ever a sign of the gutlessness of the Chief Minister, that was it. He had the opportunity to say his piece, to look the Prime Minister, the Premiers and the Chief Minister of the Northern Territory in the eye and say, "I do not agree."

He emerged from that meeting in solidarity with those other individuals and said, "I agree"—until he got back to the ACT Assembly and changed his mind. It just appears that, once free of the obviously terrifying presence of his Labor colleagues and the Prime Minister, he came over all brave again—and courageous even, if you read some of the letters in the *Canberra Times*—and published the draft legislation that had been supplied to him in confidence. Why did he do it? So that there could be community consultation.

It is interesting that nobody in any of the other states seems to be too afraid of the lack of time for consultation. Indeed Mr Lennon, the Premier of Tasmania, has assured Tasmanians that there will be time to debate the anti-terror legislation before it goes ahead. And there is time. Sometimes legislation has to be acted upon quickly. I am sure that, when Mr Stefaniak speaks, he will read out a litany of legislation passed in this Assembly in the past year. Some bills were introduced on a Tuesday and passed on the Thursday because they were urgent. There was absolutely no public consultation undertaken by the government in the case of many of those bills. I am sure the defence will be, "Yes, but they are not as important as this."

All legislation we pass in this place is important because it has an effect upon the people of the ACT. The Chief Minister, who has escaped the terrifying presence of the Prime Minister and his Labor colleagues, has come over all courageous and published a document supplied to him in confidence. The publishing of this legislation was not an act of courage. Mr Stanhope's action was, in fact, a breach of faith that betrayed the

goodwill demonstrated by the other state and territory leaders, who have managed to make a constructive contribution in the development of the anti-terrorism legislation.

Not only was this a breach of faith but also I think it also shows the poor judgment of our Chief Minister. He displayed poor judgment in the Tonkin affair when he created a department to shunt somebody aside because he could not deal with them. There was poor judgment displayed by the Chief Minister in joining the bushfire inquest appeal against Coroner Doogan, who he said had apprehended bias, or the appearance thereof. There was the poor judgment of the Chief Minister in saving a staffer who had been caught red-handed and publicly admitted graffitiing public property.

There is the poor judgment of a Chief Minister who has politicised Floriade; there is the poor judgment of a Chief Minister who even criticised those who got some sense of excitement out of the Danish royal visit. What happens when the Chief Minister is caught out? He makes yet another song and dance about going it alone. This time we are going to have our own anti-terrorism law. We have the weak link, we have the back door and we have the backdown. Like everything else, it is just more hot air from the Chief Minister. Normally in opposition you are content to sit back and laugh at his behaviour, but not in this case. This time the Chief Minister has brought the ACT into disrepute; this time he has made us the laughing stock of the nation, criticised by a number of his colleagues. The national media are asking "Who is this bumpkin? Who is this guy? What planet is this man from?" I note that he is absolutely on his own on this.

Premier Iemma of New South Wales said yesterday that what New South Wales has agreed to and put into legislation is what was agreed to at COAG. It is not hard; Premier Iemma can do it. That is what we signed up to and it is entirely reasonable that the states cooperate with the commonwealth. I believe that what came out of the COAG meeting was a right balance of tougher laws on terrorism with good protection for individual rights. There you go. There is the New South Wales Labor Premier willing to work with the commonwealth to achieve tougher laws on terrorism but with good protection for individual rights—a sensible approach.

Mr Beattie, the Queensland Premier, was also clear in stating that, even if he agreed with Mr Stanhope's sentiment, he would not have published the legislation. Mr Bracks, the Premier of Victoria, said yesterday that he was pleased with the Prime Minister's comment that the legislation will have no more and no less than what was agreed at COAG. That is exactly what we expect. That is another premier who is quite able to work to his word and to his agreement.

I was speaking to a lawyer last night that has raised this issue with other people, including the Law Council of Australia. He asked, "How do you deal with such a breach of confidence?" Indeed I think that, in a lawyerly sense, for a lawyer who breaches confidence of things that have been agreed to there is almost a professional breach of conduct. He was told that the normal process would be to receive a document in confidence, stamped "in confidence". You would look at that document. If you did not have a waiver from the sender to release it, then you would not release it. If you do not agree with it or you do not think you can keep it, the right thing is to send it back.

The basic tenet underlying the legal system is that things are given in confidence to allow negotiation and consultation to be undertaken at one level but from our Chief Minister—

the Attorney-General and a lawyer—we get an absolute breach of the basic tenet of confidentiality. This says to the local population, the local workers—the largest employers of whom are the ACT and the federal public service—which confidentiality does not matter. For example, you can make a judgment that you think is for the good of the people and, in years to come, people will be quoting it. I suspect that the memorial the Chief Minister wants is the Stanhope defence: I thought it was for civil liberties; I thought it was for the good of the people to reveal it. There are ways and practices that cover a situation where there is a problem and this Chief Minister has stepped outside of those ways and practices.

The private sector understands confidentiality. The private sector knows that, when you give something in confidence, it has to be respected because there is no reasonable basis for ongoing negotiation when you cannot trust the other party. That is the problem; that is what Mr Stanhope has achieved. He has put the ACT in a position where people will question whether or not you can trust the ACT, starting right from the top with the Chief Minister. Who in future will trust the ACT? Every time they go to COAG, will the Prime Minister and the premiers be looking at the Chief Minister and asking, "Can we trust him?" I think the answer will be, "No, we cannot trust him. We gave him this in confidence and he broke that confidence."

Mr Bracks said, "I would not have done it. I think it is important to respect the sovereignty of cabinet." And it is obviously important to respect the sovereignty of those meetings. They should be able to have free and frank discussions inside the meeting so that, where possible, consensus can be achieved. If they do not want to be part of the consensus the decent, honest thing expected of members at those meetings is to say so on the spot. You do not agree on the spot, give everybody the nod and then do your own thing. That is simply not the way it is done. Mr Speaker, you have been at those ministerial meetings and councils where so much agrees on everybody playing their part.

It is interesting that, in this burst of honesty and openness, he thought he had to do it. Mr Solly asked the Chief Minister on the ABC yesterday whether, given that he believes that things should be open where they affect people, the Chief Minister would release the legal advice that he received in the instance of the coronial inquiry. Mr Stanhope replied that, of course you do not do that; it is the norm that governments do not release legal advice. Governments, premiers and chief ministers do not break the solidarity of agreements when they have been done.

We pick and choose which bits of the conventions we think apply to us. It is this growing arrogance from the Chief Minister, this growing number of displays of his lack of judgment, where he picks and chooses which rules apply to him, that brings the people of the ACT into ridicule, into disrepute. The question can then be asked: what other legislation is lying around? What other urgent bills are going to be put in this place? If you have the drafts there now, Mr Chief Minister, put them on the table now. If your concern is that people need time to think about these matters, post them to your website so that everyone can see them.

We are concerned at the number of times over the past year you and your government have come into this place and put urgent legislation on the table that has been passed two days or a week later. This gets back to judgment; it gets back to trust; it gets back to keeping your word. We had the example of Jon Stanhope the lion, who was going to

beard the other lions in their den of COAG and tell the Prime Minister how it was, who was going to stand up to all the premiers and the other chief ministers and say, "No way; we are not going to do this. We think this is too draconian. I need convincing."

He got convinced and he emerged from that meeting almost ashen faced. He had to agree with everybody. There he was: "Yes, we have been convinced. I have the evidence now and I am going to go along with this." All the other premiers who signed up to this have kept their word and are working with the federal government to ensure that we have a unified defence against terrorism through this legislation across the entire country. Not to have a unified defence, not to have a defence consistent across all jurisdictions, of course leaves the back door open.

The problem with what this Chief Minister has done and the reason he deserves censure is that he has acted recklessly in a sort of hot-blooded rush and said, "Put it on the web, put it out for consultation." None of the other premiers have felt the need to do this. None of the other premiers have exposed their states. None of the other premiers have betrayed the agreement they reached in solidarity at COAG, and none of the other premiers have felt the need to go it alone. Why? Because there is no need. Why? Because they all understand the need for uniform legislation. So we should censure the Chief Minister for his recklessness in publishing the draft-in-confidence legislation and for the exposure that he has put the ACT through.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.47): I am pleased to debate this motion today, to the extent that it is always a pleasure for a Leader of the Opposition to be seen to display his complete ineptitude in the way Mr Smyth has just done. It is interesting that this is now the weekly censure motion. I think this is the fifth or sixth censure motion of me this year. It really is now a weekly event.

Mr Quinlan: How do you spell "weekly"?

MR STANHOPE: That is right—a very weak weekly event. I think the week following the minor or petty implosion within the Liberal Party party room puts into perspective the fractures that are appearing. I must say it is a matter of some regret to us that the immediate past manager of opposition business is not in the Assembly with us today and that the whip is absent, although I would like to congratulate Mrs Burke on her elevation. One does, of course, hope that Mrs Burke is not ambushed in the same way that her predecessor was by her leader.

Not only do we on this side of the chamber think that the weekly censure motion will continue into the future but we are also awaiting with great expectation the weekly leadership challenge once Mr Mulcahy finds the courage—supported, as we know he is, by almost the entire rank and file of the Liberal Party—to do something about a leader that they know simply cannot cut the ice. I think the time is right. I have money on you, Mr Mulcahy—before Christmas was my bet. In the book being run in the caucus I have you going before Christmas, so do not let me down.

MR SPEAKER: Order, Chief Minister! Come back to the point of the motion, please.

MR STANHOPE: This is a serious motion around a serious issue. I have just provided some background to the reason or genesis for the motion. The reason or genesis for this motion, other than that it is a weekly event, is that the Leader of the Opposition desperately needs to seek to assert some leadership to detract attention from his own shortcomings. This is one way to seek to achieve that. It is a very important matter and the explanation, or the rationalisation, of the chain of events as described by Mr Smyth is essentially puerile. It has missed the point completely. It misunderstands the history of the matter and does not go to the fundamentally important questions we are dealing with in this legislation. In the first instance, that is a need and a determination for Australia as a nation to respond to, attack and deal with issues presented by the prospect of terrorism within Australia.

Something I take enormously seriously is the fundamentally important role and responsibility of governments to ensure that their communities are protected from all criminal behaviour, including that which would be perpetrated by terrorists. It is important, however, as we consider the responses we should be making as governments and communities to the threat of terrorism, to ensure that the steps we take are appropriate, that they will work and will respond to the threat—that they will not create a backlash, that they will not of themselves exacerbate the situations we find, and that they will indeed assist us in the task. That is the attitude I have always taken. It is not right to suggest that I ever went to COAG saying that I would not support a combined, united or national legislative approach, or an additional legislative approach, in our response to terrorism. I did not say that at all, as suggested by Mr Smyth today. That is simply not true.

My position was clear. It is very public and it is in writing for anybody who wants to check the record to see whether or not the sorts of wild assertions made just now by Mr Smyth in relation to the attitude I took prior to the meeting, and that I took publicly, really can be put to the test. The lie can be shown by simply reading the record. The record shows that I went to the meeting saying it was necessary for the Prime Minister to justify a new legislative regime.

Is it unreasonable to ask the proponent of a legislative package to justify it? That is what I did. I said, "Justify it." I then said that any package must be civil rights and human rights consistent and must be framed in the context of respect for civil liberties and human rights. That is my position; that is the position of this government. I would have hoped it was the position of every government and indeed of every member of this place that, in developing legislation of any sort, of any order, but particularly legislation of the order that was likely to be discussed, one would insist that it respect the rule of law, fundamental civil liberties and human rights. That was the position I took to the meeting.

As is also on the public record and a matter of public note, I took to that meeting of COAG eight requirements in relation to a legislative package, and I put those on the table. They went to issues around the basis on which somebody might, for instance, be detained or be subjected to an order—that there must be effective judicial oversight, including the right of detainees to know the reasons for their detention and the right to challenge its lawfulness before a court. The laws must uphold the principle that detention should be kept to a minimum period, consistent with community safety. The laws must protect the rights of detainees to have independent access to lawyers. The laws must give

detainees the right to contact families, employers and, where relevant, their consulate. The laws must enshrine the right to humane treatment. The laws must uphold the right to a fair trial. The laws must involve a sunset clause.

I was pleased that at that meeting the Prime Minister acceded to an appropriate set of checks and balances. There was agreement—and I agreed—that we should prepare a suite of legislation along the lines discussed and that of course, the devil always being in the detail, that legislation, when prepared, would be scrutinised. In the context of the intergovernmental agreement relating to the reference of powers by states and territories to the commonwealth, the states and territories would, of course, review the legislation and then, consistent with the intergovernmental agreement, give their approval or otherwise to that suite of legislation. This is the great flaw in the case that is made against me in relation to a breach of confidentiality, which goes to the heart of this motion.

The legislation we are dealing with, the anti-terrorism bill, is legislation that was prepared consequent to a reference of powers by the states and territories. These are referred powers that have been utilised by the commonwealth. The commonwealth cannot make this legislation without the agreement of the states and territories. It is a collaborative law-making approach. The laws depend on the constitutional powers of the states and territories. It is state and territory legislation being prepared essentially on an agency basis by the commonwealth. It is our legislation. Only the states and territories can agree to the making of this legislation. The commonwealth cannot make it of its own volition. It can only be made if the states and territories agree. It is our legislation, it is not for the commonwealth to stamp "referred legislation—confidential" and bar the states and territories from releasing it and consulting on it. This is my legislation, this is legislation which the states and territories have ownership of. I will not, as a reflection of my responsibilities to the people of the ACT, and indeed in response to my responsibilities to this parliament, sign off in secret on legislation which can only be made under my fiat and under the fiat of the territory.

Is it seriously believed by the Liberal opposition in this place that, on the basis of a referral of powers, the referring power—namely the states and territories—loses or abrogates any right or responsibility to consult or take external advice? Is it seriously being suggested here today by the Leader of the Opposition that an ACT Chief Minister, on the basis of a referral of powers, should be able to unilaterally, in secret and without reference even to the Assembly or to the people he represents, abrogate all responsibility for the nature of a particular law? What an outrageous suggestion.

The Liberal Party in this place is suggesting that there should be some capacity, or that it is appropriate, logical or reasonable, to simply delegate all responsibility and authority in relation to a referred power to the commonwealth; that you send the reference off and say, "Okay, Mr Prime Minister, there is the reference. I now wash my hands of all responsibility to my parliament, to the people who elected me, to my own party room, to my cabinet, but most particularly to the people who elected me." What a remarkable suggestion—that the Liberal Party in this place believes it is appropriate, on legislation developed as a result of a reference of powers, to simply wash your hands and abrogate all responsibility for the format, outcome, or content of the legislation.

Mr Stefaniak: That is the first time you have done it, isn't it?

MR STANHOPE: You do not care how your power is utilised; you do not care what the legislation looks like. It is interesting that, in a 15-minute speech censuring me for supposedly breaching a confidence, the Leader of the Opposition did not once go to the substance of the legislation and did not refer to the fact that this legislation impacts so directly on the fundamental civil liberties and human rights of every Australian citizen that it has enormous implications for the rule of law within Australia—a rule of law that is fundamental to who we are as a nation.

It is not overly trite to make the point that the issues we are confronting in this legislation are issues that define Australia as a nation and define us as Australians, and those issues essentially go to our values. Australian values are allegedly dear to the heart of the Prime Minister and other members of the Liberal Party. What are Australian values? Australian values are a commitment to our democratic institutions, a commitment to the rule of law and a respect for civil liberties and human rights. You think these count for nothing, or should simply be abrogated because there has been a reference of power to the commonwealth.

Mr Pratt: But not obsessively, Jon.

MR STANHOPE: That is what you are suggesting. You want nothing to do with any oversight or any input, or with the content of this legislation. Most importantly, you do not want to take advice from external experts and you do not want the people who you purport to represent to know what legislation you are signing up to in their name. You need to understand that this particular suite of legislation requires the signatures of the premiers of the states and the chief ministers of the territories, as well as that of the Prime Minister. This is legislation that cannot proceed without nine signatures, or at least without an attempt to achieve nine signatures. I think it is bizarre in the extreme to suggest that you do not want to take the people of Canberra into your confidence, that you do not want the people of Canberra to know what is in the legislation.

You do not even care what it says. You do not care whether or not it is balanced and proportionate; you are simply prepared to refer the powers off, saying, "These are our constitutional powers. We are referring them off to you. We no longer care what form the legislation takes and, more importantly, we have no interest in what the people of the ACT think about the content of the legislation." It is a complete abrogation of your responsibility to the people who elected you and a sign of enormous disrespect for this parliament that you do not know, do not want to know and do not care. Why have none of you commented on the content or substance of the legislation? What is your view about an appropriate balance of the proportionality of provisions that impact on civil liberties, human rights and the rule of law in Australia, the way it has always operated?

Of course we accept that there must be a response to terrorism. When I accepted the development of a legislation package I accepted that it was necessary for us to introduce laws that would impact on civil liberties and human rights. I am not denying that; I have signed up to it. I accept it but, for goodness sake, let us have a national discussion around whether or not the response is appropriate and proportionate. Let us not do this behind closed doors in secret. Let it see the light of day. Let there be a debate and some agitation around the issues.

All I have ever sought is that we develop legislation that will protect us to the greatest extent against criminal terrorist activity in Australia, but that we take that very Australian step of ensuring that we protect and commit to our civil liberties, our human rights, the rule of law to the extent necessary, and that we do not diminish it unnecessarily by embracing laws without thinking. This is legislation the states and territories have a stake in. I have a stake in it. There are processes that I have to execute before the legislation is tabled, so I have only this week and next week. After that, it will be too late; it will be a fait accompli and there will be nothing more for me to do. This motion is an absolute nonsense. Why does the Liberal Party not speak about the substance of the bill?

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

MR MULCAHY (Molonglo) (11.03): Mr Speaker, I speak in support of this motion because of two major concerns. First of all, there is a clear need for terrorism legislation to protect our entire community, but I am also concerned at the reckless conduct of the Chief Minister in deciding to place this draft anti-terrorism legislation on his web site.

The Chief Minister, in his remarks, has expressed the view that his position is clear. I have been listening to this debate and I had daily briefings while I was away and, if his position is clear, I must be one of the few in this place who are struggling to understand his position. I have heard about the to-ing and fro-ing on this issue. He says that we have to ensure that we have arrangements in place to counter threats of terrorism, then he is out there stridently promoting the rule of law, then he is saying that he agrees with things at meetings around a table with his colleagues, and then he is rushing this document onto the web site.

He does so not for the purpose of consultation with the appropriate people that he needs to take advice from, but for the whole of the world; not just for the people of Canberra, but for the entire world: let us share everything with them; we are not going to have any secrets here. The sentiment that is being expressed is one of confusion. On one hand, he says that we have to take measures to protect our community and, on the other, he is giving us a law school type of dissertation on the rights of law in dealing with an issue that respects nobody's rights.

I think that the Chief Minister is off message here in terms of Canberra. I know that a paper here locally has given him a fair bit of a run and quoted various lecturers in law talking about the technicalities and the processes that may be at risk by some of this legislation, but the fact is that this territory has more people working in areas of security and in confidentiality and trust than probably any other jurisdiction in Australia.

Whilst it might be that a significant number of them have voted for the Chief Minster in the past, I suspect that a lot of them have been rattled by this approach that we have seen of late whereby you cannot be trusted to share information with the territory lest it may become public information. That is the bit that troubles me about the conduct in recent days. I am worried that this rash decision—I think it has been taken for political reasons—will impact adversely on relations between the ACT and the commonwealth.

Mr Stanhope: Rubbish.

MR MULCAHY: The Chief Minister says that that is rubbish, but I can see a number of scenarios looming whereby we are going to want a high level of trust and confidence between this territory and the commonwealth and I think that that measure of candour is now at some degree of risk.

The commonwealth has constitutional power to legislate in regard to the territories but, in the context of counter-terrorism initiatives, it has made a concerted effort to consult with all jurisdictions to achieve bipartisan national support for what can often be complex and challenging initiatives. One wonders whether Mr Stanhope's actions may well lead the commonwealth to reassess whether it intends to continue to extend what is, in effect, a courtesy by continuing to consult and work co-operatively with the ACT on important and sensitive issues of national significance.

I can contemplate many scenarios whereby the commonwealth will have to speak, or potentially speak, to this territory on a confidential basis. I raised it the other week and it was met with a bit of a blank response from the health minister, but a major potential health issue is threatening the entire world at the moment and some very serious issues will have to be considered by the territory in discussions with the commonwealth. Major risks to our community are looming. I sought to explore some of those with the health minister. I can see that the measures that might be contemplated under extreme circumstances would involve bringing the Chief Minister into confidence.

If you were sitting in the commonwealth government, you would have realised that if you bring him into confidence on something there is a good chance that tomorrow it will be on a web site and you will read about it in the paper because he is worried about the rights of every individual and making sure there is compliance with the ACT Human Rights Act. The trouble is that the legislation that is the subject of this debate is being required because of the challenges being made against our society. As much as I hear that the Chief Minister is terribly preoccupied with the rights of those individuals who may be impacted upon by this legislation, I do not hear much said about the rights of the people going about their normal business, the people going about their day-to-day business, who are, in fact, threatened by the conduct of a minority who are willing to break all rules in our society and put lives at risk.

The commonwealth government and the states certainly are not producing this legislation because they enjoy exercising power or making tougher laws. Why would they be doing this sort of thing? In a perfect world, we would not need these laws because everyone would do the right thing. The fact is that everyone does not do the right thing, and in the world today the risk of terrorism is much greater. We simply cannot afford to be complacent with people who do not respect our laws, our freedom and our way of life. We have to worry about these people getting a perfect process of treatment, the same people who are willing to engage in suicide bombings and other terrorist acts. Why are we not worried about the people who want to go about their business in an orderly fashion, as most people in a civilised society want to do?

It was only a matter of weeks ago that we dealt with terrorist attacks in London and Bali. There were families in this country affected by that. Ask them whether they are particularly preoccupied with the legal rights of those who may have been intercepted on the way to those events as to whether they could actually prove they were not about to

blow up a train. I know there are issues of civil liberties and, despite the characterisation that you opposite would give, I do believe that civil liberties are an important consideration. But the fact of the matter is that in times of crises and in times of events such as this we do have to forgo some of our liberties in the interests of the national good. We have seen it in war situations, declared war, and we are seeing it in an undeclared war situation whereby the Western communities are constantly being targeted.

Yesterday, flying back to Australia, I sat next to a leading Israeli cleric. He got off the plane in Bangkok and, going through the security point, he was asked to remove his headgear. He said, "How pleased I am that they take it so seriously, that they do not leave things to chance. In my country we have now to put guards on buses and we have to put guards in kindergartens because the threat of terrorism is so great." He said, "You should tell your Chief Minister that he needs to appreciate that we need to put precautions like this in place to protect people." I cited the example of the Chief Minister's mixed views and ambivalent views on these issues. That was the response of one who is living with them on a day-to-day basis.

The commonwealth government have consulted widely in relation to this matter. They have consulted police and intelligence officials and they have consulted our Chief Minister. It seems to me that, despite the declared statements of clarity of position, we are in fact getting ambiguous messages and the people of Australia are hearing an ambiguous message about the ACT.

Yesterday, I was embarrassed as a Canberran when I stood at Canberra airport and heard people at the baggage carousel joking about the ACT's odd position on this issue. Mainstream Australia realises that there are times when governments have to operate on a confidential basis. People have to operate on a confidential basis. But, if you are dealing with the ACT government, expect to read about material anywhere.

Mr Stanhope's colleagues in the states and the other territory have been critical of him. What did John Howard say when he was asked in an interview whether these reservations and concerns had been raised before the Chief Minister went public? He said, "No, not one of them has been in touch with me, not one." There was not the courtesy of saying to the Prime Minister, "Look, I can't cope with this, I'm sending it to back to you" or "Look, I've got to take this position because I'm passionate about my local legislation." No, just spring it out there, throw it out as a hand grenade. Of course, the problem then is that you run into a situation where the ACT itself is put in some degree of jeopardy because of the reticence there will be in the future to share that level of confidence, especially in situations where there is no legal requirement.

The Chief Minister made light of the fact that censure motions have been brought forward in the past. I think it is probably more appropriate that he think about why censure motions are brought forward. I do not think it is a frivolous matter. He made light of the whole thing. We are dealing with one of the most serious issues affecting our community. It threatens our way of life. What threatens our way of life is the terrorism, not the issue of whether some legalistic argument might apply in relation to a person who is detained.

I do not approve of terrible things such as seeing the person shot in London. I think that was outrageous. There are consequences for those who have attempted to cover that. But we do have to take a position in this parliament of supporting the interests of our community and our community's safety. Many people working in Canberra are in positions of sensitivity. They expect the commonwealth and territory governments to put party differences aside and work to protect the common good of this country at a time of threat. It staggers me that the ACT has put itself once again out in left field, is always seen out there in left field, with a position that appears to be negative towards the process employed.

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

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.13): I think that the first thing we need to do in this debate is to ask ourselves why this is an issue. Why is it an issue at all? Why is the federal government concerned that the potential legislation is promulgated in any manner? Why is there that concern at all?"

We have heard Mr Mulcahy talk about the security of the nation as if, as a function of what has happened, somehow the process of ensuring the security of the nation is jeopardised. That is arrant nonsense and really should not be even alluded to. We are talking about a process of advising the people of Australia as to what is being considered, legislation that we would not have even contemplated 10 or 15 years ago. All of us recognise that the world, the globe, faces a major problem in relation to terrorism; we know that. Mr Stanhope has indicated during the process that we agree that we have to make some unfortunate, distasteful compromises in order to address that problem.

But being secretive about what they are contemplating imposing upon us has not been explained. There is no rationale for keeping those matters secret, unless you happen to be part of a John Howard government which had just got into the groove of imposing on the Australian people, of having one day Senate inquiries in order to justify what it might be doing. There has not been explained in all of this, the lot opposite have not in any way advised this place, what problem has been caused.

We have seen from that side of the house on a regular basis a slavish acceptance of anything that comes from the federal Liberals. It is about time that that mob worked out whom they represent. Whom? It would seem nobody. Whom do you represent? Do you or do you not represent the people of the ACT? No, you represent in this place the views of the federal government. There does not seem to be any consideration or any discrimination involved in the thought that goes into it. There is a slavish following of the stricter legislation. I think that we can actually conclude that there are no small "l" liberals whatsoever in this house. We have a very right wing local Liberal Party slavishly following whatever comes down off the hill.

We have in the ACT a Liberal Party that from time to time, for convenience, tries to make issues out of public consultation. Here we have the potential for severely restrictive legislation to be imposed upon Australians and you do not want to consult about it. You like to consult ad nauseam about local planning issues, provided you can milk it for

political gain, but when it comes to a serious matter like the anti-terrorism legislation that this country faces you are against consultation. I find it difficult to accept that you guys, here to represent the people of the ACT, will consistently echo the mutterings or the proposals that come from the federal government no matter what. While it is "my Liberal Party, right or wrong", your contribution to these issues is absolutely zero.

What happened here was that the legislation was proposed. Mr Stanhope has already come out and said, "Look, on what I have been advised, we do need to impose a much stricter regime in Australia, unfortunately." But he has also said, quite rightly, "We must also bring the people of Australia with us. As far as we can share the intelligence that obviously is being made available, we must bring the people of Australia with us and advise them of what is happening." Your attitude is, "No, don't. Minimise the amount of consultation, minimise the amount of information."

On one hand, it has been claimed that this document was in a draft form and should not have been out there. On the other, the Prime Minister has written and asked our Chief Minister to sign up for it. Both of those propositions cannot stand. There is, quite clearly, a need to consult with people, with all of the people, to let people know exactly what has happened. We have had Mr Smyth and Mr Mulcahy saying in here that we have embarrassed the ACT.

Mrs Burke: Read the papers. We are a laughing stock.

MR QUINLAN: Read the public reaction. Leaving aside D. Kibbey of Curtin, the reaction, I am advised by the Chief Minister's office in terms of the letters that have flowed in there, is overwhelmingly in favour of what has been done. Hundreds of letters have come in and only a handful has actually objected. We did have a bit of a giggle about some of the grammar and spelling used by those who objected.

It is nonsense to stand in this place and say, "Oh, I have been totally embarrassed standing around the carousel. Everybody is saying the ACT has embarrassed Australia." Major journalists have written and said that it was the right thing to do. The local newspaper has written and said that it was the right thing to do. The volume of letters to the editor has said that it was the right thing to do. What does it take to convince the lot opposite that there is a need for public consultation or that, in fact, the judgment that Mr Stanhope has made has been absolutely the appropriate judgment to make, made within and beyond that forum?

Mr Mulcahy and I think Mr Smyth referred to ministerial councils. That is a league, thankfully, that I do not think you will ever participate in again. If Canberra citizens had to depend upon Mr Smyth going to ministerial councils and doing whatever the federal government wanted him to do—or Mr Mulcahy, one of the alternative leaders—and acquiescing in everything that the commonwealth wanted every time, they would not be represented. You are elected to represent the people of the ACT, not the federal government, in this place.

I repeat my original proposition: we need to ask ourselves why it is an issue at all? What is the problem with the public being informed?

DR FOSKEY (Molonglo) (11.23): I welcome this motion, simply because it allows us to have this contentious matter discussed in the Assembly—not just in the Chief Minister's office, not just in cabinet and not just in caucus. I believe that this is what the Assembly is for and why we are elected as representatives. For that reason, I am glad that Mr Smyth has given me the opportunity to speak on the topic.

The Greens have put on the record their appreciation of the Chief Minister's act of making public the federal government's draft legislation on counter-terrorism. All legislation should go through a period of public consultation commensurate with its social, political and environmental impact, which suggests that this legislation, with its far-reaching implications for our democracy and human rights, should be thoroughly discussed and investigated and its implications understood before it is voted into law.

Apparently, the Prime Minister and his colleagues intended to launch the legislation upon us on the day it was to enter the parliament, fearful perhaps that the more people knew about it the less they would like it. The federal government treads a fine line between fuelling and then capitalising on people's fear of threat from terrorism, despite the fact that so far there have been no direct threats to people or places within Australia, and growing concern about the impact of the government itself, especially after it gained a majority in the Senate last July.

Mr Stanhope's act shows the importance of state and territory governments in the new political landscape. Nothing reveals it more starkly than the proposed new laws to counter terrorism. We have heard the federal opposition leader, Kim Beazley, say that the legislation as outlined by the Prime Minister a few weeks ago did not go far enough, indicating that there would be no detailed scrutiny or critique to be found there. The Greens and the Democrats do not have the numbers in the Senate to vote the legislation down or insist that it be debated in the House of Representatives.

Apparently, no doubt much to his annoyance, Howard needs the agreement of states and territories to enact this legislation. This gives Labor-led state and territory governments the potential to be the real opposition to the federal government. Today, I urge this territory government to stand its ground, to build on the immense support that the Chief Minister has gained from his initial action, and to try to bring the other Labor governments along with it. All fair-minded Australians would be better informed and better off if Mr Stanhope followed up his initial bold actions with deep scrutiny of the legislation.

Let us look again at the process. When the Labor premiers met a few weeks ago, with the security alert still at medium but with the population alarmed and leading lawyers struggling to have their warnings heard, they did sign on the dotted line to legislation they had yet to see. I, like many Australians, was very concerned about that. In fact, we did not know until last Friday, when Mr Stanhope made this legislation public, what would be in those bills, what Canberra really plans and what the promises of safeguards given at the meeting actually mean. We know also that some of the Liberal backbenchers in the federal parliament are concerned and that, in the end, may be where the opposition is that makes a difference

Members interjecting—

DR FOSKEY: I would like to take all of my 10 minutes and I would really appreciate your keeping the heckling down. The Prime Minister said at the stage he released the rather vague proposal, "I am releasing the details of our proposal at this time to allow detailed work with state and territory officials to commence as soon as possible and to give state and territory leaders ample opportunity to consider"—I emphasise the word "consider"—"the proposals in advance of the COAG meeting on 27 September." The word "consider" was used there. Some state and territory governments consider with the people that elect them. Some federal governments apparently want to leave out those voices.

In a very timely speech to the Isaacs Law Society ball—I did not know that speeches were given at balls; I assume that is was very early in the piece—Justice Higgins made some statements that showed that Mr Stanhope's action might have some backing in the judiciary as well. He said:

> If we don't ask the hard, politically unpopular questions, how will we guard against administrative oversight and prevent similar future tragedies?

He also said:

> We must be wary of laws that undermine the very democratic freedoms we are seeking to protect from terrorism: terrorism laws must serve to protect all Australians, they must not bow to the pressures of collective fear. Now, just as ever, we need to pay attention to the human rights implications of legal developments.

Last Saturday, Alan Ramsey did us a favour when he detailed what happened in the Senate when Senator Hill, who is the government Senate leader, indicated at the moment of adjournment that the federal government, in the next sitting on 31 October, would be putting the new anti-terrorism bill before the house. Ramsey said:

> What Hill was signalling … was a Senate inquiry—including a written report—restricted to, at most, eight days or, effectively, three days only.
>
> Hill made a three-minute speech in support of his announcement, offered his "regret" that there had been "very little consultation"…

He quickly left the chamber then as, of course, everyone else thought his behaviour was reprehensible. That means that Senator Hill should be very pleased that we are now having that discussion that he regretted that we were unable to have. Some people on the hill might be glad to have this discussion. It would be politically very unpopular legislation.

Mr Smyth, who moved the motion, for which I thank him, implied in his speech that no-one can change their mind, even when fuller information becomes available. That, to me, is the sign of a very limited approach and a closed mind that will not learn, that will not adjust opinions in response to good evidence. The legislation is now before us. We can now judge it and talk about it. Is the ACT embarrassed? More than anything, this shows me that people talk to the people who tell them what they want to hear. Most of the people whose letters I read in the papers—today's *Sydney Morning Herald* is just full

of letters to the editor on this subject—are really glad that we have given oxygen to this legislation and we can talk about it.

Many people in this country, where the repression of civil rights is going ahead at a pace that is too scary for us, are saying, "Thank God someone is saying, 'Please stop, look and listen.'" Mr Mulcahy speaks of innocent, ordinary people whose lives are threatened by unknown terrorists. Let us be just as concerned about the ordinary people whose presumption of innocence is lost in this bill, who can disappear for 14 days and their children may not know about it. I am a sole parent. What if I were put away? My daughter might not know about it. The presumption of innocence is lost.

If the federal government does use Mr Stanhope's action as an excuse for no longer talking to the ACT government, we really have seen the death of federalism in this country and, furthermore, a deeper incursion into the democratic process.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.33): This motion is an absurd and desperate move by those on the other side of this place. I rise in this place today to say very clearly that we should be proud to have a Chief Minster like Jon Stanhope who is prepared to take the debate to the federal government, on behalf of our community, about the potential infringement of fundamental and basic civil and political rights in this country. That is exactly what he has done in the last couple of days.

It was interesting to hear Mr Pratt say that only those people who deserve to be locked up will be. I think that Mr Pratt needs to think a little bit about what he is actually saying. Is he saying that when he was detained without charge in the former Yugoslavia he deserved it, that it was—

Mrs Burke: I take a point of order, Mr Speaker, concerning relevance to the debate.

MR SPEAKER: It is relevant.

MR CORBELL: Seriously, the Liberal Party is saying that when Mr Pratt was detained without charge indefinitely in Yugoslavia he deserved it, because that is the argument that comes from those on the other side of this house: "Do not worry about this legislation; it will only be applied to those who deserve it." I am sure Yugoslavia had laws too that allowed for detention without charge, but I am sure it was only in reply to those who deserved it, Mr Pratt; they only ever applied to those who deserved it.

The onus is not on us to say why these laws should not take effect. The onus is on those who argue that those laws should take effect. That is the onus and they need to demonstrate why laws that allow for detention without charge, the tracking of individuals and relating the crime of sedition to any illegal activity even, potentially, a sit-in on government premises, should be allowed in this country.

Mr Pratt: You're a bloody fool.

MR CORBELL: Mr Speaker, I ask for Mr Pratt to withdraw that.

MR SPEAKER: Withdraw it, Mr Pratt.

Mr Pratt: I withdraw, Mr Speaker.

MR CORBELL: Mr Speaker, those are the issues that are at stake. Mr Stanhope was under no obligation to the commonwealth in terms of confidentiality. It was not a confidential document. It was not a document provided on the basis, "Do not discuss it with your parliament, do not discuss it with your community, do not even discuss it with your cabinet." That was not the basis on which this negotiation was entered into.

Mr Stanhope went to COAG and made very clear the territory's position. When that draft legislation was received it was not consistent with what was being agreed upon at COAG and it was reasonable, entirely reasonable, that he seek the advice of people outside the government before deciding whether the territory should enter into the agreement that had been made in principle at COAG. There was nothing inconsistent in what Mr Stanhope did compared to what he did at COAG. It was entirely consistent.

I think that it is worth reflecting on some of the comments that have been made in the press in the last little while, which really highlight why it is important that these matters are put into the public arena. On Sunday, Michelle Grattan wrote in the *Age*:

> It's easy for sceptics to argue that opponents of the anti-terrorism laws are exaggerating their potential misuse and downplaying all the judicial safeguards. This overlooks history and human nature. This Government's treatment of asylum seekers, and its patent disregard for the rights of David Hicks and Habib, do not encourage giving it the benefit of the doubt. There's not much reason to think Labor would be better. If the laws are there, the probability is they'll eventually be used to the hilt.

Mr Speaker, there is no doubt that these laws represent a fundamental shift in civil liberties in our community. They represent a fundamental undermining of important principles around the rights of an individual in a democratic society, basic rights such as habeas corpus and the ability to go about your business and express a point of view without fear of retribution from the government. These issues are at stake.

To suggest that it is wrong to encourage and foster public debate on these issues is, I think, flawed. It is a position that reeks of simply being led by the nose by those in the federal parliament and it is not a position that I think this government, or this community, should accept. We should argue fully and forthrightly why this legislation deserves public debate, public exposure, and public engagement. Only in that way will our rights be protected, only in that way will we strike the appropriate balance between protecting our community and protecting individuals' civil liberties. That can be done. That is what the Chief Minister is trying to do. He should be commended for it, not censured for it.

MR PRATT (Brindabella) (11.39): Mr Speaker—

Mr Stanhope: Tell us about when you were locked up, Mr Pratt.

MR PRATT: I call for some order there, please, Mr Speaker.

MR SPEAKER: Mr Pratt, as a serial interjector today, it is a bit rich of you, but I agree with you. Order, Chief Minister!

MR PRATT: Thank you, Mr Speaker. The Chief Minister's first responsibility as the leader of the ACT is his duty of care for the protection and collective safety of the citizens of the ACT. That is the prime duty of all parliamentary leaders. Traditionally, it has been so, and always will be.

The Chief Minister, who should be honoured to carry that title but who demonstrates by his actions that he does not uphold his responsibilities, has been blindsided by the tendency to radicalism that he has demonstrated in this place repeatedly over four years. When put to the big test, this failure of responsibility has been starkly demonstrated.

In recent months, the Chief Minister has failed to show consistent leadership and solidarity of purpose with the uncomfortable, sensitive and difficulty subject of security in the ACT, particularly in the wake of the London bombings. He does not understand his core responsibilities. Mr Speaker, I will come back to the security issues later in this speech. Let me focus now on the immediate issue at hand, Mr Stanhope's leaking of confidential draft federal legislation.

Let's look at what Mr Stanhope's colleagues think of that type of practice. On 15 February, the Chief Minister's own Treasurer, Mr Quinlan, was recorded as saying in this Assembly:

> It just happens that, in this day and age, everybody has agreed that there is certain information that needs to be held confidential and it is, at the end of the day, the government's responsibility to administer that confidentiality.

Yes, it is the government's responsibility to administer that confidentiality, yet the Chief Minister goes against his government's beliefs on this subject. Premier Steve Bracks was also quoted as saying on 2CC radio yesterday, "Mr Stanhope should respect the sovereignty of cabinet."

Mr Stanhope: Who said that?

MR PRATT: Steve Bracks. Clearly, Mr Stanhope does not understand the meaning of respecting the sovereignty of cabinet, whether that is at a local or national level. Therefore, he cannot be trusted—you cannot be trusted, Mr Stanhope—with any sensitive information distributed at any level.

Mr Speaker, let us look at the views of some of the other Labor leaders who attended the COAG counter-terrorism summit. I refer to the *PM* program of last evening. Mark Colvin stated:

> If Mr Stanhope was hoping to get the sympathy of the other state Labor leaders he has sorely been disappointed.

Premier Beattie said on that program:

> It is not something I would have done. We will work with the Prime Minister to come up with sensible laws.

On *PM*, Premier Iemma stated:

> … the draft is fairly consistent with the summit agreement announced by the PM.

He has also been reported as being critical of Mr Stanhope's leaking of this draft legislation. Mr Stanhope said on the same program, *PM*, last night that the commonwealth cannot make laws without the approval of the states and territories, to which the *PM* reporter replied that state leaders disagree with that.

Mr Speaker, on 25 August this year, you introduced a code of conduct for all members of the ACT Legislative Assembly. It was explained by you at the time as follows:

> We are required to safeguard confidential material we gain access to as part of our duties as members. Access to information not available to ordinary members of the community is a privilege of office and we need to understand the impact that misuse of such information can have.

Have you got your ears open, Jon? The explanation continued:

> We must certainly not use information gained as part of our office for personal gain.

Clearly, the Chief Minister has engaged in a serious act of misconduct By his behaviour in leaking confidential draft legislation, he obviously does not support the ministerial code of conduct that his government has introduced.

The Chief Minister is clearly out of step with his Labor colleagues at both a local level and a federal level on the acceptability of this type of leaking of confidential documents. He is clearly thought to be a loose cannon and not to be trusted with state secrets and confidentialities. Clearly, Mr Stanhope's ACT colleagues must vote to support this censure motion, otherwise they will be voting against their own integrity and their own dedication to good government and the meaning of confidentiality.

Mr Stanhope has set a precedent whereby he has made it acceptable for all draft-in-confidence documents or legislation to be leaked prematurely to the public. This is unacceptable practice.

Mr Stanhope: Steve, tell us about when you were locked up.

MR PRATT: You can go on about that crap all you like, Jon. The Chief Minister's behaviour warrants a severe reprimand. It requires a severe reprimand, if not dismissal. Put the documents down or resign, Jon.

I return to my point about the effect of the Chief Minister's actions in the current security climate. The London bombings have very significantly shaken the thinking of governments and their counter-terrorism experts across the Western and developed world. It is now clear that the threat from al-Qaeda-inspired terrorism is not just external and that the internal threat is likely to be more profound than at first thought. It is very

clear that experts in this country think just that. While this internal threat is, by and large, absent in Canberra—the problem tends to be concentrated in Sydney and Melbourne—Canberra is considered to be a transit point—

MR SPEAKER: Mr Pratt, I ask you to withdraw the "c" word.

MR PRATT: The "c" word?

MR SPEAKER: "Crap". It is unparliamentary.

MR PRATT: I withdraw it, Mr Speaker. Canberra is considered to be a transit point for radicals and does contain high-value targets that al-Qaeda and their associates might dearly love to strike. You would think that the current terrorism environment should be enough to focus the Chief Minister's mind, at least for a part of his duties, a part of his core responsibilities. Instead, we have seen Mr Stanhope agonising, at the expense of every other consideration, over the civil liberties aspects of a tightened anti-terrorism legal and administrative landscape; thus, he argues his justification for the leaking of sensitive draft legislation.

There has been very little consideration demonstrated for the vast majority of ACT citizens and their safety. Mr Stanhope has continually defaulted to where he feels most comfortable—defending the civil liberties of minority groups. Individual rights are very important, but they must run second to the ACT community's safety and security. The major concern that we in the opposition have, a concern shared by experts in the ACT, is that Mr Stanhope is not to be trusted with state secrets and the various matters around community safety and security. That is because, as I outlined earlier, he will continually default to the civil liberties perspective. This goes to the heart of his blurred judgment and failure to carry out core responsibilities.

Mr Speaker, simply examine *Hansard* and simply examine Jon Stanhope's track record of public speeches in the last three years, where he has politicised multicultural events and activities to push his anti-Australian national interest, anti-US and radical libertarian political positions. The Chief Minister has demonstrated hypocrisy in his willingness to breach security and expose the Prime Minister's legislation while at the same time refusing to be transparent about his government's dealings. Mr Stanhope exposes the Prime Minister but he suppresses Coroner Doogan's professional responsibility to examine his government's secret dealings and failings during the 2003 bushfires.

Mr Speaker, the Chief Minister's two backflips have made this government a laughing stock across this country. The Chief Minister's unprofessional behaviour has made this government a laughing stock across this country. The Chief Minister is not to be trusted, as he cannot take these responsibilities seriously. The Chief Minister, in betraying COAG responsibility, breaching federal security and basically doing a backflip because of his default civil liberties position, has failed and continues to fail the great majority of citizens of the ACT. More specifically, he has failed ACT police, our emergency services workers and our emergency management officers, who are ropeable about the Chief Minister's insincere and erratic management of the terrorist threat to the ACT. This has been nothing but a political stunt.

In conclusion, the Chief Minister's poor judgment and failure to understand his core responsibilities in these challenging times render him unfit to be Chief Minister, but in the interim he deserves at least to be censured.

MRS BURKE (Molonglo) (11.49): I rise to support the motion. Chief Minister, by your actions, your irresponsible actions, you knowingly undermined very sensitive federal government operations and the trust that has been placed upon you as Chief Minister. Your actions will indeed serve as a future reminder to our federal government in its dealings with the ACT government.

At the heart of this motion—the point that seems to have been really missed today—is not why the Chief Minister did what he did but what he did. This is an issue that gets to the heart of process, of protocol. Even Mr Corbell was smiling and saying, "It is about legislation." But it is about a breach of confidence by Mr Stanhope in his position of Chief Minister, a position of trust—a confidence that he blatantly and flagrantly flouted when he left that room. It is my personal hope, therefore, that the Chief Minister will rise to indicate that if anyone is to accept responsibility for the results of his actions, which, as we have heard in the press, have the serious potential to bar the ACT from future negotiations or dealings with other jurisdictions, it should be him alone.

We as members in this place all know and accept that as a part of our duties we should, wherever possible, seek to uphold civil liberties and, in connection with this principle, the rights and responsibilities of our constituency. The Chief Minister apparently believes he has done the right thing by providing the electorate, and the world no less, with a copy of a piece of draft legislation—legislation that was in confidence and is now most likely also to be out of date, and possibly has been revised to the effect that it is no longer just a working document but closer to reaching finalisation.

Unfortunately, the Chief Minister, in his capacity as leader of the territory, breached usual in-confidence protocols and, according to what we have heard today, he simply could not care less. He has breached the confidence and trust that is placed in him, which has made us all wonder whether we can trust this man again.

In effect, consultation was sought with all states and territories on the matter of firming up the major tenets of anti-terrorism laws in Australia and they will now be passed through federal parliament for debate and discussion. The legislation will not be passed by the ACT Legislative Assembly, despite Mr Stanhope's remonstrations that it is "our" legislation—or, should I say, "my legislation". It is simply unparliamentary to believe that as an ACT parliamentarian he should have any further input into this federal debate. This matter should have been dealt with behind closed doors with his state and territory counterparts and kept that way until such time as the full and proper legislation was released to the public.

Sadly, we have a recalcitrant Chief Minister, who does everything he can to avoid full scrutiny on local issues yet is constantly found guilty of overtly interfering in matters that are best left to his federal counterparts, matters that we cannot do anything about in this place. I note with great interest that we have to date had no sign or word or public comment from Mr Stanhope's colleagues Mr McMullan, Ms Ellis and Senator Lundy on

the impact of anti-terrorism legislation in the ACT. Perhaps he should ask himself why this is so.

Mr Stanhope has clearly been caught flying solo again and should display the courage to admit that he is out of step with all of his state and territory Labor counterparts in the area of combating—hopefully the unlikely event of—a terrorist act in Australia. During the war, there was the little phrase, one among many: careless talk costs lives. How reckless was the Chief Minister's behaviour! One has to question his motives and indeed what action he would consider if he was placed in the position of the Prime Minister, having to respond to such an unorthodox and completely unwarranted action. If the shoe were on the other foot and a member of this Assembly released confidential, sensitive or draft legislation that was entrusted to them by him as part of a consultative process, I have a fair suspicion that there would be total outrage, and the Chief Minister would be the first to stand up, with self-righteous indignation, calling for someone's dismissal. So it is one rule for one and another for another. How hypocritical!

"Sovereignty of cabinet" were the words that the Chief Minister's colleague in Victoria Mr Steve Bracks used to indicate some dissatisfaction with the actions of Mr Stanhope in clearly displaying no consideration for another level of government's integrity and modus operandi. It is an interesting word, isn't it: integrity? Where is this Chief Minister's integrity? Whether or not it is within the Chief Minister's rights, if he felt the need to satisfy his own perceived obligation to his electorate, to offer an in-confidence piece of draft legislation up for discussion is at the centre of his contempt for proper parliamentary procedure. That is what his action is: contemptible, simply contemptible.

Nobody is saying that people should not know what is going on and what will affect us. But the way in which this was done was despicable. By placing the draft document on a web site endorsed by himself as Chief Minister, he showed no consideration for the trust placed in him by another tier of government, and there would appear to have been an oversight as to how wide reaching his actions would be—the World Wide Web. This action was, as we know, an obvious attempt to massage his own ego and to continue on a path of manipulation and scheming that would appear to ultimately disrupt the goodwill that has, in general, been displayed by all other jurisdictions and the federal government on the very delicate issue of dealing with a serious upgrade of anti-terrorism laws in Australia.

His was a deliberate and culpable attempt to undermine recognised practice and procedures between state and territory and federal governments. It is a sad reflection on the ACT Assembly. It does not just affect Mr Stanhope; he seems to forget that with his cavalier manner. All 17 of us in this place become a laughing stock when this Chief Minister acts in this unconscionable way. Disappointingly, it reflects on the entire focus of the Assembly in attempting to convince Canberrans that it holds a place of relevance to the political, national and local sphere. This kind of action committed by the Chief Minister displays a level of arrogance and contempt for the role he has to play in ensuring that our nation remains a safe and secure society to live in. It shows contempt not only for us in the opposition but also for his own colleagues.

It has been demonstrated here by the Chief Minister's own admission that his was a deliberate attempt to disrupt a process in which he was involved on a small scale—a role in the consultative period, which the federal government extended as a courtesy to

all states and territories. Let us face it: they need not have done that. They have a majority government, just like in here. They could have railroaded it, just like this government does. But, no, what did the Prime Minister do? As a courtesy, he extended an in-confidence meeting to everybody. And what did our Chief Minister do? The Lone Ranger went and sprayed this important and sensitive information all over the place—a despicable act.

If the Chief Minister feels that any new anti-terrorism laws are creating a level of discomfort to anyone in the ACT of any background or faith beliefs, it would be enlightening for him to provide such evidence and have the Assembly debate local issues on their merits. I for one have seen no evidence of any anxiety or discomfort within the Canberra community. For the Chief Minister to suggest any clear association or connection of terrorism with any specific group within our community is just blatant scaremongering—scaremongering at its very worst—and the construction of hype to garner support from certain sectors to aid in promoting a shallow and unwarranted political campaign of social alienation.

I am surprised at Mr Corbell's interjections. Something like the Anti-terrorism Bill 2005 is marked "draft-in-confidence". Was that released in cabinet? I hope that Mr Stanhope has shown the way and that now we are going to see everything that his government will do hereon. That sounds fair to me. As everything that is marked "draft-in-confidence" has no meaning to it, we can all see what you are going to talk about; you will not just slap things on the table in this Assembly and hurtle it through, which is what you blame the federal government for doing when in fact they do not. It is quite rude of the Chief Minister to act in the way that he has, with total disregard for any of his colleagues for a start and for everyone else in this Assembly; it is shameful.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.59): Firstly, I would like to congratulate Mrs Burke on her new job. It is obvious that the power of that job and the emotion that goes with it has just found expression in this place. There was certainly not a lot of commonsense in what she said, or a lot of substance. But there were a lot of clichés and a lot of really powerful words like "rude". Unfortunately, *Hansard* does not record the volume or the intensity, merely the word.

I suggest that Mrs Burke read *Hansard* and she will realise that she made a couple of errors of fact. One that just springs to mind was when she said that the federal government can just railroad legislation through; that, because they have got majority government, they can do whatever they like. But they cannot. If Mrs Burke had been listening, she would have heard the Chief Minister say that we are talking about referred powers. In fact, it requires the states to, as it were, surrender their power to the Commonwealth.

What the Chief Minister said was that the information given to him at that particular meeting of first ministers was vague. He was asked to sign off on something that was vague. When he saw the detail, a chill went up his spine. He thought, I am sure, of things like that holiday paradise camp at Nauru. He saw us expanding the Baxter detention centre. He saw Australians being kidnapped and taken to places like Guantanamo Bay, but this time they would not need to be kidnapped from a third country; they could be kidnapped from here. He saw that an ordinary Canberran could be walking down the

street and be picked up and not told where they are going, what they are there for. They would have no access to the normal rights and privileges that we enjoy here today.

Mr Stanhope is the only one who would not allow our rights and privileges to be purloined by stealth. He was not going to allow this Prime Minister to decide, unilaterally, whether or not we were going to enjoy ordinary human rights, civil rights, freedom of expression. He was not going to allow that to happen. I can just see it now: Canberrans walking down the street—too bad if you are a follower of Islam; that is a good reason to pick you up, put you in the back of a car and say, "You cannot even tell your relatives, because if you do they'll join you." I really fear for this. Some people barrack for Collingwood; they could end up in jail for that. That was a throwaway line and a bit of a joke, and so too is this legislation.

Mr Pratt interjecting—

MR HARGREAVES: Mr Stanhope has said that he will not sit in a room with those people—

Mr Pratt interjecting—

MR HARGREAVES: Mr Pratt, will you give it a rest, please!

MR SPEAKER: Order!

MR HARGREAVES: Mr Stanhope has said that he was not going to sit in a room with eight other individuals and adjudicate on the abrogation of our rights without at least giving people a look at them and an opportunity to convey to him what they felt about them. He felt an obligation to the people of the ACT—greater than he did to George Bush, chief lickspittle. He felt a greater obligation to our rights than he did to the Prime Minister, who did not have any undertaking of cabinet-in-confidence. Every single document like that has "draft" and "cabinet-in-confidence" on it; it is a draft.

I do not expect to know what skulduggery is cooked up within the context of the federal cabinet; I very rarely find out until it is too late. Such would have been the case here if it had not been for the Chief Minister of this territory. We would have all found out when it was too late—and what could we do about it then? Not much. What has happened since then? We had that well-known redneck socialist Piers Akerman saying, of course, that the Chief Minister is wrong, but every other sensible journalist on the national stage was saying, "Good on you, Jon Stanhope." Ordinary people in the streets have been moved to contact Jon Stanhope and tell him he is doing the right thing. By far and away the vast majority of people are doing it; we are talking almost 100 per cent. Dignitaries and respected eminent people in this country have contacted the Chief Minister to tell him he is right.

This bunch of lickspittles across the other side of this chamber have decided to take the side of John Howard, who would deny us knowledge of the withdrawal of our rights. Those opposite have pinned themselves to the apron of this man of such small international stature, and they are backing him; they are backing John Howard. I hope that the Fourth Estate records the fact that this parliament has on its opposition benches people who would legislate away the rights of people—merely for what they are

thinking. If a mother, worried about a child that has been picked up by the police and carted away, discussed the possibilities around that, she could find herself at the governor's pleasure. How appalling is that? I had expected more from those people opposite. I did not expect any more out of Mr Pratt, because I know what he is like. But I had expected more out of the Leader of the Opposition and the Deputy Leader of the Opposition, because, although we differ quite often on penalties for crime, we have not hitherto differed on the preservation of basic human rights. I express my disappointment in those two people.

Jon Stanhope is the only person with any spine in this country. I am very proud to be able to serve under the direction of Jon Stanhope, and I consider him a better man than I am; yes I do. I have no problem in saying that publicly. Those opposite are not worthy of walking in Jon Stanhope's shadow.

MR STEFANIAK (Ginninderra) (12.07): John, you have not heard from me yet, but I think you will be disappointed, so on that point, at least, you are quite right.

Mr Hargreaves: I know I will, Bill.

MR STEFANIAK: The first duty of any government is the security of its citizens, and we do face a very serious threat here, an unprecedented threat that is not going to go away and that may well be with us for a long time. It is a crucial point of national security that we have sensible legislation to deal with the threat.

I followed with interest what the Chief Minister initially said about the concerns he raised before he went to COAG. I think I too was away during COAG. I was in New Zealand, but I was pleased to see that a piece I wrote for the paper got in. I think I called on the Chief Minister to go to COAG with an open mind. He came up with some of the usual leftist civil liberty concerns in relation to what was being proposed, but when he got there, and after a briefing, he came away having seen the sense of what was being proposed. I thought, "Good on you, Jon; you've done the right thing for the people of the ACT there."

However, when he got back here, something must have changed. Maybe the left wing civil libertarian in him came in, or whatever. But, when he was given this draft-in-confidence document, he put it on the web—as a few of my colleagues have said, the World Wide Web. That was completely wrong, it was reckless and it was completely irresponsible. It is quite clear what this document says; it says, "draft-in-confidence. This draft is supplied in confidence and should be given appropriate protection." Every other state leader has done that, the Northern Territory has done that and the Commonwealth has done that.

It is quite common for drafts-in-confidence to be moved around between the states and the commonwealth when joint legislation is being proposed. I cannot think of a time—someone might correct me—when the ACT has breached that before, especially on legislation as important as this. These issues, too, were on the table; it was not as though the general public did not have much of an idea of what was going on. The general Australian public want to see security, they want to be protected, and they want sensible laws in place at this difficult time to protect ordinary law-abiding Australian citizens.

And it seems that what the Chief Minister has done has maybe compromised that. That is a very, very great shame.

Difficult times call for difficult decisions. Yes, some of these laws are laws that you would not normally enact if you did not have a threat. I am pleased to see there is a sunset clause; I think that is essential in terms of protecting real civil liberties. But it is ridiculous for the people opposite to have their say about the effect this "may" have on people, in some extreme sort of circumstance that I find painfully ridiculous, when they completely forget about the fundamental rights of ordinary law-abiding Australian citizens, especially the right to live. What about that right? What about protecting the right of our ordinary, law-abiding citizens to live?

I will just go through a couple of points some members opposite have made in this place. Mr Stanhope reckoned he said to the PM, "Any package must be consistent with civil rights and the rule of law." The PM agreed. Mr Stanhope went to COAG and they had a discussion. Obviously, points people raised were taken on board and he went away happy with that. Then he went off on a tangent—unfortunately with him, he tends to go off on a lot of tangents—in relation to the referred laws, saying that the Commonwealth cannot pass this legislation without the cooperation of the states and territories. Quite so; so, if that is the case, why put it on the web? We have a number of laws where referred powers are relevant, and the states and territories cooperate with the Commonwealth on them. I cannot think of any instance where any of that was put on the web when it was a draft-in-confidence, as this document quite clearly states. So this is no different from legislation at a national level, and he misses the point totally there. This is about process.

Mr Quinlan made his usual comments on this and he stated a couple of classics. He referred to my attitude as "My Liberal Party, right or wrong". I think this party here in the territory has a fairly consistent policy of objecting to things done by the federal government of either political persuasion if we do not think it is in the ACT's interests or in the national interest. Certainly, a number of things were opposed when we were in government and there was a Liberal government federally. But this happens to be right; this happens to be sensible legislation for the protection of ordinary Australian law-abiding citizens.

Ted also made a comment and had a bit of a giggle about the grammar and spelling in some of the letters against Mr Stanhope. I think that is a bit of intellectual snobbery coming in here from the ALP and I am very disappointed to hear that.

Dr Foskey obviously likes what is happening; she mentioned some learned persons who were supportive of the Chief Minister's rationale in terms of opposing some of these laws. She used an argument by Chief Justice Higgins. I certainly would put on record that I completely disagree with what the learned chief justice said in relation to these laws. He and I have a very different interpretation of the law, fine man that he is, and I will not go any further than that.

MR SPEAKER: We won't comment on members of the judiciary.

MR STEFANIAK: No, I am sorry. It does not surprise me to see some of the other persons who have problems with these laws, and I will come back to that in a second. Mr Corbell rattled on about Mr Pratt being held without charge in Yugoslavia. That was

under a dictatorship. We are not a dictatorship; we are a democracy. We do have protections—protections are implicit in these laws—and we do not have a police force or a security force that can run rampant over its citizens.

Mr Pratt: You can't see the point, can you? That was a murderous regime.

Mr Hargreaves: You were still without charge.

MR STEFANIAK: We have a very highly-trained body of men and women in the Australian Federal Police. That brings me to Mr Hargreaves because some of the things he said were quite disturbing. He prattled on about the Baxter detention centre and Hicks being kidnapped or something like that. He was not kidnapped; I think he was captured. He called the Chief Minister a chief lickspittle. How emotive and how ridiculous.

Mr Hargreaves: No, I didn't; I called the Prime Minister that. Please quote me properly, Bill.

MR STEFANIAK: He said that ordinary Canberrans will be affected and that they could just be pulled off the street—

Mr Hargreaves: Please quote me properly, Bill.

MR SPEAKER: Order, Mr Hargreaves!

MR STEFANIAK: He does not show much support or much faith in the police force that he has a responsibility to. That is a normal extreme, stupid interpretation of how these laws might affect people; it is the usual interpretation put up by some people on the left. They pick the most extreme possible way laws such as this could be used. They have no regard for the authorities that are going to interpret these laws and use them. They have no regard even for the judicial system, which will have the role of oversighting these laws. They have no regard for the parliaments that will also be reviewing these laws. I have great confidence in the Australian security authorities. I have great confidence in the highly trained and efficient men and women of the Australian Federal Police and the way they constantly use their discretion exceptionally well. I trust them to use these laws sensibly. Innocent Australian citizens are not going to be adversely affected by these laws. If these laws are breached in any way, they of course can be changed, and I have confidence in our authorities in interpreting these laws.

Mr Hargreaves then said, "The legislation is a joke." I do not even think his Chief Minister agrees with him on that score. He went to COAG and came away reasonably comfortable with what occurred there, so I doubt very much if even he is going to agree with that. As to releasing the document, Mr Hargreaves said there have been a lot of letters to the paper in favour of it. This is an emotive issue. There are probably quite a few people in Canberra, and perhaps even Australia, who would take the view that I think a lot of members of the Labor Party have taken—a misinterpreted leftist view, I would call it, a misinterpreted view about civil liberties; being overly concerned about the civil liberties of criminals, people who want to destroy our society, but really minimising the civil liberties of the vast majority of law-abiding Australian citizens who

have that fundamental right to live and to go about their business peacefully without fear of lunatics trying to blow them up, poison them, contaminate them or whatever.

We are dealing here with people who hate us, for very illogical reasons—people who want to destroy us. That is not going to go away. It is with us, unfortunately, for a long, long time. It is essential that we take precautions that protect our community and that will, hopefully, save innocent law-abiding Australian citizens from being hurt, from being maimed and from being killed.

It is unfortunate perhaps that laws like this are needed, but needed they are. It is also quite true that there is a sunset clause in the legislation; there are protections in place. The laws will be monitored, because we are a free country and we take pride in our freedoms. You people are completely missing the point.

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

MR SMYTH (Brindabella—Leader of the Opposition) (12.17), in reply: We have heard from Mr Hargreaves that this legislation is a joke, but this is the legislation the Chief Minister agreed to. This is the legislation that the Chief Minister, the premiers and the other chief minister agreed to. Mr Bracks said yesterday, "I am pleased with the Prime Minister's comments where he said the legislation will have no more and no less than what was agreed at COAG." That is exactly what we would expect. This is what was agreed to at COAG.

I am intrigued that Mr Hargreaves would go on and say that Jon Stanhope is the only person with any spine in this country. I am sure somebody will pass that on to Premier Beattie, Premier Bracks, Premier Iemma, Premier Gallop, Premier Rann, Premier Lennon and Chief Minister Martin of the Northern Territory. Possibly they might even pass it on to Mr Beazley, Ms Gillard and Mr Rudd. Mr Hargreaves might even look around and talk about it with the rest of his cabinet colleagues, who obviously have no spine and do not stand for anything; they stand for nothing. It is pleasing to know that Jon Stanhope is the only person with any spine in this country.

I call on Mr Hargreaves to tell us what his definition of "spine" is, because when the opportunity came, when the time was there for Jon Stanhope to stand up, he agreed. He did not stand up; he did not say it was wrong. He agreed with all the other premiers and chief ministers that this legislation should go ahead, and that is what we are here about today. His opportunity to be brave—to have a spine, not to be gutless, not to be a jellyback—was in COAG. He came away from COAG convinced; it was only later on that he found the guts to make that legislation available, despite what is stamped on the top of it: "draft-in-confidence". This legislation should have been treated appropriately, and that is why we are here today: the lack of appropriate treatment of the legislation.

If the Chief Minister did not like this legislation, he should have said so on the day; but he did not. He went up there like the lion; he came home like the lamb. It was only later on that he found his courage to object to what was being done, and late on a Friday afternoon, instead of going out and making public what he was going to do, he dropped it on the Chief Minister's web site and put it out on the World Wide Web. Well, that is not courage—and Mr Hargreaves needs to look at his definition of courage.

The government misses the point. What this is about is releasing draft-in-confidence material, at the top of which it says, "This draft is supplied in confidence and should be given appropriate protection." If you do not understand what "appropriate protection" is, I can assure you that it does not mean posting it on the World Wide Web; that is not appropriate protection for a draft-in-confidence document.

The response we have seen from Premiers Beattie and Bracks and from Premier Lennon and from Premier Iemma is that they do not agree with Mr Stanhope's action either. I think all of them would say that they have concerns about this legislation. Anybody looking at the situation the world finds itself in has concerns about the legislation that has to be passed, is concerned that we actually have to pass such legislation. But those concerns should have been raised on the day, at COAG. It should not have been done late on a Friday afternoon, when people were zipping away for the weekend, in the hope that almost nobody would notice. If you are genuine, if you are absolutely genuine about consultation, why didn't you put out a press release and have a press conference to say, "I have serious concerns about this legislation, which are why I am putting it out for comment". No, he just put it on the web.

Mrs Burke: Sneaky!

MR SMYTH: "Sneaky", Mrs Burke says, and that is what it is. If you believed in this, that is what would have happened. It would have been the brave thing to do. It would have been the thing to do if you had a spine. This was a gutless way to release this legislation, and that is the point. What the government refuses to acknowledge is that a document was given in confidence, that document has been taken away from all of those who were working on it, in confidence, in good faith, and put out for a different sort of discussion.

Premier Lennon said that he has assured Tasmanians there will be time to debate the proposed anti-terror laws, and that time will come when it is tabled in the federal parliament. That is how it is normally done. It is worth reminding Mr Corbell that cabinet has to release this document, on the grounds outlined, which is, "This draft is supplied in confidence and should be given appropriate protection." Premiers and chief ministers are the only people who are provided the opportunity to view the legislation, and the Chief Minister really needs to understand what he has done: he has breached that confidence. That is the point that we seek to make: he has breached the confidence of the premiers and the other chief minister; he has breached the confidence of the Prime Minister; he has breached the confidence of the process. There will be time to debate this. Mr Hargreaves would contend that the Chief Minister has done the right thing, but that is just not the case.

Mr Quinlan made several points and he asked what was wrong with public consultation. Well, nobody is against public consultation at the appropriate time. Again I go back to what the Premier of Tasmania said: there will be consultation when it is appropriate, and that is when the negotiations at the high level are finished and there is a position that all of the states and territories can live with. Then it would be appropriate.

I have moved this censure motion because the Chief Minister was reckless in publishing the draft-in-confidence Anti-terrorism Bill. It is just a political stunt, it is just

grandstanding, it is just getting attention and it is a salve to his wounded pride. He realised that he had to agree on the day with COAG, and I think this is a salve to his wounded pride, because he did not have the courage on that day to stand up for what he clearly believes. That the Chief Minister believes in it is not in question. That there needs to be a debate over this is not in question either. It is about when and where and how that should occur and that it should occur appropriately.

In terms of the Chief Minister jeopardising the faith and goodwill of the other state and territory leaders as well as the Commonwealth and embarrassing the ACT, I think that is clear from the ridicule in the various media outlets over the last couple of days, and the particular comments of his own Labor colleagues who have said they would not have done it this way. What he has done through this action is to expose the ACT to the ridicule of the other jurisdictions. This place often suffers from the fact that it is the small house in the shadow of the big house, as it is called, and it often suffers from being seen as potentially irrelevant. The case for this place is not helped by the Chief Minister acting in such a way, and that is why he deserves to be censured.

Question put:

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

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

Question so resolved in the negative.

Administration and Procedure—Standing Committee
Membership

MR SMYTH (Brindabella—Leader of the Opposition) (12.29): I move:

> That Mrs Dunne be discharged from the Standing Committee on Administration and Procedure and that Mr Seselja be appointed in Mrs Dunne's place.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.29): This is a motion that does require some debate. We are very, very aware of Mrs Dunne's concern at being ambushed by her leader. In the interests of open and transparent government, I am not sure that it is appropriate for us to sign off on a motion such as this in an environment where Mrs Dunne has expressed absolutely no confidence in her leader. She has advised us of his propensity to ambush her.

I must say I could not in all conscience agree to a motion such as this without some explanation and some understanding of the basis for this apparent further reflection on the capacity of Mrs Dunne. If this is another ambush, I think it only appropriate that we hear from Mrs Dunne as to whether or not she believes this is an appropriate step. Her removal from her position as opposition whip and manager of opposition business is to be now compounded by her removal from standing committees of the Assembly and leads then, of course, inevitably, to the question of whether or not she is to be removed from her shadow portfolio responsibilities. In a context where Mrs Dunne has expressed publicly her concern at being ambushed by the Leader of the Opposition, I could not agree to this motion until Mrs Dunne has been afforded an opportunity to indicate to us whether or not she is relaxed and happy and that this is a position with which she fully agrees.

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 12.32 to 2.30 pm.

Questions without notice

Bushfires—warnings

MR SMYTH: My question is to the Chief Minister. In 12 emails, Emergency Services Authority planning officer Rick McRae attempted to warn the government of the grave risk of fire danger in the suburbs of Canberra. Just three weeks before the Canberra fires of 2003, which killed four people and thousands of animals and wildlife and resulted in the loss of 491 homes, Mr McRae wrote:

> Fire fronts could move through gardens, and embers could start spot fires well within the suburbs.

Chief Minister, why did your government take no heed of these warnings?

MR STANHOPE: I thank Mr Smyth for the question. I do, of course, again note the comment—

MR SPEAKER: Order! This is—I have just put the paper down—evidence that is—

MR STANHOPE: That is what I was just about to say.

MR SPEAKER: before the coroner.

MR STANHOPE: Today, yes; questions are being asked about it today.

MR SPEAKER: I am disinclined to allow questions that go to evidence that is before the coroner today. I think that is an inappropriate use of question time. I think I will disallow the question.

Mr Stefaniak: I raise a point of order, Mr Speaker. In the course of the coronial inquest there will be evidence given to the court and matters will be laid before the court and, as

a result of that, questions will then be asked on matters that have already been heard before the court. This is not anticipating anything, or anything that is likely to prejudice the court; that is my submission to you. Rather, these are matters that have already been before the court and, therefore, I would submit that it is a perfectly legitimate question to ask. I just go back to the precedent that we followed in the last Assembly, in this very matter: matters would appear in court, matters would appear in the media as a result of that, questions would be asked in this place and no objection would be taken. There were no problems with that as far you, Mr Speaker, were concerned, and I think this fits squarely in that category.

MR SPEAKER: I am not as experienced as you, Mr Stefaniak, in matters that get before the courts, but I can see that this is evidence that the coroner might be interested in, and it will invite further interest, it seems to me. I think for us to get involved in discussing the matter would be an inappropriate use of question time. It is fair to assume that there might be further interest in these matters and, if you add to that a flavour created by questions in this place, I think there is a risk of prejudicing matters that the Coroners Court might be interested in.

Mr Stefaniak: Mr Speaker, briefly on that: I do note that my colleague's question was: why did your government take no heed of these warnings? The question of warnings has been well and truly in the public domain, probably for the last 18 months to two years, and I think that would make my colleague's question relevant.

MR SPEAKER: Far be it from me to anticipate what the coroner might say as a result, though. They might ask the question too. I think this gets too close to the coronial inquest, so I will not allow the question.

Industrial relations

MS PORTER: My question is to the Minister for Industrial Relations. I note the recent media statements by the Prime Minister suggesting that the proposed federal industrial relations changes will improve the economy of Australia and, therefore, the territory. Are you aware of any contrary views?

MS GALLAGHER: I thank Ms Porter for the question. I have certainly heard the Prime Minister's assertions, as everyone in this chamber has—

Mrs Burke: On a point of order: is this matter not referred to on the notice paper currently?

MR SPEAKER: Unless you can draw my attention to something that is on the notice paper, no.

MS GALLAGHER: The Howard government suggests that his changes to unfair dismissal laws will result in job creation. He suggests that the current provisions cause a disincentive to firms taking on new workers and that as many as 77,000 new jobs will be created if the laws no longer apply to small and medium businesses.

He proposes to exempt businesses with under 100 employees from the law. This, of course, would exempt the vast majority of the 100,000 private sector workers currently

employed in the ACT. Under the federal government's proposal, these workers will no longer have the option of pursuing an unfair dismissal claim if they are sacked, currently at a cost of around $50, and will instead face up to $30,000 in legal bills to mount an unlawful dismissal claim in the Federal Court.

However, a recent paper from the school of business at the University of New South Wales/ADFA shows that this is a fallacy. Instead, they have found the changes are likely to result in a tiny fraction of the numbers of jobs created quoted by the government. After a three-year comprehensive analysis, they found that the changes are likely to result in 6,000 new jobs if firms of 100 or fewer are exempted from both the state and federal systems—that is, across the country, 6,000 new jobs. The trade-off for this number is workers who are sacked unfairly face court costs of $30,000 instead of a simple $50 application fee, currently, before the Australian Industrial Relations Commission.

The situation is even more absurd when you consider that the two academics found the number of new jobs created under the federal system alone would only be 1,981, that is, the system that operates here in the ACT. When this figure is applied to the ACT private sector work force, you find that these changes are likely to create an average of just 68 new jobs in the ACT. This is not surprising when you consider that we already have the highest labour force participation rate in the country, at 71.9 per cent, which is 7 per cent above the national average. There is clearly nothing wrong with the current industrial relations system in the territory.

The federal government is expected to spend $100 million promoting these changes across the country. If we assume the 6,000 new jobs will be created across the country, each of these jobs will cost the commonwealth government around $16½ thousand. At that rate, the Howard government may as well employ those 68 directly in the commonwealth public service. Under these changes, $16,000 will probably be the annual wage for an AS06.

Mr Speaker, you might wonder how these changes will operate in practice. We need only to look at the government's WorkChoices propaganda for an example. On page 20, we learn about poor Eric who believes his employer coerced him and several other employees into signing a collective agreement. He contacts the Office of Workplace Services with his complaint, and they proceed to prosecute Eric's employer. Of course, this will be a major change in strategy for the Office of Workplace Services, given that they only prosecuted two employers last year. Eric's boss is very unlucky.

Unfortunately, a line seems to be missing from the Eric example. The line missing might be: because Eric blows the whistle on his boss and dobs him in, he is therefore sacked unfairly and, because Eric is paid such a measly wage, he cannot afford an unfair dismissal action. As Eric's workplace has fewer than 100 employees, it is not subject to unfair dismissal laws and Eric, therefore, has no choice but to leave without argument, creating, of course, one more extra job for the economy. So we have 6,001 additional jobs. Economic growth in action! Where to for Eric? We need only to read about the infamous Billy, on page 15 of the same document, who gives up everything but the kitchen sink to get a job.

However, it is not just the independent academics who are pointing to the mistakes in the federal government's thinking on the impact these changes will have on the economy. Mr Mark Wooden is a prominent right-wing economist who has done extensive research for the Business Council of Australia and is a prominent cheerleader for industrial relations reform. In a major embarrassment for the federal government, he, too, is opposed to the federal government's changes. He points out that the government's unfair dismissal proposals—

MR SPEAKER: The minister's time has expired.

MS PORTER: Minister, can you inform the Assembly of the effect of similar changes when they were introduced in New Zealand?

MS GALLAGHER: When similar reforms to those proposed by Howard were introduced in New Zealand in the 1990s, they had a disastrous effect on productivity. David Peetz, a professor of industrial relations at Griffith University, examined the New Zealand economy from 1991 to 1996, when the country undertook a major reform of its employment landscape, including a strong push for individual contracting. In the same time period the Australian Labor government remained committed to collective enterprise bargaining. In comparing the two countries, he found that, during this period, Australia had considerably higher productivity.

The drop in New Zealand's productivity was due to employers switching from capital-intensive methods of production to cheaper labour. This led to a growing skills shortage, as employers lost the incentive to invest in a largely disposable work force. Today, New Zealand's Treasury working papers openly question the economic benefits of a deregulated labour market.

In short, with each day, more and more evidence is emerging which suggests that the federal government's proposed IR changes will have a negative impact on Australia's and, no doubt, the ACT's economy. We here in the ACT government will do all we can to protect ACT workers from these changes, and I look forward to making announcements in the coming months on the steps we will be taking to make sure that the Canberra community is protected.

Anti-terrorism legislation

MR STEFANIAK: My question is directed to the Attorney-General. It was reported in the *Canberra Times* on Wednesday 28 September that, after confidential briefings, you changed your mind about supporting the commonwealth government's anti-terror legislation. You were reported as saying:

> The advice which we received is that there are people in Australia of enormous concern. Faced with blunt advice … that we do indeed face grave concerns in Australia, it really isn't possible for any head of government to turn away and to take some other advice or to make some personal judgment on how serious the situation is, the situation is serious.

So why, after signing up to it, did you breach confidentiality by putting the commonwealth government's legislation on the web?

MR STANHOPE: In the preamble to the question, Mr Stefaniak asserts a claim or a report that I had changed my mind at the COAG meeting at the end of September. In fact, at no stage have I changed my mind. The position I took to the COAG meeting was that I was seeking a justification from the Prime Minister and his advisors on the necessity of the legislation and that, if that justification were provided, I would support the legislative proposals, subject to their being human rights compliant.

At no stage prior to the COAG meeting did I say I would not support the proposals that the Prime Minister had on the table—at no stage. To preface a question with "you changed your mind" is a distortion of the truth. In fact, it is not true. I did not change my mind. I know that this assertion or allegation featured in the debate this morning, and it is simply not true. I challenge you to point to evidence that I changed my mind.

I went to the meeting at COAG saying that I was looking for the Prime Minister to justify his proposals. I then said that if they were justified and I accepted them, I had a number of issues around civil liberties and human rights on which I would require some undertakings from the Prime Minister and the commonwealth before I could support the package. That is the position I took to the meeting. That is my position; that is the truth of it.

Your question is based on a falsehood. It is always difficult to answer a question when it comes from a position that is not true. It is very much a feature of questions here: "Chief Minister, here is such a statement or allegation", which happens to be untrue. The question then follows—an assertion that is simply not true.

I explained it this morning. I have explained it ad nauseam over the past four days. I am very happy to have the opportunity to explain it again. It needs to be understood. I fear—based on the fact that I went through this in detail this morning and have on a number of occasions over the past few days—that the shadow attorney and his colleagues do not understand the process of referral of powers. They essentially do not understand the constitutional arrangements that apply between the commonwealth and the states. They do not understand that the law that we are discussing, namely the anti-terrorism bill, is a creature of referred constitutional lawmaking power from the states and territories to the commonwealth.

At no stage in this process did I, as Chief Minister of the ACT, hand to the commonwealth or the Prime Minister any authority over the status of this legislation. I did not say to the Prime Minister, "Prime Minister, yes, I've agreed to a broad outline or a broad framework of laws that you may now go away and draft and I now wash my hands of the process completely. I leave it to you to consult. I leave it to you to determine the content of the legislation." I did no such thing.

I said to the Prime Minister at COAG—I actually used the words in the meeting—"As you know, Prime Minister, in relation to this particular proposal, and indeed in relation to all legislation, the devil is in the detail." That is what I said to the Prime Minister: "The devil is in the detail." I then asked that COAG be reconvened, but I lacked the numbers on the day. I was unsuccessful in that request.

So we come to this pass. The legislation is now being dealt with essentially out of session. COAG is not to be reconvened and we are now going through an approval process of the bill—our bill; the legislation of the states and territories, which is being developed almost in an agency capacity by the commonwealth—in which we, the states and territories, come to a formal position, which we will convey to the Prime Minister in response to a request from him for us to do so on whether we are prepared to support the legislation.

As I have indicated, I am not prepared to sign off on this piece of legislation. That is the end of it. Once it is introduced, the role of the states and territories is at an end. In order for me to sign off on this legislation, I want external advice; I want advice from my own officials; and I want to take the people of Canberra into my confidence.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Can you explain to the Assembly the meaning of the term "draft in confidence"?

MR STANHOPE: It needs to be understood that the shadow attorney obviously does not understand or has not listened to what I just said. I can go around stamping anything on any document anywhere around town. I could walk into a shop across the street and stamp on the cover of a book "draft in confidence", but it would have absolutely no force or effect.

The Prime Minister can purport to stamp on a piece of legislation developed collegially "draft in confidence", but he does not have the capacity or the authority to stamp it, on my behalf, on a piece of legislation in relation to which I have a stake. The Prime Minister can stamp "draft in confidence" on anything he wants, just as I can. But he cannot, by simply stamping "draft in confidence" on a piece of legislation in relation to which I have a stake and in relation to which I am a stakeholder, expect me to be bound by it, just as, if I were to stamp on a document that you produced—for instance, your Liberal Party membership list, of which I have a copy—if I were to stamp "draft in confidence" on your membership list—

Mr Stefaniak: I hope you do that.

MR STANHOPE: Precisely. Mr Stefaniak advises me to do precisely that. But would he then actually regard himself as bound by the "draft in confidence" that I might put on the Liberal Party membership list? Would he or would he not? He would say, "Well, that's illegitimate. You have no authority over the Liberal Party's membership list." You might even insist I do not have a right to have it, but I have it. I might stamp "draft in confidence" on it. Would you take any notice of that? Of course you would not take any notice of that. You would regard it as a completely illegitimate exercise of power by me in relation to something over which I have no power.

That applies precisely to this legislation. I can wander around town stamping "draft in confidence" on anything I see. But if it is an illegitimate exercise of any power or authority I have in relation to that document, of course, everybody else will simply ignore it. I and all the states and the Northern Territory have an equal stake in this piece of legislation with the commonwealth: it is a joint legislation-making process. The legislation was developed as a result of a reference of ACT constitutional power, just as

it was of the states and the Northern Territory. The bottom line is that I simply do not accept the legitimacy of the assertion by the commonwealth of sole authority over this bill.

Mr Stefaniak: Everyone else does though. Everybody else respects it Jon.

MR STANHOPE: Everybody else might; I do not. I simply do not accept—in relation to a piece of legislation that requires my authority for it to be made—that I cannot treat it in any way I deem fit. That is precisely what I have done. I have sought advice from my officials; I have sought advice from external experts; and I have invited the entire ACT community to respond to me if they so wish.

I have shown the people of Canberra the respect due to them. They are worthy of this respect. They have a right to know what legislation the government of the ACT is agreeing to on their behalf. This is a remarkable proposition: that a government can be excluded by another government from consulting with its own people in relation to law for which we, this government, are personally responsible.

Mr Stefaniak, you and your colleagues are shouting for this community to hear, "We do not think you should know what law we are entering into on your behalf." What a remarkable thing to scream from the housetops: "People of Canberra, the Liberal Party of Canberra does not think you deserve to know. We would have preferred to have kept this law secret from you. We do not want you to know or understand what provisions we are entering into on your behalf. We, the Liberal Party of Canberra, do not want you to think about the extent to which this dramatic law impacts on your civil liberties, your human rights and on the rule of law in your community, Canberra, and in the whole of Australia. We, the Liberal Party, don't want you to know we put our trust exclusively in the Prime Minister of Australia and, of course, into his backbench colleagues such as Senator Humphries."

Bushfires—warnings

MR PRATT: My question is to the minister for emergency services. Minister, in 2002 the Emergency Services Authority was anticipating that the 2002-03 fire season posed a grave risk to the ACT. As a result, they applied for funding for two extra officers for planning and community education and to increase aerial firefighting capacity. This application was rejected and, indeed, your government cut its budget by two per cent. Why did your cabinet reject this bid then for additional funding, given the warnings from experts that the ACT faced a grave threat from bushfires at that time? Why did your government cut the ESB budget by two per cent, limiting its ability to respond to this grave threat?

MR HARGREAVES: I was not there at the time, but the Treasurer was there. I would ask the Treasurer to give the financial details in his answer.

MR QUINLAN: To some extent, I will take this on notice to get the exact detail. When I pick up the *Canberra Times* and read a headline like the one this morning, my immediate reflex is to read the story and find out the real story. Of course, way down below, there was a story about spot fires, not firestorms. In relation to the funding, alarm bells rang immediately, as they do quite often these days, so I wonder how accurate that

report was. I do not know, Mr Pratt, whether you bothered to do any verification yourself; or do you take literally what you read in the paper and say, "I will now build a proposition on that basis"?

As far as I have been advised so far—and we will make sure that we review the paperwork—there was not a request for two extra staff for education and whatever the claim was in the paper. That is not a matter of record. It may have been in preliminary papers. We will have a dig around and see if we can find it, but we have not seen that proposal. One of the other things you must remember is that the justification—every department writes, quite often, a fairly flowery justification—for additional funds referred to relates to the budget that was being put together for 2002-03, or 2003-04.

Mr Pratt: Shall we take 2002-03?

MR QUINLAN: It was 2002-03—the back half. I think the *Canberra Times* is referring to requests for additional resources to be considered in a budget that would come down some four months after the fire we are talking about.

Mr Pratt: Are you saying it is 2003-04?

MR QUINLAN: I will check all this, but I think the requests put forward related to and emerged at the end of 2002. They were amongst all the paperwork—I do not know if you have ever seen it but it is quite horrendous—that comes through with various propositions put forward for budget. In a stack of initiatives this high to be considered for the budget to be brought down in May 2003, there were a couple of requests for additional funding, as far as I know. One request was for fire brigade logistic support capability—additional funding for a specialised logistic support capability to deal with chemical, biological and radioactivity. The other request was for an upgrade of the communications systems.

Those are the ones I have on record. As fate would have it, the one for communications was approved and, as you are probably aware, there has been an ongoing investment in communications within the Emergency Services Authority for some time. Communication capability fell away in previous years. At this stage I do not have a record of a claim for additional people for fighting spot fires or whatever. It is a bit of a pity that the way a story can be interpreted, obviously by people like yourself, and conclusions drawn do not really give the true picture of what happened. There may have been, within the communications, some discussion about spot fires or where it was considered that additional funding was needed but it was not, I do not think, expressed with the urgency of, "You must do this now." It was about the budget process that, of course, starts about November and rolls through to May of the following year.

Anti-terrorism legislation

MRS BURKE: My question is to the Attorney-General. By putting on your web site the commonwealth's in-confidence, work-in-progress draft anti-terrorism legislation that is already superseded, have you not caused unnecessary alarm in the community? Will your own proposed anti-terrorism legislation not have the effect of watering down the government's ability to prevent terrorism?

MR STANHOPE: I have detected a high degree of alarm at the spineless lack of support for human rights and civil liberties by the Liberal Party in Australia. I think that there is a very high degree of anxiety around the complete lack of support by the Liberal Party, as expressed by the attitude that we have seen displayed today in this place to deeply held Australian values. I think that there is genuine anxiety and concern within the community about the way in which the Liberal Party in particular, over a number of years, has treated the Australian community, particularly people marginalised within Australia, in a quite contemptible way.

In letters that I have received over the last few days, for instance—700 or 800 letters—and the hundreds of telephone calls that have been received in my office, there has been constant reference to anxiety about the Liberal Party's attitude to refugees, to Cornelia Rau, to David Hicks and to Mamdouh Habib. The complete abrogation of any commitment to human rights or even to human dignity by the Liberal Party is a matter of grave concern to Australians, as are the nature, values and morality of the Liberal Party's policies, most particularly the federal Liberal Party's policies, in those areas to the extent that they constantly demean and devalue Australia's commitment to things such as the rule of law, civil liberties and human rights.

Yes, Mrs Burke, there is a significant degree of anxiety within the community about your behaviour and the behaviour of your party, as reflected in issues such as the children overboard saga, the locking up of children behind razor wire in refugee camps, the deportation of Australian citizens without any sort of justification or checking, the failure of the federal government—the only Western government in the world to do so—to seek the release of its citizens from the concentration camp at Guantanamo Bay, and a raft of similar—

Mr Stefaniak: That's lovely! It is an insult.

MR STANHOPE: How else could you describe it? David Hicks, an Australian citizen, has had four years of incarceration without access to a lawyer, without being appropriately charged or brought before a court with the capacity to try him consistent with the rule of law, and the Liberal Party in this place is prepared to support that.

The great irony, of course—and I do find it the finest irony—is that of the seven people in this place supporting that is a person who was detained without charge and incarcerated, and who rails against his incarceration, the fact that he was detained without charge. He stands in this place and supports policies such as the detention without charge for four years of an Australian citizen and yet continues to rail against his own experience. Of course, we will not go into the attitude or response of his co-incarcerated in relation to that and the particular feelings that they are continuing to suffer as a result of the circumstances around their detention.

Mrs Burke, these things are of enormous anxiety to Australians and I do detect that level of anxiety within Australia over your party's attitude to the issues that I have just discussed.

MRS BURKE: I have a supplementary question. Attorney, why are you so out of step with every other leader in Australia?

MR STANHOPE: I am not aware that I am. I must say that I do not seek to compare myself with anybody else and I am not quite sure of the comparisons that you make between me and those of my colleagues that you refer to, but I am not aware that I am generally or remarkably out of step. I certainly have a particular position in relation to human rights. I do not think that anybody is in any doubt about that.

One of the proud legacies of the last four years of this government in the ACT is the extent to which we as a government have been prepared to grapple with a range of issues in relation to which we would be prepared to pursue progressive law reform to an extent that governments around Australia have not. I do not know whether that is to suggest in a negative way that we are out of step. I am proud of those achievements. I am proud of those achievements as the Chief Minister of a Labor government in the ACT and I am proud and will always be proud of the law reform that has been a hallmark of the last four years of the ACT Assembly. It is a legacy that will endure the test of time.

That, of course, revolves around our commitment to human rights as encapsulated in the Human Rights Act, the only legislated bill of rights in Australia. I have a strong position of support, as I have had all my working life, for human rights. It is a position I will maintain. It is a position in relation to which I am well-known in this community and for which I have not been afraid to campaign. I have campaigned in three elections consecutively in the ACT on a progressive law reform agenda as somebody committed to civil liberties and human rights and my vote just keeps getting bigger and bigger.

Mrs Burke: So does your head.

MR STANHOPE: My vote gets bigger and bigger and yours gets smaller and smaller. To that extent, I do not mind being out of step. Nobody in Canberra is under any illusions or misapprehension about my commitment or this government's commitment to human rights and civil liberties. They are under no illusions. They know what we think. They know what we stand for and they know that we are prepared to stand up and pursue our principles in relation to these issues. They know that we are prepared to stand up and pursue these issues. If that means that we are out of step with the rest of Australia, so be it. But if you expect me to feel in some way that it is a negative reflection either on me or on my government that this government is out of step with other governments round Australia, I simply have to beg to differ with you. This is something out of step of which I am quite proud.

To conclude, so as not to be misrepresented on this point, it might be fair to describe this government as a government that is out of step. I think that is reflected through the law reform that has been pursued by this place, essentially through the Labor Party. One starts with the decriminalisation of abortion, our commitment to remove discrimination against gays and lesbians, the fact that we stood up on industrial manslaughter, that we have introduced a human rights act, that we stand up and are prepared to argue for balance in our response to terrorism. These are steps that we have taken, steps of which I am enormously proud and will be for all my life, but we are not out of step with the values of our colleagues round Australia or with other governments. We have simply progressed a raft of law reform in a range of areas that they have not sought to do.

Out of step: so what? Is that the test? Is it the test of the Liberal Party in the ACT that you must conform with what your colleagues are doing? Is it the test of the Liberal Party in the ACT that you must be a creature of John Howard and his right wing neoconservatives up on the hill, that the measure and the mark of whether you are a successful member of the ACT Assembly is whether you can match Peter Costello or Tony Abbott? Their test of success for a member of the Legislative Assembly is how consistent your views are with those of Tony Abbott, Peter Costello, John Howard, Brendan Nelson or Eric Abetz—heaven forbid! That is the measure of success of a Liberal member of the Legislative Assembly in the ACT.

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

Environment—solar cities program

DR FOSKEY: Chief Minister, my question relates to your statement in Monday's *Canberra Times* that the ACT is uniquely placed to create a model for a sustainable city-state that could "inspire the world". This contrasts rather sharply with the answer that your office gave me about why the ACT did not sign up to the federal government's $75 million solar cities program. That answer was that the ACT had little likelihood of success as only proposals that could serve as a national showcase on a large scale would be given preference and, further, that the ACT lacks the critical mass of secondary industry needed to gain benefit from the trial.

Chief Minister, could you outline how the ACT could develop a model for a sustainable city-state that could inspire the world if it has passed up the opportunity to develop a model that is a national showcase?

MR STANHOPE: The ACT is well placed to be a model, and to some extent I believe already is a model, of sustainability, and to that extent we can be thankful for the fact that we are a relatively young city, an extremely well-planned city, in Australian and world terms an affluent city and a city that is essentially a city-state in a jurisdiction which, just as a starting point, comprises 54 per cent of nature reserve. As we dwell on the need for us to pursue a sustainable future and to become a sustainable city that is the envy of the world as a showcase for sustainability throughout the world, we have some very significant advantages.

A particular advantage, in a sustainability sense, that Dr Foskey raises is the fact that we do not have a large secondary or manufacturing industry. Our environment is essentially clear. It is because of the nature of our industry and the historical development of the ACT that we have the cleanest air of any major metropolitan zone within Australia. We have a range of natural advantages. But we also have some disadvantages. The sprawl that we have inherited, a city of 300,000 covering the area that it does, is one of the indicators of unsustainability in the way in which the city has been planned and grown. It has led, of course, to a set of infrastructure, particularly in respect of roads, that really does impact on the degree to which we are sustainable and the degree to which we have an ecological footprint that is far larger than is helpful for us or for the environment generally.

In terms of what we can do or have done, this is a government that can boast of having been the first government to establish a discrete Office of Sustainability within its administration. The ACT Office of Sustainability was the first such move made by any government in Australia to create a discrete and distinct office, in this instance within the Chief Minister's office, to give the issue the profile and recognition that it deserves and the access to influence that comes from being so located.

Out of the ACT Office of Sustainability we have established a sustainability expert reference group to formulate sustainability policy and we have pursued quite vigorously a range of initiatives that we are intent on pursuing. We have a significant commitment to sustainability that we seek to express through a raft of policies, whether it be no waste by 2010, a determination to tackle greenhouse issues or our commitment to the think water, act water strategy. There is a whole range of areas in which we are working significantly to achieve the targets we have set ourselves on sustainability. Many of those examples, of course, relate to the environment.

The whole philosophy behind the Canberra social plan and the spatial plan in relation to sustainable transport and sustainable development is about ensuring that in the future we overcome the mistakes of the past. It is difficult to retrofit. We have a whole range of inherited infrastructure: housing, buildings and practices that essentially are unsustainable. The costs of retrofitting are enormous. From now and into the future we need to ensure that we overcome those ill-advised policies of the past in relation to sustainable development, planning and construction.

Much of the work that is now a feature of ACTPLA, indeed of the Land Development Agency, goes to the heart of ensuring in the future that we overcome many of the issues we now grapple with as a result of the non-sustainable nature of much of what we inherited. I think our record on sustainability is second to none in Australia. There is a whole range of ways in which we have exhibited that. As resources permit, we will continue to invest in a sustainable future for Canberra. We will become a showplace for the world.

DR FOSKEY: I have a supplementary question. Chief Minister, in that same *Canberra Times* article and in your answer you said that we need to retrofit the city. Could you be more explicit about the plans that your government has for this and when you plan to begin?

MR STANHOPE: In the broad sense of the expression "retrofit", the government is pursuing a range of initiatives. I take, by way of example, our water policy—think water, act water. We have set significant targets in relation to water reuse and water conservation. An example of significant retrofitting, in other words, relooking at and seeking to enhance existing infrastructure is, of course, the existing water infrastructure.

ActewAGL is currently in the process of developing an incredibly smart, innovative and sustainable solution to our future water security and needs. The water reticulation system currently under construction will utilise existing pipes, pumps and water treatment works in place between the Cotter and Googong. This is a fantastic example, Dr Foskey, of significant retrofitting to ensure a sustainable future. In an incredibly clever and innovative piece of thinking by engineers within Actew, the existing water infrastructure

will pump water from a well-supplied catchment, the Cotter catchment, which is currently essentially full.

It is pleasing that the dams within the Cotter catchment are now at 97 per cent capacity. It is so obvious, so simple and so logical, that it is amazing nobody thought of it until this year when engineers within Actew sat down and said, "What can we do to implement the government's commitment to sustainable use of water?" Somebody thought, "Let's see if we can utilise the existing infrastructure. Let's see if we can retrofit." They are in the process of doing that. They are currently moving 20 megalitres of water a day from an overflowing Cotter system into a one-third full Googong dam. Within a couple of weeks, as a result of about $20 million worth of work, we will be moving 150 megalitres of water a day from an overflowing catchment into an almost empty catchment. Essentially we will have a great big tank of 129 gigalitres at Googong, which at the moment is at 37 per cent capacity.

This is fantastic. It is the best example we have of the retrofitting that we are currently doing. If one looks at the implications of that sort of innovative thinking in relation to sustainability and retrofitting, it allows us to put off for years the need to consider, for instance, the construction of the Tennent dam, which the Liberal Party were intent on beginning construction on the day after the last election, if elected. They said, "We will commence work on the Tennent dam the day after the election."

It would have cost $200 million to $250 million. It would have flooded hundreds of hectares of the Naas Valley. It would have caused ecological destruction and a range of other destruction. It is a decision that does not need to be taken, or even contemplated, for 20 years, if ever. It is a great example of why we need to think innovatively, why we need to be committed to sustainability, why we need to think of our options, particularly relating to retrofitting or better use of the infrastructure. I use that example.

Similarly in relation to water and our commitment to sustainability and retrofitting, we are committed to increasing our use of grey water. We currently use more grey water than any other major city or metropolitan area in Australia. That will require, over time, an increased use of existing infrastructure to allow us to transport grey water throughout the city to take some load off potable water.

Significant initiatives are being pursued in the retrofitting of buildings in relation to energy use. I will need to be updated on this; and it might be that Mr Hargreaves can provide me with some additional information later, but I understand that the Department of Urban Services has completed the retrofitting of Macarthur House. We will, as resources permit, continue a major campaign of retrofitting buildings around the city for which we have responsibility to ensure the more efficient use of energy.

Water—Googong catchment

MRS DUNNE: Mr Speaker, my question to the Minister for the Environment relates to the Googong catchment. In response to question on notice 601 you told me that the gauging station in Burra Creek was not used to provide data for the think water act water strategy because it was "silted up making the more recent data unreliable". This means that half the gauging stations in the Googong catchment were not used to assess the resource of the water in the Googong catchment. Minister, how reliable therefore are the

water resource projections for the Googong dam? How do you account for the 40 per cent increase in the resource, as stated in the think water, act water policy over the original 1998 water resources management plan?

MR STANHOPE: Is this a party room question or is it a maverick question? Mr Smyth, does Mrs Dunne have your authority to ask this question?

Mr Smyth: Just answer the question.

Mrs Dunne: Just answer the question.

MR SPEAKER: Order!

Mrs Dunne: You might actually get it right.

Mrs Burke: Yes, he might. You never know. We will wait.

MR SPEAKER: Order!

MR STANHOPE: From time to time I see a van driving around Canberra. I think it is called "black thunder" and when I look across the chamber I see black thunder staring us in the face.

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

MR STANHOPE: I have to say that the body language is pretty crook. Mr Pratt, lean in a bit this way.

Mr Pratt: I like leaning to the left.

Mr Mulcahy: Mr Speaker, I take a point of order. I draw your attention to the standing order dealing with the relevance of a response.

MR SPEAKER: The Chief Minister will come to the subject matter of the question.

MR STANHOPE: Thank you, Mr Speaker. I will but I do admire Mr Mulcahy's loyalty in jumping to the defence of his deputy to be. You have been squeezed out, Bill. How did you allow that to happen? Nobody wants you, mate.

MR SPEAKER: Notwithstanding the temptation, could you take it on notice?

MR STANHOPE: I will take the question on notice, Mr Speaker.

MRS DUNNE: Mr Speaker, I ask a supplementary question. On the basis that the minister is taking the question on notice, does this mean that he knows nothing about his water resources strategy?

MR STANHOPE: I have taken the question on notice and I will provide the answer to Mr Smyth for relaying to his banished member.

Budget—public service savings

MR MULCAHY: My question is to the Treasurer. In your 2005-06 budget speech you said that general savings of $20.7 million would be made across all departments, rising to $28.4 million in a full year. You later foreshadowed that some 260 jobs would go from the ACT public service. What has been the progress in cost savings so far and, as at the end of September, what has been the reduction in staff numbers?

Mr Hargreaves: Not enough for you, Richard.

MR QUINLAN: Yes, it was a modest target really, wasn't it? Off the top of my head I could not tell you exactly the numbers, but I do know from the various reports that we have received thus far that that process is going well. That is a question that probably should have been asked on notice, and I will take it on notice.

MR MULCAHY: I have a supplementary question, Mr Speaker. What is the impact of the actual or anticipated reduction in staff numbers, in terms of morale and performance, in ACT government agencies and departments?

MR QUINLAN: In this regard I can only report on my own areas; I cannot report service wide. Certainly, we have a number of people who are working hard. There is a genuine commitment amongst those agencies to achieve their targets and their programs, and, in some part, doing that is a boost to morale. Yes, we are and do intend to apply a reasonable degree of efficiency—an efficiency requirement—to all of our agencies, and that has certainly been the case in my agencies. My agencies, I have to claim, are agencies that have not grown in any great part since we came to government. In fact, Treasury is probably operating with fewer staff now than when we came to government, so there is pressure. There is pressure on staff because of absentees, because of maternity leave and because of other things. But there is a damned good spirit there, and those people are very proud of what they do.

Gungahlin swimming pool

MR SESELJA: My question is to the Minister for Planning. I refer to a WIN news report on Tuesday, 4 October, where the government was quoted as saying, in regard to the construction of a pool in Gungahlin, that it is entirely up to the private sector to decide if a 50-metre pool is built. Minister, why are you allowing the private sector to determine whether the people of Gungahlin deserve a 50-metre pool?

MR CORBELL: I need to check the transcript of that report. I would not want to assume that Mr Seselja was quoting me accurately, if at all. What I can clarify is the government's position. The government's position is that we, through the planning process, have identified a site in Gungahlin large enough to accommodate an indoor water facility, with the capacity to include a 50-metre pool if that is what is decided is an appropriate level of development for the site by whomever purchases that site at some point in the future.

I note that Mr Seselja is saying we should put it in the lease and development conditions. We could do that, but the advice I have is that, if we did that, we wouldn't sell the site.

Mr Seselja: Is it too small, Simon?

MR CORBELL: No, it is not too small, but the catchment is too small. Catchments for 50-metre swimming pools are extremely large. Indeed, the development of the Belconnen facility, which opened about 18 months or two years ago, was predicated on servicing a population catchment that included Gungahlin. It was the only way to make that facility stack up.

In time, Gungahlin will have a much larger population, probably of the order of 100,000 residents. I want to see the broadest possible range of facilities and services made available to that community. That is why the planning work is taking account of the block of land and the size of the land that is needed to accommodate a large swimming pool.

What Mr Seselja should also remind people, when he is talking on the subject, is that he is in receipt of reports that outline the range of recreation facilities that are possible in this vicinity and that, whilst it is certainly possible to accommodate a 50-metre pool on the site, the recreation facilities studies that have been undertaken to date highlight that more of a recreational facility—that is, a wave pool or a recreational pool rather than a lap pool—is more likely, in the first instance, in the Gungahlin area.

The government has not taken a decision on how to release the site, but if we do release the site to the private sector it would be silly to impose conditions on the private sector that would mean that the site could not be sold.

Industrial relations

MR GENTLEMAN: My question is to the Chief Minister. Members here are only too aware of the alarming package of reforms to the industrial relations law proposed by the commonwealth government. Can you, minister, tell the Assembly if you are aware of any community criticism of the package as proposed? What is the nature of that criticism?

Mrs Burke: I raise a point of order because of my concerns that a select committee is investigating such matters. I seek your ruling and guidance on this one, Mr Speaker.

MR SPEAKER: The question was about community concern about the issue. The question was to the Chief Minister about community concern about the IR package; it was not about matters that are before the committee. The committee is not to report until some time into the future and so far has not had any public hearings.

Mrs Burke: Mr Speaker, with respect, that further heightens my concerns. The terms of reference for the select committee are that it is appointed to examine the effect on working families. The effect of industrial changes is just one of those aspects. I believe that this question is out of order and anticipates a debate not yet had, as you rightly said.

MR SPEAKER: It raises the question with the minister about community concerns. It is a bit much to suggest that no questions can be asked for a very lengthy period about a matter that has not yet had any public hearings. There is no evidence before the

committee, so far as this place is aware, because we are yet to have any proceedings that are public.

MR STANHOPE: I am very pleased to respond to this question from Mr Gentleman. It is interesting—and something that members of the Assembly, I am sure, have noted—that one of the most vocal sections within the community in relation to the commonwealth's industrial relations proposals has been the churches. Leaders of the Catholic, Anglican and Uniting churches and of the Salvation Army, in the last week or so, have each raised very, very significant concerns about the impact of the industrial relations laws on Australian society, in particular Australian families.

The most vocal has perhaps been Archbishop Peter Jensen, the Anglican Archbishop of Sydney, who, I am sure members are aware, recently suggested that, without shared time with family, people might as well be robots. Similarly, the new Anglican primate, Archbishop Phillip Aspinall, spoke out against the planned changes, saying that they could lead to serious injustice in the workplace. Archbishop Aspinall said he might even join in a picket line to defend unfair dismissal laws.

Similarly, Anglican Archbishop Peter Watson from Melbourne recently said:

> Weekends and leisure time are not optional extras. They must be preserved for the wellbeing of individuals, families and the whole community and, ultimately, for the health of the economy.
>
> These are matters of justice and equity about which Christian leaders cannot remain silent and will not remain silent.

In addition, the Catholic Cardinal of Sydney, George Pell, has also been critical of the changes. Cardinal Pell, a self-confessed social conservative no less, has expressed serious concern about the potential for these laws to impact on individuals, in particular the most disadvantaged. The Australian Catholic Commission for Employment Relations executive, John Ryan, has said that the proposed reforms do not deal with issues of fairness and balance; they only provide safeguards "after the fact".

Local Catholic bishop Pat Power has also expressed his concern. Bishop Power has said:

> What the law should be doing is protecting the most vulnerable people.

The Uniting Church president, Dean Drayton, has suggested that the package is more about choice for business than protecting workers. The president of the Uniting Church, Dean Drayton, has said:

> Workers are not commodities in the service of greater profits—they are people trying to make a decent life for themselves and their families.

It is interesting, then, to recapitulate in relation to this industrial relations package embraced by the opposition in this place, that no less than Archbishop Peter Jensen, Anglican Archbishop of Sydney; Archbishop Peter Aspinall, the new Anglican primate; Archbishop Peter Watson, Archbishop of Melbourne; Cardinal George Pell; the Catholic Commission for Employment Relations executive officer, John Ryan; Catholic bishop

Pat Power, bishop for Canberra and Goulburn; Uniting Church president, Dean Drayton all condemned these laws in the most unambiguous terms.

One would have thought, having regard to some of the expressions of opinion that we hear from the other side in relation to the values espoused by people such as Cardinal Pell and Archbishop Jensen, that there might have a little bit more thought by members opposite put into their unthinking, unequivocal and unambiguous support of the totality of the Liberal government's industrial relations package. But that is what we have. In the face of criticisms that I would have expected from people such as Cardinal Pell, Catholic bishop Pat Power, Archbishop Jensen and a raft of other archbishops and bishops from around Australia, I would have though that there would have at least been some chord of sympathy or empathy for the sorts of views and the trenchant criticisms being expressed by these leaders of the community in relation to this industrial relations package.

Once again, it indicates the extent to which we have these split values—the standing up and thumping of the chest in relation to values that are expressed by these particular very, very significant Australians in relation to certain issues of Australian law and society but when it comes to a need to step straight into line, fall in behind the Prime Minister and his Liberal Party neoconservative cronies in the big house, Brendan Smyth is there, "Yes, sir; no, sir; yes, sir; no, sir; three bags full; just tell me what you want and I will do it." We see it in relation to industrial relations as we see it, of course, in relation to anti-terrorism. "If my federal leaders say it, I will do it." Here we have, in the face of trenchant criticism from people that they all normally respect enormously—

MR SPEAKER: The minister's time has expired.

MR GENTLEMAN: Chief Minister, are there any other aspects of these laws on which the community has expressed concern?

MR STANHOPE: Thank you, Mr Gentleman. There are, indeed. We would need the question times for the rest of the year to even touch on the range of criticisms of these laws and the impact that these laws will have on individuals within the community, within our societies, and of course, most seriously, on families. Those are criticisms that have been expressed from every quarter, and, perhaps most vocally in terms of the opposition's cohorts, by Senator Barnaby Joyce. We see it across the spectrum. For example, the three national secretariats for women have spoken out against this.

Even today, the Salvation Army's John Dalziel joined the chorus of condemnation from Catholic, Anglican and Uniting Church leaders by also pointing out that it is people who are desperate for a job, the marginalised and the disadvantaged, who will be most affected by this; it is those people who are desperate for work who, of course, will be those who are forced and intimidated into sacrificing rights that we have taken as a given in Australia for decades, if not for more than the last century. It demonstrates the great problem with these so-called reforms.

How will workers ever get their entitlements back once they have been forced to give them up for no compensation? Why would an employer suddenly return penalty rates or public holiday pay or leave loading? We all know they won't. We all know that is the nature of the world and the nature of how these particular proposals will play out in future.

In that respect, of course, we only have to look at the government's WorkChoices booklet and the now infamous prime ministerial favourite example of Billy, a young worker, who, through the aid of a very talented bargaining agent, gives up public holidays, rest breaks, bonuses, annual leave loadings, allowances, penalty rates and shift overtime loadings, all for no increased conditions, no higher pay rates, but simply to get a foothold in the job market. This is the equation. This is the Prime Minister's favourite example of how these new, enlightened rules will work in practice: you go off to your work agent and give up everything in your desperation for a job and you get nothing in return, no extra pay. What you achieve is the great privilege of being allowed to say you have got a job. That is about all you get.

Billy, the Prime Minister's infamous example of how these new rules, these infamous rules, will play out, even with his bargaining agent—

Ms Gallagher: What did his bargaining agent do?

MR STANHOPE: His bargaining agent bargained away his public holidays, his rest breaks, his meal breaks, his bonuses, his penalty rates—that is what his employment agent bargained away; he bargained away the lot and said, "Billy, for goodness sake, what do you want? You have got a job. What more do you want? Billy, you want lunch?" For goodness sake! And the Prime Minister holds this up as the beacon of how these new laws or rules will work in practice and how they will advantage us as a society and as a nation.

As we all know, all the cards are in one hand; it is a lay-down misere for the employer. Mr Howard has now admitted publicly, and without blushing, that this is the future that he sees for young Australians. This is John Howard's future; this is the future—a future where young people are exploited by unscrupulous employers for the sake of profit. Just to get a job, Billy gives up 40 per cent in additional pay that he might otherwise have been due, plus fundamental entitlements like public holidays and rest breaks. We know we will not get them back.

These are comments that are endorsed by mainstream organisations such as ACOSS—not just by Cardinal Pell and Archbishop Jensen or the Salvation Army, the Uniting Church and the national secretariats for women—and, of course, the ACTU and the Labor Party. The dissenting voice in relation to this clamouring and appalling view that is presented by the community is, of course, the chamber of commerce. One wonders why. They love it. Doesn't that, in itself, sum up the entire package?

Floriade

MS MacDONALD: My question is to the Minister for Tourism, Mr Quinlan. From my own observations, and from talking to constituents, it would appear that this year's Floriade has been very successful and has managed to capture the imagination of locals and visitors alike. Could you please inform the Assembly of any preliminary figures for Floriade? Could you also inform the Assembly about the approach taken by Australian Capital Tourism in putting together this year's event?

MR QUINLAN: I thank Ms MacDonald for the question. Yes, Assembly, this is good news—or bad news if you are a knocker, a doomsayer or a member of the opposition, I suppose. This year's Floriade has been very successful and has captured the imagination of both locals and visitors alike. Preliminary turnstile figures show that this was probably the record Floriade since its beginning—an increase of about 14,000 over last year, which, on a quick calculation, I guess is about four per cent. The ACT Tourism Commission has engaged a market research firm to do an independent analysis. I expect the full results to be available in December—and I will be very happy to come back and report again.

This year's Floriade has been unique and I believe a lot of it has to do with the unique and innovative approach that was taken. The rock and roll music theme, the innovation of the Rock 'n' Roll Trail, the introduction into the festivities of such notable rock figures as Molly Meldrum and Glenn A. Baker—all of these added excitement to the event and attracted people, and people have responded very positively. The Rock 'n' Roll Trail involved many of the attractions around town, so it took Floriade beyond the boundaries of Floriade: to the War Memorial, the Canberra Centre, the casino, Cockington Green, the National Archives, Old Parliament House, the National Film and Sound Archive, the National Gallery, the National Library, the National Zoo and Aquarium, and Questacon. And all of those organisations involved themselves in the process of Floriade. A Z-card map was made for the Rock 'n' Roll Trail, of which 50,000 copies were made, and of course it was a bestseller and sold out.

A lot of that success did not just happen by accident. It happened because of the hard work of people associated with Floriade, and I want to recognise the work that was put in, and the coverage that was laid out, whether through metropolitan newspapers being invited to Floriade or the advertising taken in the *Australian*, the *Age*, the Brisbane *Courier-Mail* and the *Sunday Mail* in Adelaide. All of the attractions and the whole tourism industry in Canberra ought to be congratulated for the effort that they put in.

More than 300 Floriade media kits were distributed widely across Australia to travel, news, gardening and lifestyle media. The Floriade launch took place, way back in July, with Molly Meldrum, who was able to attract interviews from national media outlets—2UE and other radio stations in Sydney, and Triple M in Brisbane. The trade launch involved media, with a Rock 'n' Roll Trivia Show, hosted by Anthony Ackroyd, again attracting publicity. The Floriade opening included Glenn A. Baker, who also attracted interviews and was interviewed over some 14 media outlets in Sydney, in Brisbane and in Adelaide—effectively across the catchment area that was available to us. Also, of course, Floriade achieved a broad range of local, regional and national media coverage, including on the *Better Homes and Gardens* show, the *Sydney Weekender* TV shows and on various national, metropolitan, suburban and regional media outlets.

All in all, what happened was not an accident. As I said, it was the result of a lot of work that was done to ensure that every avenue to promote Floriade this year was taken. Time does not permit me to list all of the outlets that were employed, or where Floriade rated a mention and therefore contributed to knowledge of the event. I look forward to seeing the figures when they come in. I have my fingers crossed that the number of interstate and international visitors increased as well. The bar is now higher, and it will be that

much higher next year. This is not crowing; I do not want this to be seen as crowing; otherwise, we might have to jump that bit higher next time.

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

Answers to questions on notice

Question No 567

MRS BURKE: I remind the Minister for Disability, Housing, and Community Services that the answer to question No 567 regarding Currong apartments student accommodation was due on 25 September.

MR HARGREAVES: I am not aware of the exact question because I am used to seeing Mrs Dunne ask questions in respect of what is now Mrs Burke's shadow portfolio. I will check it and get back to her straight away.

Question No 534

MR PRATT: I remind the minister for emergency services that the answer to question No 534, which deals with purchasing agreements in emergency services, was due on 23 September.

MR HARGREAVES: I probably sent it to Mrs Dunne. I will check that and get back to the member.

Personal explanation

MR PRATT (Brindabella): I seek your leave to make a personal explanation under standing order 46.

MR SPEAKER: You may proceed, Mr Pratt.

MR PRATT: Today in question time Mr Stanhope said that I have supported the long-term incarceration of Mr David Hicks. It is true that in this place, from time to time, I have questioned the Chief Minister on whether he fully understands all of the circumstances leading up to and surrounding the arrest of David Hicks. However, I have not stated in this place or anywhere else that I support the four-year incarceration of David Hicks, or the three-year, two-year or one-year incarceration of David Hicks.

Contrary to Mr Stanhope's misleading statements, I am on the record in this place, and have been for three years, as stating that I would encourage the Australian government to pressure the US government to expedite the David Hicks case. I place that on the record so that we do not have any misunderstandings or misrepresentations about the issue.

Papers

Mr Speaker presented the following papers:

ACT Legislative Assembly Secretariat—Annual Report, dated September 2005.

Annual Reports (Government Agencies) Act, pursuant to section 15—Annual Report—2004-2005—ACT Auditor-General's Office, dated 30 September 2005.

Study trip—Report by Dr Foskey MLA—Barhah State Forest, 30 September to 3 October 2005.

Executive contracts
Papers and statement by minister

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

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
Contract variations:
Beverley Helen Forner, dated 13 September 2005.
Daniel Stewart, dated 7 September 2005.
David Butt, dated 9 September 2005.
Gordon Davidson, dated 13 September 2005.
Greg Williams, dated 8 September 2005.
Ian Hubbard, dated 1 and 5 September 2005.
Julian McKinnon, dated 22 September 2005.
Margaret Cotton, dated 19 September 2005.
Martin D'Este, dated 9 and 17 September 2005.
Michael Ockwell, dated 21 September 2005.
Robyn Hardy, dated 7 September 2005.
William James Stone, dated 21 September 2005.
Long-term contract:
Phillip Tardif, dated 19 September 2005.
Short-term contracts:
Geoff Keogh, dated 11 August and 21 September 2005.
Gerard John Ryan, dated 5 September 2005.
John Paget (2), dated 21 September 2005.
June Bronwyn Leslie, dated 19 September 2005.
Kate Neser, dated 25 August 2005.
Michael Vanderheide, dated 7 September 2005.
Michael William Kegel, dated 1 September 2005.
Pam Davoren, dated 1 September 2005.
Roger Broughton, dated 9 and 19 September 2005.
Sue Dever, dated 22 September 2005.

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

Leave granted.

MR STANHOPE: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all executive contracts and contract variations. Contracts were previously tabled on 20 September 2005. Today I present one long-term contract,

11 short-term contracts and 12 contract variations. The details of the contracts will be circulated to members.

Financial Management Act
Papers 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): For the information of members, I present pursuant to section 14 of the Financial Management Act 1996 an instrument directing a transfer of funds from the Department of Disability, Housing, and Community Services to the Chief Minister's Department, including a statement of reasons.

> Financial Management Act—
> Pursuant to section 14—Instrument directing a transfer of funds from the Department of Disability, Housing and Community Services to the Chief Minister's Department, including a statement of reasons, dated 6 October 2005.

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

Leave granted.

MR QUINLAN: As required by the Financial Management Act 1996, I have tabled an instrument issued under section 14 of the act. The associated statement of reasons for the instrument must be tabled in the Assembly within three sitting days after it is given.

This transfer between appropriations under section 14 of the Financial Management Act 1996 involves a transfer of $70,000 from government payments for outputs from the Department of Disability, Housing, and Community Services to the Chief Minister's Department. The transfer has no impact on the territory's operating results. The detail of the instrument can be found within the tabled package.

Indigenous education performance report
Paper and statement by minister

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (3.53): For the information of members, I present in accordance with the resolution of the Assembly of 24 May 2000, the 10th six monthly report on performance in indigenous education for the period 1 September 2004 to 28 February 2005.

> Indigenous Education—Tenth Six Monthly report—1 September 2004 to 28 February 2005

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

Leave granted.

MS GALLAGHER: I am pleased to present the 10th report on performance in indigenous education. The report covers the six-month period to 28 February 2005. The

government is committed to working towards achieving outcomes for indigenous students that are the same as for non-indigenous students. To this end we are working towards improved participation, retention and outcomes for indigenous students within a context of family, community and government assistance and support. We continue to acknowledge the diversity of the territory's indigenous community and other factors, such as health or family mobility, which may have an impact on indigenous students in our schools.

The report informs us about the range of programs being implemented by the government to achieve its goals for indigenous students. The advent of the national safe schools framework has brought together many of the principles and policies that underpin strategies already used in ACT schools to counter racism and celebrate the diversity of the community. Schools are broadly examining their current approaches to student and staff safety and implementing programs to address perceived gaps.

In addition, ACT government schools are recognising the achievements of indigenous students through a range of ways, including specific acknowledgement at community ceremonies. This assists in raising self-esteem in recipients, as well as developing a greater understanding of indigenous cultural heritage by non-indigenous students.

We are well aware that indigenous health issues can sometimes have a detrimental impact on student learning at school. The government has funded early intervention programs to support improved health in indigenous children at preschool. This includes ongoing screening for hearing problems, which took place for the first time in late 2004 for three, four and five-year-olds in an effort to stem the occurrence of otitis media and its associated learning difficulties.

The Stanhope government is aware that participation in early childhood programs has long-term educational benefits for indigenous children. Therefore, in the financial year 2004-05, the government provided extra resources to expand the Koori preschool program by increasing the number of available sessions and establishing a new preschool site in Gungahlin. This brings the total number of Koori preschools to five.

At the February 2005 census, 95 indigenous students were enrolled in prior-to-school programs, with 59 students in mainstream preschools and 36 students in Koori preschools. Thirteen students were enrolled in both mainstream and Koori preschools. This compares very favourably with one year earlier, when there were only 68 indigenous students enrolled in pre-primary, with 55 in mainstream preschools, 13 in Koori preschools and four enrolled in both. Preschool staff, teachers and indigenous home-school liaison officers will continue their active engagement of communities to encourage the enrolment of every eligible indigenous child in a preschool program.

The ACT assessment program literacy and numeracy results show that the year 3 cohort in 2004 performed at the same level as non-indigenous students. This is an excellent outcome for this particular cohort. However, years 5 and 7 data reveal that a performance gap persists at these levels. While some gains have been made since the inception of system testing, it remains a concern that a significant percentage of indigenous students fall below the system average at years 3, 5 and 7. This is a challenge and an ongoing area of focus for the department and our schools.

Through the provision of increased funding for indigenous education, the government has demonstrated its commitment to improving literacy and numeracy outcomes for indigenous students. In recognition of the central importance of these skills, the government has funded an increase in the number of teacher consultants in this area. Four and a half indigenous literacy and numeracy consultants provide assistance to identified indigenous year 4 students who were in the lower 20 per cent of students in their year 3 ACTAP assessment results.

While progress has been made in some areas, more needs to be accomplished over an extended period to consolidate improved results. The Department of Education and Training is seeking to do this through the collation of data to identify the achievement of each indigenous student in government schools. The purpose is to focus on those students who are in the lower 20 per cent of their most recent ACTAP program to ensure that they are making progress.

The Productivity Commission recently released its report *Overcoming indigenous disadvantage key indicators 2005*. This is the second report in a series commissioned by the Council of Australian Governments. This report aims to provide indicators of indigenous disadvantage that are of relevance to all governments and stakeholders and demonstrate the impact of policies and programs. In relation to education, as an example, the report found that across Australia there had been improvements in apparent retention rates to year 12 and achievement against the year 3 writing benchmark.

While I am pleased to report that the ACT exceeded all other states and territories with regard to retention of indigenous and non-indigenous students, the gap still exists across the range of indicators between indigenous people and the rest of the population. Achievement of a year 12 certificate is of particular concern. The ACT is now placing a stronger focus on retention of indigenous students through the appointment of a college transitions officer. This officer supports students in the post-compulsory years of education and assists them to make a successful transition through the college years to employment or further study. Appropriate programs and support for indigenous students in years 11 and 12 will be considered as part of the current review of ACT government colleges.

The recognition that more can be done to develop the cultural awareness of classroom teachers is also an area requiring ongoing focus. A cultural awareness program aimed at enhancing teachers' knowledge and awareness of indigenous culture has recently been introduced. The end result of this training will be teachers with a better understanding and strategies to assist indigenous students in their learning.

The Ministerial Council on Education, Employment, Training and Youth Affairs, also known as MCEETYA, which I currently chair, has recently made indigenous education outcomes a national strategic priority. The ACT will work with other states and territories to identify and address barriers to improvement in outcomes for indigenous students. I am hopeful that this concerted effort by all jurisdictions will produce the knowledge and direction we seek to ensure our indigenous students achieve the same outcomes as non-indigenous students.

Finally, I look forward to continuing to work with the ACT indigenous community, the Indigenous Education Consultative Body and other groups and agencies to ensure further

improvement in performance in indigenous education. I commend the 10th report on performance in indigenous education to the Assembly and move:

That the report be noted.

Question resolved in the affirmative.

Papers

Mr Corbell presented the following papers:

Annual reports 2004-2005

Annual Reports (Government Agencies) Act, pursuant to section 13—
ACT Building and Construction Industry Training Fund Board, dated 12 August 2005.
ACT Cleaning Industry Long Service Leave Board, dated 31 August 2005.
ACT Construction Industry Long Service Leave Board, dated 31 August 2005.
ACT Electoral Commission, dated 15 September 2005.
ACT Emergency Services Authority, dated 8 September 2005.
ACT Gambling and Racing Commission, dated 2 September 2005, including corrigendum.
ACT Government Procurement Board, dated September 2005.
ACT Health Promotion Board (Health**pact**).
ACT Health, dated 23 September 2005.
ACT Human Rights Office, dated 23 September 2005.
ACT Insurance Authority, dated 20 September 2005.
ACT Ombudsman, dated 5 September 2005.
ACT Planning and Land Authority, dated 23 September 2005.
ACT Policing (Revised).
ACT Public Cemeteries Board, dated September 2005.
ACTEW Corporation Limited.
ACTION Authority, dated 7 September 2005.
ACTTAB, dated 16 August 2005.
Australian Capital Tourism Corporation, dated 25 August 2005.
Australian International Hotel School, dated 23 September 2005.
Chief Minister's Department (2 volumes), dated 15 and 20 September 2005.
Commissioner for Public Administration, dated 23 September 2005.
Commissioner for the Environment, dated 31 August 2005.
Community and Health Services Complaints Commissioner, dated 23 September 2005.
Cultural Facilities Corporation, dated 13 September 2005.
Department of Disability, Housing and Community Services (3 volumes), dated 8 September 2005, including corrigendum dated October 2005.
Department of Economic Development, dated 8 September 2005.
Department of Education and Training, dated 13 September 2005.
Department of Justice and Community Safety (2 volumes), dated 23 September 2005.
Department of Treasury (2 volumes), dated 14 and 19 September 2005.
Department of Urban Services (2 volumes), dated 20 September 2005.
Exhibition Park in Canberra, dated 31 August 2005.
Independent Competition and Regulatory Commission, dated September 2005.
Land Development Agency, dated 14 September 2005.

Legal Aid Commission (ACT), dated 29 August 2005.
Office of the Community Advocate, dated 1 September 2005.
Office of the Director of Public Prosecutions, dated 22 September 2005.
Office of the Occupational Health and Safety Commissioner and ACT Workcover, dated 14 September 2005.
Office of the Small Business Commissioner, dated 30 August 2005.
Public Trustee for the ACT.
Rhodium Asset Solutions.
Stadiums Authority.
Victims of Crime Support Program (incorporating Victims of Crime Co-ordinator, Victims Services Scheme, ACT Policing Victim Liaison Program and the *Victims of Crime (Financial Assistance) Act 1983*—2004-2005 annual reports), dated 16 September 2005.

Petition—Out of order

Petition which does not conform with the standing orders—
Ainslie—Redevelopment of Goodwin Village—Mr Corbell (590 signatures).

Annual and financial reports
Referral to standing committees

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (4.01): I seek leave to move a motion referring annual and financial reports that I have just tabled to the relevant Assembly standing committees.

Leave granted.

MR CORBELL: I move

That:

(1) the annual and financial reports for the calendar years 2004 and 2005, and the financial year 2004-2005 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below;

(2) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar years 2004 and 2005 and 2004-2005 annual and financial reports at any given time; and

(3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Referral of Annual Reports to Standing Committees

Calendar years 2004 and 2005 and Financial year 2004-2005

Standing Committee	Annual Report	Minister/s responsible
Public Accounts	ACT Auditor-General	Chief Minister
	ACT Legislative Assembly Secretariat	Speaker
	ACT Government Procurement Board	Treasurer

Standing Committee	Annual Report	Minister/s responsible
Public Accounts (cont'd)	ACT Insurance Authority	Treasurer
	Australian International Hotel School	Treasurer
	Chief Minister's Department	Chief Minister
		Minister for the Environment
		Minister for Arts, Heritage and Indigenous Affairs
		Minister for Women
		Minister for Industrial Relations
	Australian Capital Tourism Corporation	Minister for Economic Development and Business
	Commissioner for Public Administration	Chief Minister
	Department of Treasury	Treasurer
	Exhibition Park in Canberra	Treasurer
	Gambling and Racing Commission	Minister for Economic Development and Business
	Small Business Commissioner	Minister for Economic Development and Business
	Independent Competition and Regulatory Commission	Treasurer
	Stadiums Authority	Minister for Economic Development and Business
	ACTEW Corporation	Chief Minister
	ACTTAB Ltd	Minister for Economic Development and Business
	Rhodium Asset Solutions	Treasurer
	ACT Construction Industry Long Service Leave Board	Minister for Industrial Relations
	ACT Cleaning Industry Long Service Leave Board	Minister for Industrial Relations
	Commissioner for Occupational Health and Safety	Minister for Industrial Relations
	Department of Economic Development	Minister for Economic Development and Business
Legal Affairs	ACT Electoral Commission	Attorney-General
	ACT Ombudsman	Attorney-General
	ACT Policing	Minister for Police and Emergency Services
	ACT Community Advocate	Attorney-General
	Department of Justice and Community Safety	Attorney-General
	Director of Public Prosecutions	Attorney-General
	Human Rights and Discrimination Commissioner	Attorney-General
	Legal Aid Commission	Attorney-General
	Public Trustee for the ACT	Attorney-General
	Victims of Crime (Financial Assistance) Act 1983	Attorney-General

Standing Committee	Annual Report	Minister/s responsible
Legal Affairs (cont'd)	Nominal Defendant	Minister for Urban Services
	Emergency Services Authority	Minister for Police and Emergency Services
Health and Disability	ACT Health	Minister for Health
	Community and Health Services Complaints Commissioner	Minister for Health
	ACT Health Promotion Board (HealthPact)	Minister for Health
	Department of Disability, Housing and Community Services	Minister for Disability, Housing and Community Services
Education, Training and Youth Affairs	Canberra Institute of Technology	Minister for Education and Training
	Department of Education and Training	Minister for Education and Training
	Building and Construction Industry Training Fund Board	Minister for Education and Training
	Cultural Facilities Corporation	Minister for Arts, Heritage and Indigenous Affairs
	Office of Children, Youth and Family Support	Minister for Children, Youth and Family Support
	University of Canberra	Minister for Education and Training
Planning and Environment	ACT Planning and Land Authority	Minister for Planning
	ACT Land Development Agency	Minister for Planning
	Commissioner for the Environment	Minister for the Environment
	ACT Public Cemeteries Board	Minister for Urban Services
	Department of Urban Services	Minister for Urban Services
	ACTION Authority	Minister for Urban Services

Question resolved in the affirmative.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Australian Capital Tourism Corporation Act—

Australian Capital Tourism Corporation Appointment 2005 (No 1)—Disallowable Instrument DI2005-215 (LR, 29 September 2005).

Australian Capital Tourism Corporation Appointment 2005 (No 2)—Disallowable Instrument DI2005-216 (LR, 29 September 2005).

Building Act—Building (Fees) Determination 2005 (No 2)—Disallowable Instrument DI2005-223 (without explanatory statement) (LR, 6 October 2005).

Children and Young People Act—Children and Young People Official Visitor Appointment 2005 (No 3)—Disallowable Instrument DI2005-219 (LR, 30 September 2005).

Commissioner for the Environment Act—Commissioner for the Environment (Reporting Period and Reporting Day) Determination 2005 (No 1)—Disallowable Instrument DI2005-211 (LR, 29 September 2005).

Construction Occupations (Licensing) Act—Construction Occupations Licensing (Fees) Determination 2005 (No 3)—Disallowable Instrument DI2005-224 (without explanatory statement) (LR, 6 October 2005).

Domestic Violence Agencies Act—Domestic Violence (Prevention Council) Appointment 2005 (No 2)—Disallowable Instrument DI2005-217 (LR, 7 October 2005).

Fair Trading (Consumer Affairs) Act—Fair Trading (Consumer Product Standards) Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-23 (LR, 12 September 2005).

Financial Management Act—Financial Management (Public Liability Insurance) Guidelines 2005—Disallowable Instrument DI2005-205 (LR, 19 September 2005).

Health Act—Health (Fees) Determination 2005 (No 3)—Disallowable Instrument DI2005-209 (LR, 26 September 2005).

Heritage Act—Heritage Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-20 (LR, 1 September 2005).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Reference for Investigation) Determination 2005 (No 1)—Disallowable Instrument DI2005-218 (LR, 4 October 2005).

Land (Planning and Environment) Act—Land (Planning and Environment) Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-19 (LR, 1 September 2005).

Magistrates Court Act—Magistrates Court (Dangerous Substances Infringement Notices) Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-24 (LR, 15 September 2005).

Mental Health (Treatment and Care) Act—Mental Health (Treatment and Care) Official Visitor Appointment 2005 (No. 1)—Disallowable Instrument DI2005-212 (LR, 27 September 2005).

Nature Conservation Act—Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2005 (No 3)—Disallowable Instrument DI2005-210 (LR, 29 September 2005).

Public Health Act—Public Health Notifiable Conditions Determination 2005, together with Regulatory Impact Statement—Disallowable Instrument DI2005-220 (LR, 30 September 2005).

Public Place Names Act—

Public Place Names (City) Determination 2005 (No 1)—Disallowable Instrument DI2005-214 (LR, 29 September 2005).

Public Place Names (Griffith) Determination 2005 (No 2)—Disallowable Instrument DI2005-213 (LR, 29 September 2005).

Public Place Names Act—Public Place Names (Bruce) Determination 2005 (No 2)—Disallowable Instrument DI2005-204 (LR, 27 September 2005).

Public Sector Management Act—

Public Sector Management Amendment Standard 2005 (No 8)—Disallowable Instrument DI2005-203 (LR, 8 September 2005).

Public Sector Management Amendment Standard 2005 (No 9)—Disallowable Instrument DI2005-221 (LR, 30 September 2005).

Radiation Act—

Radiation (Council) Appointment 2005 (No 2)—Disallowable Instrument DI2005-202 (LR, 8 September 2005).

Radiation (Fees) Determination 2005 (No 2)—Disallowable Instrument DI2005-208 (LR, 26 September 2005).

Road Transport (General) Act 1999 and the Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2005 (No 2)—Subordinate Law SL2005-22 (LR, 15 September 2005).

Roads and Public Places Act—Roads and Public Places (Removable Signs) Code of Practice 2005—Disallowable Instrument DI2005-207 (LR, 26 September 2005).

Smoking (Prohibition in Enclosed Public Places) Act—Smoking (Prohibition in Enclosed Public Places) Regulation 2005, together with Regulatory Impact Statement—Subordinate Law SL2005-21 (LR, 8 September 2005).

Territory Records Act—Territory Records (Advisory Council) Appointment 2005 (No 1)—Disallowable Instrument DI2005-206 (LR, 22 September 2005).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2005 (No 2)—Disallowable Instrument DI2005-225 (without explanatory statement) (LR, 6 October 2005).

Medicinal use of cannabis
Ministerial statement

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (4.03): I seek leave of the Assembly to make a ministerial concerning the medicinal use of cannabis.

Leave granted.

MR CORBELL: On 25 August 2004, after the defeat of the Drugs of Dependence (Cannabis for Medical Conditions) Amendment Bill proposed by Ms Kerrie Tucker MLA, I indicated to members that I would provide a detailed report to the Assembly examining the threshold issues around the provision of cannabis for medicinal use in the ACT. I am pleased today to table this report for the information of members. The report summarises the scientific evidence for and against cannabis for medicinal use, explores current legislation, regulation and policy in Australia and overseas and sets out options available in the ACT to provide cannabis for medicinal use.

The evidence for the health benefits of cannabis are mainly in the areas of control of anorexia and nausea associated with cancer therapy, relief of chronic pain and as an aid to the control of muscle spasms in neurological conditions such as multiple sclerosis.

The evidence of benefit in these conditions is not strong, however, and recent studies have uncovered more serious side effects associated with regular cannabis use, such as worsening of psychosis and depression. For this reason, increasing the availability of cannabis for medicinal use must be done carefully and with caution.

The use, possession, sale, supply and cultivation of any quantity of cannabis are illegal in the ACT, but cannabis can be obtained. The simple cannabis offence scheme allows police to issue a fine if households are found to be growing one or two plants naturally. On payment of the fine, no conviction is recorded. A synthetic cannabinoid, nabilone, is also available legally through the commonwealth government special access scheme at a cost of $120 per 20 capsules. This equates to less than one week's supply.

There are five options for improving the value of cannabis for medicinal use in the ACT. I will take the opportunity now to outline these options to members, including the advantages and disadvantages, along with a summary of the key issues in relation to each option.

The first option open to the territory is to continue with the current situation, but improve access to nabilone by providing specific funding to appropriate persons. Improving access to nabilone would allow those with severe and intractable symptoms, for which a cannabis product may be beneficial, access to a safe supply that does not require smoking. Studies in the 1990s showed that nabilone was more effective at relieving nausea and vomiting than the available alternatives. However, since that time new drugs have become available that are more effective than nabilone. A palliative care specialist in the ACT who has experience with patients who have used nabilone for the treatment of nausea, vomiting and pain due to cancer has found that it is often not effective.

Another option is to participate in a New South Wales trial of cannabis, if it occurs. Late in 2004, the then New South Wales Premier met with the commonwealth Minister for Health and Ageing to discuss proposals for either importing or cultivating medicinal cannabis for a New South Wales trial. On 3 May this year, the New South Wales government indicated that the preferred option for supplying cannabis for medical use remained the provision of a pharmaceutical cannabis-based product such as Sativex. Sativex contains two extracts of the *Cannabis sativa* plant provided as a spray to be used under the tongue. Sativex has not yet been approved by the UK regulatory agency, but further studies have commenced and results are due in 2006.

A third approach is for the ACT to move to exempt medicinal cannabis use from prosecution. Examples of exemption of cannabis use from prosecution exist at present in New South Wales, for possession only and for a maximum of two occasions, and the Netherlands, where possession of up to five grams for personal use is not prosecuted. Allowing exemption from prosecution for possession and/or cultivation would allow eligible patients to smoke cannabis.

Cannabis smoke consists of a variable mixture of cannabis derivatives, carcinogens and other toxic substances. Smoking cannabis for many years to relieve symptoms associated with chronic life-long conditions, such as multiple sclerosis, would expose patients to significant risks of serious health problems, such as cancer. For this reason I do not recommend this option. Legislation that authorises people to use cannabis for medical purposes, but does not control or provide a legal supply may be interpreted as endorsing

the smoking of cannabis and reliance on the illicit drug trade and could leave the government open to legal challenge in the future.

Another option available to the ACT is to establish a medicinal cannabis program in the ACT with cultivation and/or supply of cannabis. If a medicinal cannabis program was established in the ACT and cannabis cultivation was undertaken, there would be a requirement under international treaty arrangements for a government agency to designate the area under cultivation, license cultivators and purchase and take possession of the crop.

For a small jurisdiction such as the ACT, the resource and policing costs of this approach would be substantial. For cannabis to be supplied in the ACT, application would need to be made to the Therapeutic Goods Administration to exempt the importation of supply from restriction. Approval would be unlikely in the absence of a standardised medicinal product for use in a medical or scientific trial.

The last option open to the territory is for the ACT to seek to obtain Sativex for use in a select patient group after further testing overseas. Sativex is the safest and best option for providing a therapeutic cannabis product for the following reasons. It is standardised and pure, and safety and efficacy data are available. At present, there is only limited evidence of the safety and effectiveness of Sativex in a variety of neurological conditions. Sativex has been administered to small numbers, approximately 424 people, during clinical trials, with 110 people receiving Sativex for more than a year.

Three recent phase three trials have shown only minor benefits in pain control and relief of muscle spasm in multiple sclerosis and pain due to nerve damage, that is, neuropathic pain. A study in the UK involving 48 patients with pain due to nerve damage showed only a very small difference in pain levels in those using Sativex compared with a placebo. Sativex is not recommended for men intending to start a family or women of child-bearing potential unless they are on a reliable contraception or, indeed, those driving a motor vehicle or engaging in activities requiring unimpaired judgement and coordination.

In addition, over 70 per cent of users in the studies experienced an adverse event classified as an intoxication-type reaction. Symptoms most commonly reported were feeling drunk, sleepiness, disorientation and disturbance in attention. In long-term studies of Sativex, depression has been reported. A further study of the use of Sativex in 280 patients with multiple sclerosis is under way in the UK and results are expected in the northern spring of 2006.

Given all these options and the issues outlined in the report, which I am pleased to provide to members today, it is the government's view that the ACT should await the results of the further studies into Sativex and reassess the safety and effectiveness of the product based on those results. For these reasons, the government has decided to await confirmation of the effectiveness and safety of Sativex from trials under way overseas. If Sativex is found to be safe and effective, the ACT could then seek to import it for use in a select patient group. As noted, this would require the cooperation of the commonwealth government and I would approach the federal health minister for approval in those circumstances.

This report outlines comprehensively the range of issues related to the potential use of cannabis as a medicinal product. I hope that it helps inform Assembly debate on this issue. I commend the report to the Assembly. I formally table the report on the medicinal use of cannabis and move:

> That the Assembly takes note of the paper.

DR FOSKEY (Molonglo) (4.12): First of all, I want to thank Mr Corbell for following up on the undertaking he gave Ms Tucker on the presentation of her bill. I am looking forward to reading the report, which appears to thoroughly canvas a lot of the issues. I take the opportunity to remind the Assembly that, as mentioned, last year my predecessor Kerrie Tucker introduced a bill drafted to facilitate the use of cannabis for medicinal purposes and that, since then, I have released an exposure draft of a similar bill prepared for me by the parliamentary counsel. That bill has been on the legislation register since early this year.

I have received several positive responses to this bill from community organisations, but there is yet no response from the medical profession. Consequently, I seek leave to table the exposure draft of the Drugs of Dependence (Cannabis for Medical Conditions Trial) Amendment Bill 2005.

Leave granted.

MS FOSKEY: The key difference between this bill and Ms Tucker's bill of last year is that this version makes it explicit that the drug is not medically prescribed, supplied or administered. This is in response to some of the concerns that were raised, particularly by doctors, in response to Ms Tucker's bill.

This amendment to the Drugs of Dependence Act, if it were to proceed, would simply ensure that people with a range of medically determined conditions, where other treatments are agreed to be unsuccessful in addressing symptoms of those conditions, could register themselves to grow, possess and self-administer personal quantities of cannabis.

I understand the ACT government's caution in approaching this matter, but I remind the Assembly that there are non-medical and non-pharmaceutical strategies available to treat some conditions and these can be, and are being, managed informally and yet responsibly. I have sought to table my bill at this time because I want to ensure that subsequent debate or discussion is inclusive of as wide a range of options as possible. If the bill proceeds to the in-principle and more detailed stage, we will then provide an explanatory statement.

Question resolved in the affirmative.

Industrial relations
Discussion of matter of public importance

MR DEPUTY SPEAKER: I have received letters from Dr Foskey, Mr Gentleman, Ms MacDonald, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public

importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Gentleman be submitted to the Assembly, namely:

> The impact of the federal government's WorkChoices policy announcements on the Canberra community.

Mrs Burke: I wish to raise a point of order, Mr Deputy Speaker. I seek your advice and guidance on this matter, sir. I would draw your attention to the subject matter of today's MPI and the current Select Committee on Working Families' terms of reference, which I will talk about in a moment. In my opinion these are alarmingly similar. Although *House of Representatives Practice* at page 579 states that an MPI encompassing a subject under consideration by a committee is permitted to be discussed, the correlation between the two matters before us today is much closer.

Accordingly, sir, I ask you to rule the MPI out of order on the grounds that the subject matter of the MPI is exactly the same as the select committee's terms of reference, which state that the Select Committee on Working Families in the Australian Capital Territory is:

> … appointed to examine the effect on working families in relation to health costs, effects of industrial relations changes, adjustments by the Commonwealth Grants Commission and the allocation of funds by the Commonwealth, impacts on current or potential ACT legislation by the Commonwealth and any other related matter.

I believe that this is the second consecutive sitting period where the chair of this committee, whose inquiry focus is around working families, has taken the liberty—and, may I say, in my opinion, somewhat abused his position—of bringing these matters before the Assembly. One would sincerely have to question—

Mr Corbell: On a point of order, Mr Deputy Speaker: Mrs Burke is entitled to raise a point of order but not to give a speech. Her point of order, as I understand it, is that the matter is subject to an Assembly inquiry. On the point of order: the reality is that this is an MPI; it is a matter for discussion; there is no question before the chair and therefore it cannot in any way affect the outcome on the Assembly inquiry.

Further, simply because a matter is referred to an Assembly inquiry does not mean that matters of public interest and debate cannot be raised in this place. The MPI is entirely in order, and Mrs Burke has no point of order, in the government's view.

MR DEPUTY SPEAKER: On the first point of order: Mrs Burke, you are going into the area of debating the issue. Do you have anything else you want to say to clarify simply why you believe this MPI cannot proceed?

Mrs Burke: Yes.

MR DEPUTY SPEAKER: Can you move straight to that point, please.

Mrs Burke: Mr Deputy Speaker, I seek your ruling that this MPI directly refers to matters that are currently before the select committee and should and must be dealt with

by that process, through that committee, and not through Assembly debate. I seek your guidance and ruling.

MR DEPUTY SPEAKER: Mrs Burke, I have just had a look at the words that you are referring to. After taking advice and understanding the intent of this MPI, I am satisfied that the MPI specifically targets a narrow scope of the broader issues that you are referring to. Given that, I am going to rule your point of order out of order; I am going to allow the MPI to proceed. Mr Gentleman, would you like to now rise and proceed with your MPI?

MR GENTLEMAN (Brindabella) (4.21): Mr Deputy Speaker, I would like you to think back to Sunday, 9 October. It was quite a windy day. The clothesline was challenged, facing force from every direction. I, too, was forced to bow to winds and take cover at the height of its ferocity. I should have seen it as a sign. On the same day, it was not just the clothesline taking a beating; 9 October will go down in history as the beginning of the end of workers' rights in this country, for, on the same day, safe from the winds, Prime Minister John Howard and industrial relations minister Kevin Andrews released the details of their industrial relations changes.

WorkChoices—what an Orwellian name! Mr Deputy Speaker, I say to you that WorkChoices is bad; it is very bad; it is "double ungood". WorkChoices outlines how the federal government intends to destroy workers' rights and entitlements in this country. These rights and entitlements gained over 100 years of worker struggle will be obliterated without any consideration of the outcomes.

Earlier today the Chief Minister reflected on Billy, and I want to quote WorkChoices on Billy:

> Billy is an unemployed job seeker who is offered a full-time job as a shop assistant by Costas who owns a … retail store in Canberra. The clothing store is covered by a federal award. The job offered to Billy is contingent on him accepting an AWA.
>
> The AWA Billy is offered provides him with the relevant minimum award classification wage and explicitly removes other award conditions.
>
> As Billy is making an agreement under WorkChoices the AWA … offered to him must at least meet the Fair Pay and Conditions Standard.
>
> The AWA Billy is offered explicitly removes award conditions for public holidays, rest breaks, bonuses, annual leave loadings, allowances, penalty rates and shift/overtime loadings.

I would like to repeat that for the benefit of the opposition:

> The AWA Billy is offered explicitly removes award conditions for public holidays, rest breaks, bonuses, annual leave loadings, allowances, penalty rates and shift/overtime loadings.
>
> Billy has a bargaining agent assisting him—

as we have heard—

> in considering the AWA. He understands the details of what is in the AWA and the protections that the Fair Pay and Conditions Standard will give him including annual leave … parental leave and maximum ordinary hours of work. Because Billy wants to get a foothold in the job market, he agrees to the AWA and accepts the job …

Because Billy wants to get a foothold in the job market he agrees to the AWA and accepts the job. Where is Billy's choice? Is this what we want for our families? Are these the choices we want for the people of Canberra? This will be a reality under WorkChoices. At the very least we can thank the federal government for once giving Australians the true intent of their proposals.

WorkChoices is not propaganda—let me make this clear—for propaganda requires some manipulation of the information disseminated. Billy's story is reflective of what it means to work under a system that encourages AWAs. WorkChoices, as illustrated by Billy's story, clearly intends to reduce workers' entitlements to annual, long service and public holiday leave and any applicable leave loading. These changes seek to reduce a worker's right to a meal break; these changes seek to abolish penalty loadings.

The WorkChoices changes will reduce allowable matters in awards and legislate instead for five employment conditions only: one, minimum hourly rate of pay, currently $12.75; two, sick leave; three, four weeks annual leave, two of which could be cashed out; four, unpaid parental leave; and five, a 38-hour week but no extra pay for overtime, long shifts or weekend work.

While another 16 matters will remain allowable under awards, these will be significantly undermined by the push to put people on individual contracts.

Despite the federal government's spruiking about the benefits of these contracts and the fact that many commonwealth departments have forced new employees to sign them, they represent only some 2.5 per cent of agreements. Why such little take-up? We can ask Nelly why workers are reluctant to sign AWAs. Nelly had been employed on a permanent part-time basis as a veterinary nurse for over 10 years. She was presented with an AWA by her employer who told her that, if she did not sign it, he would drop her wages by $3 an hour. Nelly was also told that, under the AWA, she would not receive any long service leave. Where was Nelly's choice? Ten years of service, 10 years of caring for our pets, nursing them back to health, and what in return? A trip to the pound!

Nelly's story and the story of countless others highlight why only 2.5 per cent of workers, that is, 4,575 Canberrans, work under AWAs. So unconvinced are we in Canberra to trust Mr Howard's record that in Civic only a few months ago Community and Public Sector Union members employed at the Department of Employment and Workplace Relations took their opposition to AWAs to the streets. At least under the current system AWAs must be tested against the relevant award, though such testing has resulted in young workers being paid by weekly video hire, as I have raised in the Assembly before.

At least employers are legally required to match the overall entitlements of the relevant award. Under WorkChoices, all an employer needs to do is lodge the AWA, ensuring that the five allowable matters are met, with the by-line that annual leave can be cashed

out. An employer does not need to try to match existing entitlements. We can say goodbye to four weeks annual leave; we can say goodbye to this last remaining attempt to make AWAs fair.

Let me spell it out for the benefit of the opposition. Redundancy pay, gone; allowances, gone; loading, gone. These changes are not pro-business; they in fact require employers to establish hostile working environments. Heaven forbid if you are the only shop on the block that still pays Saturday loading; you will be priced out of the market. And heaven forbid an employer who wants to retain a safe workplace.

Already an eminent health and public policy academic has suggested the IR proposals pose a major threat to workplace safety. Dr Toni Schofield, a senior lecturer in health sciences at the University of Sydney, has described the changes as a profoundly irrational set of developments. She suggests that the changes could result in Dickensian working conditions.

This is due largely to the reforms radically cutting back union rights to participate in the workplace. OH&S laws which have been in place since the 1800s have recognised that union involvement is the most effective way of protecting workplace safety. She suggests that small and medium businesses are responsible for the most workplace injuries and it is these businesses that are freed up under the reforms. Dr Schofield has no doubt the changes will result in increased workplace injuries and fatalities. Further, she suspects that any gain in productivity brought about by the changes will be offset by the increased costs from workplace injuries.

As I have stated already in this Assembly, there were 103 deaths in 2004 in New South Wales alone in the heavy vehicle industry. Even those in the opposition who have vehemently opposed industrial manslaughter legislation would support the contention that this figure is unacceptable in this day and age: that is 103 families who have been directly impacted by workplace fatality; that is countless friends who have had to mourn the loss of life that need not have been lost.

Under WorkChoices, meal and rest breaks are up for negotiation. In industries like transport, construction and manufacturing, meal breaks are an integral part of workplace safety. Meal breaks allow for time away from the job to recoup, to energise. Particularly in relation to transport, public safety relies on those employees being able to rest and repair. In the ACT, 20,900 workers in the transport, construction and manufacturing industries rely on breaks to ensure that they and their colleagues are fit to complete the day's duties. Those 20,900 ACT workers in these industries could find their breaks gone, negotiated away in a take-it-or-leave-it AWA. It is a disgrace that, in a country that acknowledges workplace fatality as abhorrent, this government would encourage the purging of necessary meal and rest breaks.

But the federal government is not content with doing away with entitlements. No, they have been rubbing their hands together with glee over the proposed changes to unfair dismissal legislation. These proposals include abolishing unfair dismissal laws for employees and businesses of fewer than 100. The vast majority of the ACT's 100,000 private sector workers are employed by such businesses. Even those in businesses of more than 100 will not have access to the laws until they have been employed permanently for six months.

This will leave unlawful dismissal claims as an employee's only option for redress. As opposed to unfair dismissal claims, which are heard by the AIRC on a cost-effective basis of $50 in application fees—and lawyer representation is not required—unlawful dismissals are heard by the Federal Court at an expense of upwards of $30,000 to the claimant. The Prime Minister's pledge to give low-income earners $4,000 towards such costs is, therefore, insignificant.

Suzy, 35 years old, was a clerk at a wholesale company for over a year. She worked between 10 am and 4 pm, which suited her childcare arrangements. Suzy's employer asked her to extend her hours to 5 pm, and when she said she could not because of the high cost of after-school care Suzy was told she had to do the extended hours or leave. She refused and she was dismissed.

Under the current system, Suzy may lodge an unfair dismissal claim for $50. Under the proposed system, Suzy will have to fork out up to $30,000. For a woman who cannot afford childcare, where is she going to come up with $30,000 to have her case heard? Where is Suzy's choice? And where are the workers' choices?

Under the proposed WorkChoices, the federal government wants to weaken the right of workers to collectively bargain and participate in a union. This is despite the fact that Australia is a signatory to the international agreements, particularly from the International Labour Organisation, obliging us to protect the rights of workers to bargain collectively. On average, union members, that is, 33,800 Canberrans, earn more than $125 a week more than workers who are not in unions. If WorkChoices is a simpler, fairer national system, surely an existing system that encourages higher wages and safer workplaces should be encouraged and entrenched.

Mrs Burke talked this morning about being disappointed. I am disappointed—disappointed at the federal government's attempts to legislate the ideological lovechild of an anti-union Howard and Andrews.

Mrs Burke also spoke about arrogance. I see no greater arrogance than that of a government abusing its position to destroy a strong, vibrant union movement, with no other justification than that of ideology. Under the proposed changes, unions will have to give 24 hours written notice of their reasons for workplace visits. And employers will have the power to restrict where unions meet with their members. Unions will have no access to AWA-only workplaces. Unions will not have access to non-member records to ensure employees are being paid correctly.

The changes will also make it harder for working people to legally take industrial action like strikes while in negotiation with their employer. These will now be subject to secret ballots and can only take place at certain specified times. Workers also face fines of up to $33,000 for even suggesting during a negotiation that a clause be included in an agreement:

- requiring any future agreement be a union-collective agreement;

- mandating union involvement in a dispute resolution, despite the fact the parties must now agree to a dispute-resolution body determining disputes as the AIRC will no longer automatically fulfil this function;

- providing a remedy for unfair dismissal;

- allowing for industrial action during the term of the agreement; and

- prohibiting the use of AWAs.

A $33,000 fine for wanting to put in clauses that protect you and your colleagues against situations like that of Suzy or Nelly and the metaphoric Billy! $33,000 is a splash in the ocean compared to the reported $100 million the federal government intends spending in their attempt to convince the public.

But they themselves are not convinced of the truthfulness of their own campaign. Plastered on the WorkChoices website is:

> The Commonwealth does not guarantee, and accepts no legal liability whatsoever arsing from or connected to, the accuracy, reliability, currency or completeness of any material contained on this website or on any linked site.

I suppose we are all to believe that in the long run Big Brother knows best. I am not convinced. Nor are my colleagues here in the government.

I call on the opposition to make a public commitment to working families in the ACT. I call on the opposition to publicly denounce these WorkChoices and to demand that their colleagues on the hill halt the destruction of workers' rights and entitlements.

MR MULCAHY (Molonglo) (4.36): I am delighted that we have an MPI on the impact of the federal government's WorkChoices policy announcements on the Canberra community, because they are indeed welcome and positive in terms of the impact they will have not only on the ACT community but on the Australian community at large. It has been the norm for programs of the Australian government in so many areas since its election that what was first predicted as gloom and doom has in fact resulted in vastly improved conditions for many different Australians from all sorts of walks of life, for Australian families. And let us hope that there will even be more reform within the taxation arena in the period ahead.

The workplace changes proposed by the Australian government will bring benefits to Canberra, as they will to the rest of Australia. Indeed, over the past 10 years, Australian workers and Australian businesses have been changing the way they work. More employees and employers have been sitting down together talking and working out their own workplace arrangements. And both employees and employers have benefited as a result. There have been more job opportunities created for women and for school-leavers.

Although I am sure Mr Gentleman would share the views of many in the union movement that are such harsh critics of casual employment, the fact is that a large

number of Australians have enjoyed the opportunity for casual employment because it suited their lifestyles, particularly women who may have young children, students engaged in education and the like. As we move towards a more flexible workplace, we are going to see the working environment not only change but be more reflective of the needs of our community and the needs of industry.

Unions, unless they can adapt their ways and become more appreciative of the needs of competing forces, will find themselves increasingly less relevant. As I have said in this place on previous occasions, when you are down to 18 per cent support in a community, which is the case with the level of union membership in the ACT, in a city that the Chief Minister keeps telling us is a very strong Labor town and has great faith in his government, then I suggest that they have got some serious problems in terms of their relevance to the needs of people who are working in the city.

"Working people" is a bit of a cliché. I had a discussion with somebody the other night and they talked about working people. You get it particularly amongst academics, who characterise them as a particular, unique group of people and the rest of us in the community, the people who are not in industrial employment, as really not workers. In fact, everybody that I come across in the course of my life, except for retired folk or children, are workers, are part of the working community and do not embrace this fear, which is being promoted by our friends opposite and their supporters in the trade union movement, of the gloom and doom that is upon us.

The greater flexibility that we are starting to see and will see even more of in the industrial environment has helped Australia build one of the strongest economies in the Western world. We are exporting more; we have created over 920,000 new permanent full-time jobs. In fact, since 1996 over 1.7 million more Australians are in work. What happened then? That was the time when the people of Australia said goodbye to federal Labor and they have not wanted them back since. I do not think there is much prospect of that down the track.

Australia's unemployment rate has been markedly reduced, reaching a 30-year low level of about 5 per cent and, of course, much lower here in Canberra. Interest rates are at historically low levels. There has been an increase in average real wages of over 14 per cent compared to only 1.2 per cent in 13 years of Labor between 1983 and 1996.

We have also had the lowest level of industrial disputes since records were first kept in 1913. Labor says that there is no more to do, no more reform required, because industrial relations are good enough. They say, "If it ain't broke, don't fix it." But, of course, Labor totally misses the point that there is always a better way and that if you stand still you go backwards relative to other nations and communities around us that compete with us. They will continue to improve their productivity and living standards.

Although industrial relations and living standards are much better now than they were under Labor and would have been under Labor since 1996, all is still not well. Australia has over 130 different pieces of industrial relations legislation, over 4,000 different awards and six different workplace systems operating across the country. There are in fact too many rules and regulations, making it hard for many employees and employers to get together to work out smarter ways of doing things. There is too much red tape, too

much complexity and too much confusion in some parts of the current system. It is bad for business; it costs jobs; it is holding Canberra back; and it is holding Australia back.

Those of us who have had the experience of working in the industrial relations system and working in industrial organisations—and I have had the opportunity to work for industrial organisations from as far back as the early 1980s, as I can certainly confirm—and those of us being franker here in this discussion would acknowledge the enormous complexity of the award system and the difficulty it presents for so many people, not just employers but employees, in understanding their fair entitlements.

Unfortunately, Labor has a vested interest in trying to hold onto the present system. It must resist this change because it is beholden to the trade union movement. Trade unions in this period since 1995-96 have donated over $47 million to the ALP. Despite the falling membership of the community, the unions now have very strong control over Labor. And nowhere is that more evident than within the ACT where there is a remarkable level of control over the ALP, as is reflected in their policies, particularly in the industrial relations area.

Despite all the rhetoric we have heard, the new arrangements will not cut minimum and award classification wages. What this is all about is improving our economic capacity. The view is that we cannot do much better. We can do much better. When I left school we had an unemployment rate that was less than half what it is today. I do not think we should give up the game at 5 per cent.

I know Mr Stefaniak is the same age as I am. He would have left school in the same era. We had choice then; there was such a low level of unemployment that you could leave school and have a range of opportunities presented to you. It was very much a case of a seller's market. I do not see why that is a bad situation to head towards. The game is not over. We have to improve our lot; we have to understand that there are countries north of us, to our east and to our west that are competing with us, that are offering different terms and conditions of employment. If we cannot either improve our performance economically or provide services at a cost that is competitive, we will not survive in the global scheme of things.

What this legislation hopes to do is create more flexibility in the workplace. There is no sense in saying we are going to slash wages. People simply will not work; they will move on if you go to employees and say we are going to halve your wages. We are not talking about the 1929 depression era; we are talking about an era of strong economic circumstance. But we are operating under an industrial relations system that is anachronistic and is based on the old British system. Boy, didn't we see them go through some terrible times while they lived with this outdated system!

It has taken Australia a while longer to catch up in terms of industrial relations reform but I believe that it will be done sensibly and that the legislation and the protections that are going to be put into law make a deal of sense. We know that we will see protected by law minimum and award classification wages. We will see protected by law annual leave. We will see personal carers leave, including sick leave, protected by law. Parental leave, which will be of great interest to the minister, I am sure, will be protected by law. Maximum ordinary hours of work will again be dealt with by legislation. Protection

against unlawful termination of employment will also be protected. These matters are being protected by law for the first time.

We are not going to be relying on the Industrial Relations Commission as the be-all and end-all for all industrial matters. People will in fact have the right to join and be represented by a union. This is not about saying unions have got to get out of business and we are going to run them to the corners of the earth; this is about saying we need a modern industrial system that protects certain fundamentals but gives greater scope for flexibility.

I heard recently great debate in tourism over the fact that people should be forced to go on leave and should be forced to spend money and so on. Sometimes those who want to advocate these areas of compulsion in terms of the work force ought to realise that people want more flexibility. When you have young families, going on holidays can be an expensive process.

It may be that in some households there is appeal in making adjustments in relation to leave and taking improved compensation as a result so that they can still achieve their desired ends in terms of holidays and protect their income base. What suits one situation may not apply to another. But the view has always been in the union movement: one rule for all; we want to absolutely have blanket approaches that do not respect or reflect the individual needs of different circumstance and families.

I worked in an industrial organisation in hospitality for 12 years and in that time I saw how people in different circumstances were able to take advantage of a more progressive and changing industrial environment. There were many women, for instance, who sought to go into hotel housekeeping, took advantage of the fact that that work was particularly in demand at certain hours that fitted in with their obligations of taking children to and from school. I saw other situations where students saw advantage in being able to work Friday, Saturday and Sunday nights so that they could focus their efforts on study through the week and they took advantage of those arrangements.

But what is proposed here is that we introduce greater flexibility into the work force but still protect fundamental conditions. And this legislation that is being announced by the Australian government will, in fact, protect by law specific existing award conditions such as penalty rates, overtime and long service leave and the right to lawful industrial action when negotiating agreement. These will be protected by law. Employees cannot be forced to change their existing agreements. What we are going to have is a simpler system, a national system, but one that will ensure that people's positions are well preserved.

The new workplace relations system will simplify the workplace agreement-making process. So many employers have abandoned the idea of going into these workplace agreements because of the complexity of the process. You have to go and hire specialists unless you are very competent in these matters. Both sides usually have no idea of the finer points of these agreements. We will have, under this system, a method of negotiating employment conditions that is easy to understand—easier for young people who are entering the work force and easier for the self-employed or the small business people who may be on the other side of the table.

The Australian fair pay and conditions standard, which will protect workers' wages and conditions in the agreement-making process, will be part of the new system. It will enshrine, in fact, a set of minimum conditions in federal legislation for the first time. There will be an ongoing role for the Australian Industrial Relations Commission, although I have to say that I have, in my 25 years of dealing with the AIRC, been less impressed for most of that time by its capacity to deliver sensible and reasonable outcomes. I have seen so many examples where it has conducted itself in such a way that it has failed to deliver positive guidance for the parties and left many parties before it dissatisfied.

The new arrangements will protect, as I said earlier, against unlawful termination of employment and will better balance the unfair dismissal laws. There is this view that anyone who is dismissed must be in the right. I am sorry; having seen many cases, I know there are many people out there who, for the $50, feel it is worth a try on. There have been indefensible cases of people whose employment has been terminated and who have pursued an employer and received several thousand dollars compensation because people do not have time to argue the toss. I know there are rogue employers—I am not going to stand here and say every employer is perfect—but do not tell me that the equation does not occur on the other side.

What this legislation is about, though, is ensuring a better system for the bulk of Australians who are genuinely looking for a progressive economy, who are looking for a workplace that is reflective of their needs. At the same time I believe that their fundamental rights are going to be preserved under this legislation and the gloom and doom forecast on so many other occasions will again be proven wrong.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.51): Mr Temporary Deputy Speaker, it is good to be able to rise and speak in favour of your MPI today. It is always fantastic to hear Mr Mulcahy on industrial relations. I enjoy it immensely.

What we have just heard, as we heard earlier in question time, is an apologist for the federal government, someone who accepts that what the federal government says is correct; that everything behind WorkChoices is good; that there is nothing to worry about; that all the community concern out there raging across our community is obviously misguided, incorrect and probably generated by the conspiracy of gloom and doom advertising campaign of the union movement which does not deal with the substantive issues. Again, as we heard, Mr Mulcahy spoke about greater flexibility and moving towards a simpler national system.

It is always interesting to hear conservatives talk about greater flexibility. I think it was Paul Keating who, many years ago, talked about this in relation to John Howard and conservatives talking about flexibility in the workplace. It is always flexibility down; it is not flexibility up. It is not about opportunity; it is not about improving conditions. It is about bringing them down to a minimum standard. That is the level playing field that you operate on.

I would like to hear someone talk about what type of flexibility it is, because what is outlined in WorkChoices is certainly a choice for the employers across the country. But in relation to working people there is no choice in WorkChoices. Nowhere in the document can you see the choices available to working people in relation to moving to a simpler national system of IR reform.

Look through the detail of this book, but that is all we can go on because, in typical commonwealth government style, the legislation will remain secret until it is introduced and none of us will have the opportunity to consult with our communities over the legislation—including here in the ACT, where it will come into effect as soon as it is enacted. We have been after this legislation since the federal government was returned to power.

We have got commitments from the federal workplace relations minister that he will consult on legislation that will have a direct impact on the territory—this being a key one—and we have had no discussion with him. He will not consult with us; he will not show us his legislation. It is, very similar to the anti-terrorism legislation. They do not want anyone to see it; they do not want anyone to have the time to go through and see the detail of the legislation. All we can go on are these 67 pages and a few bits of PR.

But if you take that and you take the detail of what is in this book, what the federal government is proposing to create is a much more complicated system. How are they going to regulate the system they are going to set up where it is going to become unlawful for a union to be mentioned in an agreement that involves them in dispute resolution? It is unlawful to raise the issue: "I would like a union included in dispute resolution in this agreement." The fine is 33,000 bucks. How on earth they are going to regulate that and enforce the system they are going to create is inconceivable.

We have just had the same thing in the training sector, where they have abolished the ANTA organisation, again moving towards a simpler national system. One hundred ANTA staff have just been replaced by 200 staff in DEST to manage the simpler national system that they would like to see. I would argue there is no simplicity in this; this is going to be a very complicated system, particularly for working people, to understand. Maybe for employers it will be easy, because once you have ticked off your average hours of work, a bit of annual leave, a bit of personal leave and parental leave as your minimum standards, there is not too much else to do.

But even if you look at the condition "maximum ordinary hours of work", the detail says that the maximum ordinary hours of work is 38 hours. Okay. Everyone goes, "Great, that stays the same." But it also says "on average through a year". What does that mean—that you do not work for six moths but for the other six months you have to work 76 hours a week? This is the flexibility that is being created, which is not flexibility for working people at all.

In relation to young people, the federal government says, "It will be simpler for young people." It will be simple for young people all right, because their parents have to sign their AWA; their parents have to sign away their rights. When you are 15 or 16 and you want to get a job at your local supermarket, your big supermarket chain or your video shop, you have to go to your parents and say; "Mum and Dad, what are you going to

trade away so that I can get this job?" If parents say, "I don't really want to trade away your rights; how about you stay on the award system?" will the teenager say, "I won't get the job then because I want you to trade away my penalty rates and my shift rate. I want to work every public holiday; I want to work, on average, 38 hours a week"—if it is a full-time job and they are under 18—"but it does not matter if that gets changed, I will work Sundays for no extra pay." That is simpler for the young people because the choice is taken out of their hands. And it is up to our generation, as parents, to trade away our children's rights.

If we look back to when we all entered the labour market, we had protections that were provided to us. They are all going to be gone when our kids are going into the work force. It is going to be dog eat dog; mum and dad trade away your rights. If you are over 18, then again, it is like poor Billy on the dole. I do not know how he does this. He manages to engage a bargaining agent. They are quite expensive. I imagine he has saved up his dole for about three months and engaged a bargaining agent. Then he goes and trades away his rights. I presume Billy is over 18 because he has got the ability to trade away his own rights.

I listened to Mr Mulcahy. I wonder when was the last time Mr Mulcahy negotiated his own employment conditions. I wonder if he could stand here and say, "The system being put in place by the federal government will be good enough for my children when they enter the work force because the minimum is good enough for my kids." If he stands here and says that, it is not a truthful analysis. It is not about creating opportunity and improving the situation, as generation after generation have done in Australia to make sure that, every time we hand over employment to the next generation, they have got a better set of conditions than we worked under.

I am sorry, that is what we should be talking about providing, not chipping away and having an absolute minimum base level to provide for our children; not: "Holiday pay, public holidays, double time and shift penalties are really not important for the generations to come." It is a really sad day when we hear people stand up and say that this is a fantastic opportunity. If we were to apply these conditions, the minimum standards, to our workplaces here in the ACT government, I imagine there would be, quite rightly, outrage across the communities that we have a responsibility for.

If I could reflect for a moment on this, because Mr Mulcahy always talks about flexibility and productivity and how improvements in productivity can be sought through tighter bargaining strategies, I must say, we did not hear a peep out of the Liberal opposition staffers when they were accepting, quite rightly, their pay rises that they were entitled to—more than the chickenfeed they were getting under Carnell—as a result of the move from individual contracts onto a collective agreement. My understanding of the negotiations that were conducted was that the Liberal opposition staffers were some of the most militant unionised work force in the building. There was certainly talk of industrial disputation should this government not provide them with not only adequate pay rises but significant improvements in conditions as well.

So we need to put it in perspective. When Mr Mulcahy is talking about productivity savings, I suggest he speak to his own staff about productivity savings and how they are going to apply this wonderful new framework being sought by the federal government into their own workplaces here. Are they going to trade away all the conditions they have

just argued for in moving to a collective agreement? Are they going to trade away and accept the minimum? If you listen to the Liberal opposition, the minimum is good enough for everyone else. And if it is good enough for everyone else, then it is good enough for us as well.

I stand here and honestly say it is not good enough for me; it is not good enough for my family; it is not good enough for my children. I do not mind defending that position. But to have those opposite accept this and sing the praises of what is quite clearly factually incorrect is just sickening.

MR STEFANIAK (Ginninderra) (5.01): Like Mr Mulcahy, who is about the same age as I am—I am not quite sure whether he is six months older or I am six months older—I certainly recall the days when you could walk into the employment agency and there would be a choice of jobs. They would say, "Where do you live?" In my case, I remember I once said, "Narrabundah." They said, "Here are a couple at Fyshwick." That was great. I just had to hop on my motorbike and I was there in 5 minutes. Those were the days when we had full employment. Two or three per cent or so was the unemployment rate. That was the tail end, I suppose, of the Menzies legacy.

I can also recall the rather chaotic days of the Whitlam government when everything went completely out of kilter; we had massive inflation; and it became that little bit harder to get a job. I can certainly recall the days in the 1980s when we had such things as youth unemployment rates of between 30 and 50 per cent. I recall those figures when I was a candidate for the Senate in 1987 and again for the seat of Fraser in about 1993. There were very significant youth unemployment rates. In more recent times, in the last 10 years, there has been a complete turnaround and we are seeing unemployment rates getting back down to what they were probably in the late 1960s and early 1970s—about five per cent. That is absolutely fantastic for the work force because it means that there is greater choice out there for people.

I can also remember some of the very restrictive closed-shop arrangements—the restrictive practices, the fact that if you were not in a union you did not get the job. I was not in the BLF, and I had to be sacked from a labouring site once, I remember, by Peter O'Dea. As it turned out, I did not particularly worry. It was a part-time job I had in the holidays and I was going back to uni. But if I had a young family and did not want to join a union I would have been in all sorts of problems then. We have got a much fairer system now and a better system to ensure Australians, especially young Australians, have a much greater chance of getting jobs.

There are a few points raised by members opposite in relation to this matter that need to be put to rest. Firstly, terms and conditions are not going to be abolished. The federal government is not eliminating or outlawing any terms and conditions that currently exist within the federal system. Even matters that will no longer be in awards will continue to exist in agreements, including penalty rates and long service leave. Employers and employees who wish to keep their current terms and conditions will in fact be able to do so. Workers currently on awards can transfer those terms and conditions into agreements that will now be able to run for up to five years, rather than the current maximum of only three years.

There will certainly be simpler minimum standards. For the first time ever under a federal system, a common set of minimum terms and conditions will apply to all employees. And unlike the current system, which consists of thousands of different awards, all of which must be updated to reflect any safety net wage rises—and that is a process that often takes months, sometimes years—a single minimum wage system will cover all employees. The awards will be further simplified from the current 20 allowable matters to 16. The four matters that are being removed are matters that are protected already in other legislation: long service leave, superannuation, jury service and notice of termination.

AWAs, the secret individual contracts that the ALP disparage, have in fact been of huge benefit to workers. Workers on AWAs currently earn, on average, 13 per cent more than those on collective agreements and 100 per cent more than those on awards, which is the ALP's preferred alternative. Almost 750,000 AWAs have been entered into since 1997. The ALP's policy would be to abolish AWAs and force workers back on to awards, and that would slash the take-home pay of thousands of workers. It is an ironclad guarantee that the ALP policy would cut the wages of workers currently on AWAs.

There is another furphy: employees cannot be forced into agreements. It will continue to be unlawful to force employees into new agreements. If a worker does not like what is on offer, they can opt to stay on their current arrangements.

The ALP made a lot in relation to some of the federal government proposals back in 1996. In contrast to their predictions that it was all doom and gloom and would be dreadful for working people, the 1996 reforms, some nine years ago, have helped deliver over 1.7 million more Australians into work; an increase in average real wages of over 14 per cent, compared with only 1.2 per cent in 13 years of Labor between 1983 and 1996; the lowest unemployment in three decades, currently five per cent; and the lowest level of industrial disputes since records were first kept in 1913.

Something I can also remember as a young bloke is the large number of industrial disputes we would have in Australia and in Canberra. You would not go for a week or so without someone going out on strike. That was of immense inconvenience to the community. Things like that really annoyed the Australian community so much that that probably started the drift away from unions. Now we have the lowest level of industrial disputes since records were first kept in 1913.

Think about the number of industrial disputes. In the past 10 years, even the last 15 years, there have not been that many at all. They are very rare indeed. It sounds like I am putting myself in the grave almost but, when you get on a bit in years and have lived through a bit, you can see the added prosperity that most working families have now compared with what they had in the 1960s. I can see that in my electorate; I can see that with the people I meet; I can see that with people who are real battlers.

The battlers are a hell of a lot better off than the battlers I knew back in the 1960s and the mates I had at school. Indeed, the material prosperity which I see amongst a lot of people now is significantly better than perhaps what my own family had and what a lot of my mates had back then in the 1950s, the 1960s and the early 1970s. Times have changed.

One thing that does worry me, if we go back down the track of what the ALP is suggesting in knocking these arrangements, is this: I would not like to see a situation where the rules were so restrictive that what happened in Victoria to save a company and protect workers' jobs could not happen. That was the start of the improvements in industrial relations. Some improvements were made by the Hawke and Keating governments, obviously.

A factory in Victoria—I cannot remember the name of it—a business that had about 1,500 employees, was not going terribly well. I am not too sure what the union was, but basically the choice was: keep everyone under the current award and 10 per cent of the work force in that factory were going to be sacked. The union was comfortable with that, whatever union it was. But the employees were not. The people at the factory who were going to get sacked were their mates. They said no.

Mrs Dunne: Was that SPC?

MR STEFANIAK: I think it was. Thank you. They said, "We will take a 10 per cent drop in salary. We want to save this business. We do not want our mates to go out on the dole; they have got families." The union was not particularly helpful there. Basically the employees said, "No, we are not going to listen to the union; stuff you; we are going to go ahead; and we are happy to take a 10 per cent drop to save this business, to make sure all of our mates stay in employment." And that is what they did. It might have ended up in a court case, but that is exactly what occurred.

The employers kept their business and, within about a year or two after the dispute was over, it started making money. Not only did the 10 per cent of workers who would have lost their jobs keep their jobs, but everyone received a nice healthy pay increase, which was a hell of a lot more than the award wages and was something like about 20 per cent more than what they were getting; they got the 10 per cent back and a lot more, which made them better off than they were before they took the 10 per cent cut. And all their mates kept their jobs. That is a very Australian thing to do and it is a very practical, sensible thing to do.

Yes, there are bad employees, which is probably why you need simpler ways of getting rid of people, rather than having absolute dead wood clogging up the business. And there are bad employers as well. Of course you need protections in relation to that. I really cannot see much in here that would indicate that the protections are not there. There is still very much a role for unions in relation to this legislation. A lot of furphies have been put out about it.

It will be a simpler system. It will ultimately be a fairer system. It will continue to develop our strong economy. It will certainly help little family businesses that do not want to put people on because they are terrified of all the conditions and the problems if they get someone who is no good; they will be able to take on young people, take on people they otherwise would not have done, because of this system. That will benefit a lot of people in Australia who might otherwise not get a chance to get into the work force and get a career. All in all, I think this is a very positive step by the federal government and they should be commended.

MS PORTER (Ginninderra) (5:11): I am happy to be able to speak to this matter. The community in which we live has a responsible government, a government which I am proud to be a member of, a government that has instituted legislation which is responsive to the needs of our community and which protects the rights of all its citizens in a free, fair and safe society. In particular, the Stanhope government, largely under the direction of Minister Gallagher, has created a system of workplace regulation whereby Canberra workers can attend their offices, go on to their building sites, go about their daily work, with an understanding that their rights and their safety are protected.

We need to look at the legislative record. In this place we have seen legislation passed protecting the rights of workers in the area of workers compensation; we have seen the institution of guidelines to ensure a safe working environment through occupational health and safety amendments; and we have seen the introduction of industrial manslaughter legislation. The government has done this, despite operating within the prism of a commonwealth industrial relations system that has gradually moved towards the principle of individualism and, in doing so, has slowly but surely pushed the negotiating power into the corner of the employers.

This government has introduced forward-thinking legislation because we are a proactive territory government that does not hide behind the policy and political positions of federal representatives. We recognise that we are here to represent the citizens of the ACT and that a core aspect of that representation must be to ensure a positive working environment for ordinary, hard-working Canberrans.

It is because of this responsibility that we must object in the strongest possible terms to proposals put forward by Minister Andrews in recent weeks. Although the rhetoric surrounding these announcements looks good at first glance, with phrases like "freedom of choice" and "flexibility in the workplace"—I must say one has serious doubts when a minister is forced to apply so much gloss to cover the dross—the true effect is going to be one of diminished choices, with a much worse negotiating position for employees and job seekers.

Instead of a situation whereby salary and working conditions are collectively negotiated or protected under independently applied awards, the new system will mean that employers will be able to push workers on to individual secret contracts, with no protection of basic conditions, and, if the worker rejects the contract offered by the employer, they do not get the job. It is as simple as that.

This should not surprise us. It has become quite clear that the federal minister does not pretend ignorance of the plight of ordinary Australians who seek job security. In fact, Mr Andrews argues that it does not really matter if a person loses their first job, because the majority of Australians will move quickly on to a second job in the early stages of their career. If Mr Andrews has anything to do with it, people would be moving between jobs at a rate of knots—a treadmill of jobs or an un-merry go round, as it were.

I understand that the mechanics of this legislation have already been talked about at length during this debate and that this will not be the end of our defence of ACT working conditions in this place. So I will not bore the Assembly with repetition. Instead, I want

to discuss the disastrous effect this legislation will have on the vibrancy of our community and the ability of our citizens to maintain a holistic approach to life.

Trends to push employees on to the individual secret contracts, which my colleagues have outlined, and thus reduce the number of basic protected conditions will mean not only a less secure working environment but could also mean the loss of penalty rates for out-of-ordinary work. The result of this will be a tendency to treat weekends and overtime work just like normal time. The long-term effect of this will be a tendency for workers to strive for the extra mile in the workplace, I suspect at the expense of family, friends and community.

We will see fewer volunteers using their weekends to help those who are less fortunate than themselves—so much part of the fabric of our society in the ACT—because they will be busy competing for their next individual contract at work. We will see mums having to give up getting to their son's soccer game so that they can finalise that essential report, or dads missing their kids' important recital because it is just as cheap for their boss to get them in at night to finish that inquiry submission.

This legislation unfairly targets those who have additional commitments other than their employment. For example, in a completely fluid and competitive employment environment such as the one created through a removal of legislative protections, mothers who seek to involve themselves in their child's upbringing and simultaneously have a career will be largely prevented from doing this because they will not be able to compete with single people who have no commitments and who, therefore, can offer themselves at any time of the day or night to attend their place of employment.

The individuals who choose to have a family or contribute to their community at large are the ones who ensure our nation and our community remain strong and vibrant. They should not be punished because they take pride in their society and pride in their family and seek to protect our international reputation as the lucky country.

The government has failed to take into account the realities of life when drafting this legislation. Instead of championing rhetoric about flexibility and freedom of movement, perhaps they should have considered the application of their changes. For example, consider a young person entering the work force or a disabled person. How on earth do these people attempt to negotiate from anything reflecting a position of strength without the collective and legislative protection they formerly enjoyed?

Steven Fielding, the new Family First senator from Victoria, articulated this very well when he asked, "When was the last time your boss invited you in for a cup of coffee and the two of you negotiated your wages and conditions?" He has a very good point. This quote was part of an article published in the *Canberra Times* just yesterday, demonstrating that all sides of the political spectrum are opposed to this legislation. It is detrimental to families; it harms communities; it undermines general societal life; and in the long term it will mean a deteriorating economy.

For all those reasons, Mr Howard and Mr Andrews need to give up their irrational IR crusade and instead look to their representational responsibilities, look to what their constituents are saying. Over 70 per cent of Australians are saying no to these changes. It is about time Howard listened to them.

DR FOSKEY (Molonglo) (5.19): The proposed changes to IR legislation are just one facet of an ideological commitment of the federal government to reshape the values of Australian society that result in the creation of a class of working poor in Australia. That may not be immediate but, as many commentators point out, it will occur over a number of years. It will work hand-in-glove with the government's imminent welfare-to-work changes to push people with little recent work force experience, limited educational achievements and often a history of ill health, both mental and physical, into an environment where they will have to make their own workplace bargains, with public holidays, weekends and lunch breaks up for grabs.

Australia came together as a communitarian project, and one of the linchpins of that project was the establishment of the Industrial Relations Commission and a commitment to collective bargaining. Exchanging that approach to one of individual workplace bargaining is fraught with danger for those individuals who are not in high demand, who do not have easily marketable skills, who are not tough enough or confident enough to successfully fight those battles themselves.

Unions have been formed over a number of years simply because people found that they could not, on their own, negotiate successfully with employers. In all kinds of sectors people joined together to form groups because they knew that groups are more effective in achieving the goals of the individuals. I see, with this project of undoing unions, an attempt to undo what has been a very sensible approach by individuals to work together. It must have been successful, otherwise the federal government would not be wanting to undo it now.

One of the principles that grew to be a feature of Australian society over the last 100 years was looking out for others. This is an extension of the mythical notion of mateship. Australia was quite advanced when it came to introducing pensions for the aged, for widows, for veterans, introducing child endowment.

MR SPEAKER: The time for this debate has expired. The discussion of the matter of public importance has concluded.

Legal Affairs—Standing Committee
Scrutiny report 17

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

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 17, dated 17 October 2005, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny report 17 contains the committee's comments on four bills, 16 pieces of subordinate legislation and seven government responses. The report was

circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Financial Management Legislation Amendment Bill 2005
Detail stage

Clause 1.

Debate resumed from 22 September 2005.

Clause 1 agreed to.

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

MR MULCAHY (Molonglo) (5.23): I seek leave to move amendments Nos 1 to 5 and 7 and 8 circulated in my name together.

Leave granted.

MR MULCAHY: I move amendments Nos 1 to 5 and 7 and 8 circulated in my name *[see schedule 1 at page 3810]*.

Amendments Nos 1 to 3 are commencement provisions for the amendments that follow. Amendment No 4, which I was pleased to hear the Treasurer say he accepts, ensures that financial statements are included as part of annual reports and are therefore subject to the Annual Reports (Government Agencies) Act 2004, which provides for presentation of annual reports to the Assembly within three months after the end of the relevant financial year.

Amendment No 5 replaces the proposed section 30D and ensures that annual statements of performance are included as part of annual reports and are therefore subject to the Annual Reports (Government Agencies) Act 2004. Amendment No 7 provides for annual financial statements of territory authorities to be included in their annual reports, thereby ensuring that they are covered by the Annual Reports (Government Agencies) Act 2004. Finally, amendment No 8 similarly provides for annual statements of performance of territory authorities to be included in their annual reports, thereby ensuring that they are covered by the Annual Reports (Government Agencies) Act 2004.

To briefly recap on the reasons for these amendments, under proposed new section 30D of the government's bill, a minister would have to present an annual statement of performance and associated Auditor-General's report to the Assembly within six sitting days after the day the responsible chief executive receives the Auditor-General's report. The problem is that there is no time limit in the legislation for statements of financial performance to be received by chief executives. That could possibly result in lengthy and unnecessary delays to members of the Assembly receiving reports, especially if the Assembly is not sitting.

For example, this year if an Auditor-General's report associated with a departmental annual financial statement was received by the responsible chief executive at the end of September, the composite document may have missed the October sittings of the

Assembly, because there are only four scheduled sitting days, and may not have been tabled until the third week in November. That would be quite unsatisfactory and quite unnecessary. Those reports should be delivered to the members of the Assembly out of session, if necessary, as soon as they are available.

To overcome that problem, the opposition amendments provide for annual financial reports and the accompanying audit opinions to be delivered to the Assembly according to the requirements of the Annual Reports (Government Agencies) Act 2004. At present there is no formal link between the Financial Management Act and the annual reports act. These amendments create that link and bring the timing of presentation of all annual reports to the Assembly into line. The rules governing presentation of annual financial reports, along with audit comments and performance reports, should be the same for each and simplified.

Basically our amendments mean that all annual reports must be presented to the Assembly within three months after the end of the relevant financial year. I appreciate the Treasurer's support for the opposition's amendments that ensure that one simple rule applies to the timing of all annual reports.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.28): The government will agree to the amendments. I give notice that later I will be moving a resultant amendment to amended clause 37, to which amendment No 7 applies

DR FOSKEY (Molonglo) (5.28): I will be supporting amendments Nos 1 to 5 and 7 and 8. These, like many of Mr Mulcahy's later amendments, simply roll the financial reporting requirements into the annual reporting requirements and then ensure that performance statements would all become available to members of the Assembly by the end of September, which is de facto the situation at present. These amendments are designed to insert the present reporting requirements into the legislation and, consequently, deserve my support.

Amendments agreed to.

MR MULCAHY (Molonglo) (5.29): I move amendment No 6 circulated in my name *[see schedule 1 at page 3810]*.

Amendment No 6 provides for departmental performance reports to be presented to the Assembly on a quarterly, rather than six-monthly, basis. I note the reasons for moving to six-monthly reporting and the Treasurer's decision not to agree to this amendment, but with automated systems for recording, analysing and presenting data, it cannot be as difficult as has been suggested for the government to meet this particular measure of reporting. If there is a problem with agencies not providing information on time or of the quality expected, I strongly believe that the Treasurer should address the cause of that problem and not mask its symptoms by simply diminishing the timeliness of information presented to the Assembly. Six months is too long; three months is probably most appropriate.

The justification for less frequent reporting is that high quality measures and more useful reporting will offset the delay. However, the Opposition is not convinced that six-monthly reporting on outputs will improve accountability. In fact, I fear it will do the opposite. That is why we have proposed amendments to require ministers to present to the Assembly quarterly performance reports for the departments and agencies for which they are responsible within 30 days after the end of each of the first three quarters of a financial year.

We see this as necessary to keep members of the Assembly well informed in a timeframe relevant to emerging trends. By contrast, the delay inherent in six-monthly reporting means that key events and measures of performance are more likely to have passed into history, so that disclosure of them may be seen as of lesser public interest. In other words, if you delay long enough, the issue will hopefully fade in importance.

I know that is a cynical perspective, and I am not one who is cynical about the Treasurer's approach in such matters, but I think it is a real matter of concern that we do not have the level of accountability that I am advocating here today. We believe that less frequent reporting diminishes other aspects of the financial management bill that provide for useful data to be included in performance reports. By reducing the number of performance reports departments need to produce, the capacity for this legislation to achieve its purpose will, I suggest, be markedly reduced.

I suspect that the Treasurer does see merit in what I am saying and the problem here might be an issue of trying to get the departments to meet these particular reporting performance targets, but I would strongly argue that we should not give up the battle that easily. I therefore put forward this amendment for consideration by the Assembly.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.33): The government will not be accepting this amendment. I have already stated in this place good and sound reasons for that. The preparation of financial statements at a given date and all the balance day adjustments and processes that go with it to give an accurate picture is not as simple as Mr Mulcahy seems to think. I suggest that he should reflect on it or call for someone who has had some direct experience with it.

We see half-yearly reporting as the only sensible regime of reporting. First of all, the first quarter is simply too short a period to provide any real indication as to what will be the outcome for the year. So scratch the first quarter as being useless. I have been in this place for a number of years and I have never seen the reports, as such, engender much debate at all. We do intend, of course, to have a half-yearly report, so that is quarter number two covered.

By the time a report for quarter number three would be due, the government would be presenting its annual budget. That annual budget will go even further than a third quarter report. It will actually give the estimate of the final outcome expected for the year, which is much more information than would be contained in a quarterly report replete with timing differences and therefore distorted.

I do not understand the logic for the proposed amendment, other than a desire to impose upon government, in fact, upon departments, an amount of work that will really produce very little by way of true information. Information science dictates that, before any data effectively can be defined as information, it has to be useful and be capable of engendering some decision-making processes. I have previously stated in the in-principle debate that it was I, in opposition, who reduced it from monthly reporting to quarterly reporting because the monthly reports were absolutely useless. They were just records of cash payments. They were not sets of accounts at all.

To prepare a set of accounts as at a given balance date, whatever that date might be, is quite a horrendous job. It is not a simple job. It is not a matter of a little fix to the system. There are a whole lot of accounting provisions and measurements that need to be taken to produce those statements. That is why we have a couple of months to do them at the end of the year. It would take the same amount of work to do those statements once a quarter as it would to do it at the end of the year. I cannot see the logic of what the opposition is trying to achieve.

As I have said, this is not about trying to hide anything. You will get a half-yearly report. You will get an estimate in the budget of the expected outcome that will take into account everything that has happened in the three quarters. As well, it will incorporate events that are likely to occur between then and the end of the financial year. I think it is a far more sensible system to have reports that members of the Assembly can actually use, rather than forcing the treasury department to jump through hoops just for the sake of it.

Amendment negatived.

DR FOSKEY (Molonglo) (5.37): I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

DR FOSKEY: I move amendments Nos 1 and 2 circulated in my name *[see schedule 2 at page 3812]*.

The ACT Greens were delighted when triple bottom line accounting was identified as a goal of this government. Time and again, however, when the issue of its implementation is raised, we are reminded that the ACT is right out there, no one else is really doing it and no one can offer us a model of how to approach it ourselves. I am concerned that this attitude is getting in the way of some fairly simple first steps towards getting there.

Members might notice that amendment No 1 does not insist on board appointments incorporating a certain set of skills. It simply asks that the minister try to ensure that the members appointed have, between them, the experience and expertise to allow the governing board to consider the social and environmental impact of the territory authority's policies, strategies and actions. If we are to proceed to develop a way of running our government agencies so that they pursue triple bottom line objectives and account for their endeavours through triple bottom line accounting and by addressing

sustainability indicators, then we need to ensure that the governing boards understand what social environmental impact the agencies might have.

It does not require a certain expert or a person with a particular skill set to be appointed to a governing board; nor does it require every member of that board to have the capacity to assess the social and environmental impact of their agency's actions. As the Treasurer stated at the in-principle stage of this debate, it merely requires that the minister try to ensure that, between them all, the board members understand and have some insight into those impacts.

The reverse argument is that environmental and social outcomes ought to be a consequence of regulation while boards are required only to be responsible for the financial management, for returning a profit. Such an approach demonstrates either an ignorance of the philosophy that underlies the triple bottom line approach to economic activity or an intentional misrepresentation of it. Government can, and should, regulate for social environmental outcomes, but the governing boards of all agencies need to understand how and why the performance indicators they adopt that measure our move towards social and environmental sustainability are shaped as they are.

Yes, this could be a challenging exercise, but to choose not to require boards to have the necessary insight in developing governance that can take account of environmental and social impact is irresponsible. Indeed, I think it is fair enough to say that most Canberra people like me would like to be sure that the governing boards of Australian Capital Tourism, the Canberra Institute of Technology, the Cultural Facilities Corporation, ACTTAB and ACTION, to name but a few, have the capacity to understand the impacts of their agencies and so would have the skills and enthusiasm to oversee the implementation of innovative sustainability indicators and triple bottom line reporting.

I understand that the government is not inclined to support this amendment. I understand from the Treasurer's in-principle speech that he is concerned that an organisation's direction can be skewed if everything it does is required to be looked at through a particular prism. I agree, of course, and I am arguing here, as many have argued before me, that the financial prism is the most typical example in our society and that the damage that has been caused by organisations that choose to view their responsibilities only through that prism is appreciable. Indeed, it is in response to the limited vision that is enabled by looking through the financial prism that the whole concept of triple bottom line accounting has gained such momentum. The financial prism allows a look at only one facet of the impacts of government policy and budgetary decisions.

The Treasurer has asked members to feed into the process of developing sustainability indicators and seems to expect the Greens to make strong contributions to the budget reporting process on these matters. We have made a commitment to provide some feedback in the next couple of weeks, and I thank him for the opportunity. But, of course, it will not and cannot be the Greens alone, with one MLA, that shift the ACT government to sustainability.

The Chief Minister was in the paper only yesterday extolling the potential for the ACT to lead the way in environmentally sustainable development. The government's Canberra plan, which is built on a social plan, a spatial plan and an economic white paper, that is, the three aspects of the sustainability prism, at its heart would seem to aspire to a triple

bottom line approach. The Treasurer's office has been very open in calling for support and guidance in its project to shift the paradigm of the ACT's public accounting to give us all the capacity to assess our social and environmental management as closely as we scrutinise financial management.

I do not understand how these ambitions are going to get beyond the bounds of rhetoric if this government continues to reject a commitment to ensuring that its agencies are governed by people with the capacity to understand and embrace the social and environmental goals that it sets. It seems very clear to me that getting expertise on to the boards of government authorities would assist us greatly in embedding sustainability principles across government activities. I look forward to the Treasurer taking my concerns seriously and advising the Assembly on how he can ensure that it will happen in another way if he rejects these amendments.

MR MULCAHY (Molonglo) (5.44): The opposition will not be supporting Dr Foskey's amendments. It is undesirable that the legislation becomes overly prescriptive in terms of the profile of board appointments in the territory. Ministers ought to be capable of addressing the skills of, and criteria for, appointees to these boards. I think in the main, certainly those that I have seen that have come up for review by the Public Accounts Committee, they appear to be, in almost every case, people appropriately skilled in a range of different disciplines.

I would hate to get into this tick-a-box approach where we have to have someone who fits this category or that category. I know Dr Foskey has argued the view that they should have an understanding of the social and environmental issues, but equally it could be argued that there are a host of other areas that it is important they look at.

Generally governments try to assemble a mix of skills in board appointments. It may be that someone with particular expertise does not fit into any of these sorts of policy categories that would be appropriate and yet could be seen as a good contributor to those boards. I do not think it is appropriate to put this level of constraint into the bill before us. Accordingly, we will not be supporting the amendments.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.46): No, the government will not be supporting these changes. We are setting up a framework within which the agencies and authorities have to work. That is the process. We are also talking about the reporting process and reporting requirements for those agencies and authorities. That is the appropriate thing to do. If we start stacking the boards with people who are going to "keep the bastard honest" from the inside and move the focus from the primary objective, it will be a bit of a belt and braces job, possibly at the price of suboptimal management of the organisation.

We want business agencies and authorities to satisfy the objectives of their enabling legislation to the utmost, but at the same time living within the framework that is set and then being accountable ultimately to this place against that framework. That is what we are now setting in place. To then want to have another layer by building into the management of the board a certain dimension is to reduce the amount of expertise in relation to the objectives of the agency.

I do not think that is necessary. Many of the people who have served under both governments for many years are quite aware of the general requirements that have been placed on them in relation to social responsibilities and the wider responsibilities of the organisations, as defined by government and as defined by their enabling legislation. If that is not sufficient, let us address the cause of the problem. Let us not have a belt and braces approach to setting up the management of the boards.

I think it would be far better to have boards of management with the skills, capacities and experience to achieve the objectives of the agency or authority and then for them to have imposed upon them a requirement as to what levels of social responsibility they must observe and satisfy.

DR FOSKEY (Molonglo) (5.49): I will finish the debate. Naturally, I am very disappointed that the Opposition does not support our amendments. I was not sure what attitude it would take. I knew that Mr Quinlan did not plan to support them, but I did hope that he might have had a rethink in the period since the last sitting.

It is important to note that the wording of the amendment is to "try to ensure that the members appointed have, between them, the experience and expertise". I sit on two committees that look at appointments. An appointee to a board does not provide a curriculum vitae. They do not even bother to detail any experience that they may have had in these areas or particular interests or expertise. If this amendment gets through, then people may perhaps go to this extent. One knows that a CV is tailored according to the position it is being submitted for and if people knew that the government was looking to expand the sustainability expertise on boards, then they would include those.

Many of the people whom we have appointed to boards in recent months may indeed have that ability. If this amendment were to get through, then we would know about it. As it is, we do not have a clue. Frameworks are very important. Having people who understand those frameworks is just as essential. If people who are applying the framework do not have a clue what the words mean, it is a fairly useless exercise, in my opinion.

There are lots of ways that the Greens can work to increase the expertise of boards, bureaucracies and the government in actually implementing the rhetoric about sustainability. This is one of them. We will, of course, use every means at our disposal. I reiterate my disappointment that this one did not get us there; it puts it off a bit longer.

Amendments negatived.

MR MULCAHY (Molonglo) (5.51): I seek leave to move amendments Nos 9 and 10 circulated in my name together.

Leave granted.

MR MULCAHY: I move amendments Nos 9 and 10 circulated in my name *[see schedule 1 at page 3810]*.

These are consequential amendments on the adoption of amendments Nos 4 and 5, respectively. I should indicate that I will not be proceeding with amendment No 11 that has been circulated in my name as it was dependent on amendment No 6 being supported.

Amendments agreed to.

MR MULCAHY (Molonglo) (5.52): I seek leave to move amendments Nos 12 and 13 circulated in my name together.

Leave granted.

MR MULCAHY: I move amendments Nos 13 and 13 circulated in my name *[see schedule 1 at page 3810]*.

These are consequential amendments that flow as the result of the agreement to amendments Nos 7 and 8, respectively. In concluding these matters, I suggest that the government should undertake a review in the coming years to assess the effectiveness of the changes to performance measurements that are made in this bill. I would assume that is a given, but it is worth putting it on the record, I believe.

The key purpose of such a review should be to assess how effective the new approach is in actually conveying meaningful information about agencies' performance in financial management and delivering quality service to the community in a timely and efficient manner. At the end of the day, that ought to be the main objective of this sort of legislation. Some may say it is early in the piece, but I expressed a view at the Australasian public accounts conference last February about the critical need for us to improve methods of reporting, accountability and performance measurements so that they give a genuine indication of outcomes that are being sought. I will confine my remarks to those.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.54): The amendments are fine with us. I rise to respond to Mr Mulcahy's reference to, I think, his speech at the public accounts committee. Was that the one you referred to?

Mr Mulcahy: Did you like it?

MR QUINLAN: Yes, I did. It was some time ago, of course. I did read it. Let me say that I think your speech left something to be desired, in terms of facts.

Amendments agreed to.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.55): I move amendment No 1 circulated in my name *[see schedule 3 at page 3813]*.

Consequent upon the changes that have been accepted today, it is necessary to make a further amendment to allow for the University of Canberra and its reporting. This is an amendment to the schedule that affects the University of Canberra inasmuch as it is not covered by the annual reports act. We have now reintroduced the annual reporting requirement into the bill. This is purely a mechanical procedure to take account of the consequences of accepting those amendments.

MR MULCAHY (Molonglo) (5.56): I indicate that the opposition would support that. It makes sense to make that further amendment.

Amendment agreed to.

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

Bill, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Land valuations

MR MULCAHY (Molonglo) (5.57): I want to speak briefly tonight on the matter of land valuations. I am sorry the Treasurer has left the chamber; he might be interested in this discussion. More and more evidence is emerging from representations I am receiving that errors and disparities in land valuations are causing landholders to be charged amounts that may well be incorrectly based. I am aware of cases in the electorate of Molonglo where property owners have disputed the valuation of their land and were subsequently successful in having their payments reduced. This shows that, if you appeal, you stand a good chance of paying less but that, if you do nothing, you will pay at the higher rate. Of course people are getting together collectively, which means that the cost of the appeal and the resources needed to pursue that appeal are able to be amortised between a number of parties.

The public needs to know that valuations can be challenged. This could well lead to rates and land taxes being reduced. I have been informed of cases where valuations struck in 2004 were subsequently found to be too high, and that rates and taxes were only reduced because the landholders appealed. A number of complaints have been raised with my office. Although I have written to the Treasurer on each and every case which has come through, I have not been satisfied that the matters have been addressed with the level of detail that I think is warranted, given the unusual number of people who have approached my office.

People in the property industry tell me that outcomes like this are inevitable as a consequence of a number of factors, including the mass appraisal system, which inherently has a high risk of error when properties are not homogenous; wrong commencement time in the property price cycle, resulting in subsequent adjustments not

being in line or contemporary with market prices; valuations being done on the cheap by the Australian Valuation Office, which is starved of resources, and insufficient checking of the accuracy of valuations to ensure that they relate more closely to the market.

My concerns of potential flaws in the ACT's valuation system were heightened by the investigation of the New South Wales ombudsman in recent weeks into the effectiveness of quality controls employed by the New South Wales valuer-general to try and achieve accuracy of land valuations. The ombudsman found that there was an unacceptable rate of error in a considerable number of valuations. The Australian standard for a margin of error in mass valuations is plus or minus 15 per cent, but 35 per cent of properties in New South Wales were found to be outside that range. Indeed, the ombudsman's investigation revealed that insufficient time and resources were allocated to checking the accuracy of valuations. The results reflect poorly on the standards being achieved through the mass valuation system.

Of the objections to last year's valuations in that work, approximately one in four had been allowed and the valuations changed. That inquiry recommended that the accuracy of valuations be checked more frequently, and said that international best practice calls for an assessment of accuracy every six years. New South Wales, in particular, has gone 16 years without a systematic review and correction of baseline valuation data.

The ombudsman's report drew my attention because it confirmed what a number of people in the ACT are telling me, that is, that, because of the time lag for notification of sales, valuers for the government often do not have the most up-to-date value movements at the time they submit their values. The market may change when valuers take too long to catch up. The problem of incorrect valuations encountered by landholders was exacerbated in that particular review, with the valuer-general not providing the most relevant sales data used to value their property unless they specifically requested this information from a senior officer.

I raise these matters because, anecdotally, the report of the New South Wales ombudsman reflects the experience and concerns of ACT landholders. It will potentially be argued that it is different in New South Wales and that there is nothing to be concerned about here. But it has been my experience both here and working in politics that, if a moderate number of people contact you on an issue, there is probably a reasonably large number of people out there with that concern who have not taken the step of going to an elected representative.

I think there is an issue, particularly in relation to the 2004 valuations. There are those within the property industry in Canberra—in the valuation business—who share my concern. Examples have been cited to me of people they have acted for in areas such as Red Hill, who have seen reductions when they have challenged their rates. But if you are not in the group that is objecting, you are obviously not going to see any benefit. It troubles me that that situation may exist and I would certainly be urging the government to review the way in which revenue is raised from property, starting with the principles of efficiency, equity and simplicity.

Land valuations

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (6.02): All I can add in response to that at this point is that I hope Mr Mulcahy handles this question responsibly. Quite clearly you have the potential to create an administrative nightmare, depending on how it is handled and how it is reported. At this point in time I am not aware of an avalanche of valuations having been challenged and then corrected, but that may be because I have not been advised. This comes as a surprise but I suggest it warrants handling with a certain degree of responsibility, if you would be capable of that. There may be statistics showing that a high proportion of people have appealed and got a correction, but that does not necessarily mean that that proportion of valuations would be out. Quite clearly, the people who got a rates bill and went, "Whoops", are the ones who appealed.

Mr Mulcahy: But it might be that there is a problem.

MR QUINLAN: Yes. I would like to think we can handle that in a sensible manner and that we do not have a total avalanche of appeals. Nobody likes paying rates. Everybody thinks their rates are too high and that their land is overvalued. It is in your hands.

ACT Eden Monaro Cancer Support Group

MR SMYTH (Brindabella—Leader of the Opposition) (6.03): I rise to bring to the attention of members the ACT Eden Monaro Cancer Support Group, which had its sponsors and supporters appreciation dinner on Saturday night at the Hellenic Club. Ms Porter was there. I think she would agree that it was a pretty enjoyable evening. The whole point was for the management committee and members to say thanks for the enormous support and assistance they get from various organisations across the ACT and region in allowing the ACT Eden Monaro Cancer Support Group to function at all.

The group currently has 1,500 members on its books receiving assistance. Of those, 500 would be cancer sufferers. The other 1,000 are the family members who look after them. The books grow by about 20 a month, and they have said there are no holds barred. From testicular cancer through to breast cancer and prostate cancer, everything under the sun comes through their doors. They have to cope with that, and they cope very well.

The sponsors they thanked ranged from a local takeaway in Yass Road to the AFP, local bus companies, golf clubs, biking clubs, banks, individuals, motor companies and organisations of all sorts. There were four major sponsors they paid homage to. The first was the Queanbeyan Leagues Club, which provided the money that allowed the ACT Eden Monaro cancer society to buy a building in Queanbeyan. They now have a permanent presence there, and that certainly helps the organisation greatly.

ActewAGL was on their list of key supporters. Thanks were therefore extended through ActewAGL to the government for its support. Radio 104.7 FM in Canberra promotes all the group's events. Chris and Sarah from the morning show did a good job as MCs. The group that, in my mind, deserves the biggest praise is the Capital Chemist group. When

they handed out the plaques of appreciation to each of the groups, there were three mounds about 45 cm tall on the table—that is very hard to describe for *Hansard*—of plaques for the various Capital Chemist outlets. They are all involved and put a lot of effort into supporting the cancer society. Of course, they also deal with these people on a day-to-day basis in their premises.

The star of the night, who never intends to be the star but always is, was the founder of the organisation, Yvonne Cuschieri, who has resigned as the CEO. Tony Waddell will be taking over. Yvonne is not particularly tall but the shoes are huge. After 21 years of running the organisation she, at the tender age of 64, has decided to call it a day. I understand Yvonne will stay on the board. If there were ever anybody who should wear the badge of being a good Australian it is Yvonne Cuschieri. Generous to a fault, she would give you the shirt off her back and then find something else to give you. Tireless in the time, effort and resources she has put into this organisation, she really is the heart and soul of the ACT Eden Monaro Cancer Support Group. I do not know what steps the group will take next year to thank Yvonne, but when she retires early in the new year certainly something will have to be done to thank her properly.

The group have bought things like flotation chairs, ripple mattresses and the Vital Call system. They have two special beds, they have bought two kangaroo pumps for stomach feeding, and there are oxygen concentrators and electric motor scooters. Those are just a few of the items available on loan to people. They have purchased videos, televisions, recliner chairs, computers, flotation chairs, electrical appliances and other pieces of medical equipment for the hospitals, and medical and schoolroom items for the Sydney Children's Hospital at Randwick where, of course, our local children attend various specialists. The group has a guiding rule that all the moneys raised be donated to help the families. Moneys raised must go into the family assistance account. In that, I think they do a really good job. They face the same dilemmas all community organisations face but they do so I think with a great deal of zeal and goodness. They are a very hard group to resist.

Sharability charity bowls day

MS PORTER (Ginninderra) (6.09): To have the opportunity to open a sporting event is something that is pretty rare for me. I have to admit that athletic ability is one of the skills I do not have. I believe young people would refer to me as being "unco". Be that as it may, on Monday of the recent long weekend I was privileged to be able to launch the Belconnen Bowling Club charity day to raise money for Sharability, to support people with intellectual disabilities and their carers. Not only did I launch the proceedings but I also participated—and indeed I have photos to prove it.

The day was also supported by the Canberra Belconnen Lions Club, whose members provided the barbeque lunch. Also featured was Harold Hird, a well-known former member of this place, whose superb old-style auctioneering skills were well to the fore. In addition, members of the Variety Bash team brought along their party bus and took members of Sharability on tours of the city. This great fun day was made possible by funding from Healthpact. Not only did it raise much-needed funds for the work of Sharability but it was also a great opportunity for people such as me to learn a new skill and meet new people. If I may say so, I did not let the side down but managed to win three ends.

The day would not have got off the ground had it not been for Belconnen Bowling Club's 70 volunteers, as well as those from the Canberra Belconnen Lions Club, the Variety Bash team and Sharability. I would like to congratulate each of them for the role they played in making the day such an outstanding success. However, all such events need a driving force. The force in this instance was the president of the Belconnen Bowling Club and the former president of Sharability, Bill Donovan, whom many here would know to be the former long-serving principal of Hawker College. It was a true family affair, as Bill's son was the MC and disc jockey for the day and Bill's wife was my personal bowls coach.

This is what community is all about: building social capital through the efforts and initiatives of a few people coming together, organisations working in partnership, and the ACT government providing funds through the Healthpact grant. The result was something greater than the sum of its parts, an example of true synergy. I commend the work of all those involved and congratulate them on the role they play in making our community stronger. Finally, I wish to place on the record my support for the Stanhope government's initiative, made possible by Healthpact funding. It is initiatives such as these that make Canberra such a great place to live.

Recycling—Bokashi bucket

DR FOSKEY (Molonglo) (6.11): Members may be aware that a waste audit was conducted in this Assembly last year to see what percentage of material members, in particular, managed to recycle in their offices. As you are well aware, we have excellent facilities for recycling paper and, along with other residents in the ACT, plastics of most kinds, and tin and glass. However, there is general concern that a very large percentage of the waste that goes to landfill is indeed organic waste, which, of course, would be welcomed by our gardens in every way. But it can be quite difficult to get an apple core from one's kitchen to one's garden somewhere else. I approached the administration and procedure committee—I went through quite a process. I suggested that we have an environmental plan but certainly that, at the very least, we set up a system for recycling our green waste.

To cut a longish story short, as a result of that we now have something that most people will not know about unless they have read their Assembly newsletter, which I believe came out today or yesterday. People may have noticed a plastic bucket on the smokers balcony, as we affectionately call it. Indeed, because people did not know about it and in this climate of an accelerating fear of terrorism, I believe the bucket aroused the attendants' very justified fear. Although not a backpack it was an unexplained object, and they did not know that it was, in fact, a Bokashi bucket.

The Bokashi bucket is now at your disposal and I am speaking today to encourage you to make use of it. I am going to put the instructions and other frequently asked questions out there but, for those who are lucky enough to be listening, I will explain how the Bokashi works. It is a sealed container, so there is no smell. You put any foodstuffs, including old teabags, coffee grounds, little bits of paper, apple cores and anything else into an ice-cream container that you keep in your office. When that becomes reasonably undesirable—or even every day—you pop it into the Bokashi. You need to lever the lid off because it is tightly sealed.

I will do the daily job of sprinkling a bit of this stuff called Bokashi onto it, which starts the process. The material in the bucket does not decompose while it is in there; instead the Bokashi ferments or pickles it. So things do not change shape, they just change composition. It is a bit like a pickled onion. A pickled onion does not taste like an onion, it tastes like a pickled onion. I am not suggesting that you try the ingredients in the Bokashi bucket, although no doubt they are very wholesome. This is just to let you know that you can now dispose of your green waste with a clear conscience.

At this stage I would like to negotiate with the Assembly that the resultant compost be used here. We could pop a pot plant next to it just to show the very direct connection between the Bokashi bucket and the growth of plants. Perhaps I will do that. That bit is yet to be fully thought out but at this stage I will take responsibility for the waste. If you have any complaints, please see my office. Please use this new facility offered here at the Assembly, which makes us perhaps the greenest Assembly in the land. We should check that out.

Canberra sporting teams

MR STEFANIAK (Ginninderra) (6.16): I rise to speak about a couple of fairly unpleasant events over the weekend involving two excellent Canberra teams and clubs that were denied re-entry into the Sydney competition. The first was the Blue Devils. In its wisdom, the New South Wales premier soccer league decided to have a 10-team comp. That surprised everyone, given that everyone was expecting a 12-team comp. The matter is certainly not over. I think a couple of the Sydney clubs concerned are taking some legal action. Certainly all the clubs concerned are writing and saying, "Please explain."

Six clubs were given the heave ho: Bonnyrigg, St George, Penrith, Central Coast, the Blacktown City Suns and, of course, our very own Blue Devils. It was a 16-team comp. I find that utterly amazing for a league that states that it prides itself on a regional basis in respect of the teams that play in this competition. Competition usually starts towards the end of the year and goes until about May. I think next year it is starting in January and going towards May. The winter comp happens after that. It is a very important competition since we lost the Cosmos, when the Cosmos effectively did not continue.

The Blue Devils team has been the main stepping stone for talented young soccer players to play in a world-class competition. The New South Wales Premier League is the best competition going at that time of year. I think there is now an eight-team comp, which includes New Zealand, in a national league. Until that occurred, this was the best comp going. It is still obviously an excellent competition. The Blue Devils are amazed that they did not get in. They have a state-of-the-art ground, which was the result of a lot of hard work over 20 years by the Belconnen United Soccer Club at McKellar. It is a world-class facility and certainly as good as any of the grounds I have seen in the competition. I think I have been to every ground except Wollongong, which got in.

I find it amazing that both Canberra teams and the Central Coast and Penrith teams were tossed out of the competition, especially because it is meant to be regionally based. The Blue Devils have already approached me and Bob McMullen. They will be approaching Ted Quinlan, and other federal parliamentarians, to see what assistance parliamentarians

can give them. I hear that even the Prime Minister has some interest in this in relation to the Canberra teams, which is pleasing. I think this is a totally retrograde step. I think the idea of a regional comp has considerable merit.

In a similar vein, the Canberra Vikings, who as the Canberra Kookaburras were not allowed back into the Sydney comp some years ago and have been back now for two seasons, have also been given the heave ho from that competition. They did not even make the four this year. That is probably not a case of jealousy by New South Wales, but in the case of the Blue Devils it might be because in the last four years they have always been in the semifinals. They were club champions and premiers in 2003-04. They got to the preliminary final last year and lost a grand final in relation to a midweek competition. Although the Vikings have not won a premiership, they were certainly very competitive in the Sydney rugby union. That causes them a problem because there is now a gap of two or three months between the super 14 and the start of the new provincial competition in rugby union. Again, that seems to me to be a case of Canberra-bashing.

There are mixed views as to whether the Vikings should be playing there. I know my old second row partner, John McGrath of Tuggeranong, would like to see them play in the purely Canberra comp to improve first grade, but I think the general thrust of teams like the Vikings and the Blue Devils is a career path for very talented young players. Rather than just playing first grade here, they need that additional level before they go to a national competition.

In the case of soccer, the Blue Devils give talented young players the ability to shine in the national arena. If they are very good there, they might be snapped up by a Sydney club or may indeed get a good contract overseas. It is a great stepping stone to the Socceroos. There is also obviously the ability for the talented young players in the Canberra Vikings, playing in the best domestic rugby competition in Australia, to continue to play at that very high level, go on to play super 14 and hopefully, if they are good enough, represent Australia. One of the big problems with this, and one of the reasons I suspect the way New South Wales to make these decisions, is that they hope to get the talented young Canberra players to go and play with clubs in Sydney. That does not do the respective sports any good at all; it is a retrograde step. I think everyone should get behind attempts to assist the Blue Devils and the Canberra Vikings to get back into the Sydney comps.

Sailability

MR GENTLEMAN (Brindabella) (6.21): On Sunday I was fortunate enough to launch the 2005-06 season for Sailability ACT. Sailability is a nationwide movement that facilitates on-water activities for everybody, regardless of ability. The movement is now active in over 10 countries and is spreading rapidly. The ACT contingent, as members may be aware, is located on Lake Tuggeranong. Attending the launch with me were Amanda Fraser, a former Paralympic swimmer who is now competing in track and field, and Ben Hall, another of our fine Paralympians who competes in track and field. Since 1998 Sailability ACT and their hard-working volunteers have provided the opportunity for people with a disability to experience and enjoy the sport of sailing. A not-for-profit organisation, Sailability relies heavily on volunteers and donations from the community. Sailability ACT has received generous support from the Lions Club of Canberra city, the

Southern Cross Club, the Rotary Club of Canberra north, ACTTAB and, of course, the ACT government.

The efforts of their 78 members and the 10 volunteers help them to remain active within the community and participate in regular events such as Active Australia Day, the solar boat race in the science festival, the kids with cancer picnic and International Day of People with a Disability. Although Sailability supports those with a disability, they also encourage anyone to have a go at sailing. They provide a friendly and supportive environment that allows individuals to grow and develop as members of our community.

The launch of this season was also a chance for Sailability to specifically recognise the generous support of the Canberra Masonic Centre. Over the past seven years the Masonic fraternity's donations have provided everything from boats to insurance. These donations do not just provide the club with equipment, they also ensure that it will survive well into the future. In 1999 the Masonic fraternity bought Sailability ACT 12 boats, a trailer, a safety boat and ancillary equipment, and provided funding for maintenance and insurance costs for four years. The ACT government provided initial key funding for Sailability ACT through the department of sport and recreation in the form of a $5,900 grant in assistance for the years 2000 and 2002. It has continued its annual funding to include support for a boat, trailer and computer, a "women with power" course and a first aid course for women.

I first became involved with Sailability ACT in December last year when, along with other Assembly colleagues, I joined in the annual three monkeys race. I still believe Mr Stefaniak tricked me into stalling at the start, but I can assure members it will not happen again. The idea of the race is to get a sense of what Sailability has to offer the community, to understand the obstacles people less able than I have, not only with sailing but also in doing things in everyday life that we do not even think about.

Further to launching this season's Sailability, there was a "freedom bell" erected to commemorate the Canberra Masonic Centre's ongoing support of Sailability ACT. The freedom bell concept relates to Sailability's motto, "freedom on the water." I would like to thank Terry and Pat from Sailability, the Canberra Masonic Centre for their contributions and the volunteers who give up their time to show us what a little bit of hard work and support from the community can do for such a worthwhile community organisation.

Monte 24-hour cycle race

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (6.25), in reply: I rise in the adjournment debate this evening to mention and commend Canberra Off Road Cyclists for their very successful hosting of the Monte 24-hour mountain bike race in Kowen forest during the first weekend of October this year. For those members who are not aware, a very significant cycling event occurred in Canberra a couple of weekends ago. The Monte 24-hour is one of the largest mountain biking events in the Southern Hemisphere. Over 2,500 competitors participated in the Monte 24-hour cycle race during the first weekend in October, here in Canberra. It took place in Kowen forest. The Monte 24-hour is not an easy event. There is a lap of 19 kilometres. The aim of the race is for teams, or indeed solo riders, to ride as many laps as possible within a set 24-hour period—from midday on the Saturday until midday the following Sunday.

I had the pleasure of being able to participate briefly in this event. I was invited to take part in a social team competing in the Monte. I have to confess to members that I undertook only one lap; 19 kilometres was more than enough for me. But it certainly made me realise and appreciate the real challenges associated with mountain biking and, more importantly, how popular a recreational activity it is here in the ACT and right around the country. Indeed, the ACT saw many teams coming from Sydney, Melbourne and many other places. I commend the organisers on the event and wish it every success in coming years.

Question resolved in the affirmative

The Assembly adjourned at 6.27 pm.

Schedules of Amendments

Schedule 1

Financial Management Legislation Amendment Bill 2005

Amendments moved by Mr Mulcahy

1
Clause 2 (1)
Page 2, line 18—

insert

- section 29A

2
Clause 2 (1)
Page 2, line 28—

omit

- section 66 (Presentation of annual financial statements of territory authorities)

substitute

- section 66 (Annual financial statements of territory authorities to be included in annual reports etc)

3
Clause 2 (1)
Page 3, line 9—

omit

- section 71 (Presentation of territory authority statements of performance)

substitute

- section 71 (Territory authority statements of performance to be included in annual reports etc)

4
Proposed new clause 29A
Page 16, line 4—

insert

29A Section 30

substitute

30 Departmental annual financial statements to be included in annual reports etc

A report prepared under the *Annual Reports (Government Agencies) Act 2004* for a department for a financial year must include, or have attached to it—

(a) the department's annual financial statements for the year; and

(b) the audit opinion under section 29 (3) about the financial statements.

5
Clause 30
Proposed new section 30D
Page 17, line 16—

omit proposed new section 30D, substitute

30D Departmental statements of performance to be included in annual reports etc

A report prepared under the *Annual Reports (Government Agencies) Act 2004* for a department for a financial year must include, or have attached to it—

(a) the department's statement of performance for the year; and

(b) the auditor-general's report under section 30C (3) about the statement of performance.

6
Clause 30
Proposed new section 30E
Page 18, line 1—

omit proposed new section 30E, substitute

30E Quarterly departmental performance reports

(1) Each Minister must prepare a quarterly performance report for each department for which the Minister is responsible within 30 days after the end of each of the first 3 quarters of a financial year.

(2) The report must include—

(a) a progress report on delivery of outputs; and

(b) an explanation of any significant variations from performance criteria.

(3) The Minister must present the report to the Legislative Assembly on the first sitting day after the report is prepared.

(4) If the report for a quarter is not presented to the Legislative Assembly under subsection (3) within 30 days after the end of the quarter, the Minister must make a copy of the report available to members of the Legislative Assembly within the 30 days.

(5) This section does not apply to the Legislative Assembly secretariat.

7
Clause 37
Proposed new section 66
Page 32, line 12—

omit proposed new section 66, substitute

66 Annual financial statements of territory authorities to be included in annual reports etc

A report prepared under the *Annual Reports (Government Agencies) Act 2004* for a territory authority for a financial year must include, or

have attached to it—

(a) the authority's annual financial statements for the year; and

(b) the audit opinion under section 65 (3) about the financial statements.

8
Clause 37
Proposed new section 71
Page 35, line 19—

omit proposed new section 71, substitute

71 Territory authority statements of performance to be included in annual reports etc

A report prepared under the *Annual Reports (Government Agencies) Act 2004* for a territory authority for a financial year must include, or have attached to it—

(a) the authority's statement of performance for the year; and

(b) the auditor-general's report under section 70 (3) about the statement of performance.

9
Clause 41
Proposed new section 109 (3)
Definition of *1 July 2005 sections*
Page 60, line 3—

insert

- section 30 (Departmental annual financial statements to be included in annual reports etc)

10
Clause 41
Proposed new section 109 (3)
Definition of *1 July 2005 sections*
Page 60, line 9—

omit

- section 30D (Presentation of departmental statements of performance)

substitute

- section 30D (Departmental statements of performance to be included in annual reports etc)

12
Clause 41
Proposed new section 109 (3)
Definition of *1 July 2005 sections*
Page 60, line 18—

omit

- section 66 (Presentation of annual financial statements of territory authorities)

substitute

- section 66 (Annual financial statements of territory authorities to be included in annual reports etc)

13
Clause 41
Proposed new section 109 (3)
Definition of *1 July 2005 sections*
Page 60, line 25—

omit

- section 71 (Presentation of territory authority statements of performance).

substitute

- section 71 (Territory authority statements of performance to be included in annual reports etc).

Schedule 2

Financial Management Legislation Amendment Bill 2005

Amendments moved by Dr Foskey

1
Clause 40
Proposed new clause 78 (2A)
Page 41, line 27—

insert

(2A) The responsible Minister must try to ensure that the members appointed have, between them, the experience and expertise to allow the governing board to consider the social and environmental impact of the territory authority's policies, strategies and actions.

2
Clause 40
Proposed new section 78 (3)
Page 42, line 1—

omit

only criteria

substitute

only other criteria

Schedule 3

Financial Management Legislation Amendment Bill 2005

Amendments moved by the Treasurer

1
Schedule 1
Amendment 1.270
Proposed new modification 1.7A
Page 205, line 13—

insert

[1.7A] Section 66

substitute

66 Presentation of annual financial statements of territory authorities

(1) This section applies if, under section 65 (3), the chief executive officer of a territory authority receives an audit opinion about annual financial statements of the authority.

(2) Within 7 days after the day the chief executive officer receives the audit opinion, the chief executive officer must give the responsible Minister of the territory authority the following documents:

(a) a copy of the annual financial statements;

(b) a copy of the opinion;

(c) the authority's response (if any) to the opinion.

(3) The responsible Minister must present the documents to the Legislative Assembly within 6 sitting days after the day the Minister receives them.