DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

23 NOVEMBER

2005

Wednesday, 23 November 2005

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Public service—complaints investigation

DR FOSKEY (Molonglo) (10.33): I move:

> That this Assembly:
>
> (1) recognises the importance of creating a culture in the ACT Public Service which responds positively to internal criticism and concern;
>
> (2) acknowledges the potential for ongoing serious personal costs to all parties involved in complaints about a workplace;
>
> (3) notes:
>
> (a) that a full investigation has been conducted into concerns regarding the ACT Government's Alcohol and Drug Program;
>
> (b) results of the three investigations commissioned by the ACT Government and resulting reports that have been tabled in the Assembly; and
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> (c) the ACT Minister for Health has responded to the reports on behalf of the ACT Government in this Assembly; and
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> **(**4) ensures recommended strategies are sufficiently supported and scrutinised.

Before I begin I just want to make clear that the motion we have in front of us, along with the amendment that I will move towards the end and which no doubt will be circulated while I am speaking, has been the result of a collaborative process. You will notice that the motion on today's notice paper is different from the ones that were on last week's notice paper. I thank all members for their contribution to this.

In general, this motion is about the need to support a learning culture in the ACT public service. More specifically, it is about ensuring that planned improvements to the ACT health department's alcohol and drug program, henceforth ADP, are put in place and supported and monitored. The action plan for the ADP has been put together following three investigations into concerns and allegations about policies and practice inside the program made public last year by ex-staff members.

As I understand it, those concerns were raised on more than one occasion to senior staff and by the union. It was, however, only after a high-profile article in the *Canberra Times*, which included the names of the complainants, and the presentation of those concerns to the Chief Minister by Greens MLA Kerrie Tucker in June 2004, that the

government responded with a plan of action. I am pleased to recognise that, once the matter had got that far, the ACT government undertook full and serious investigations consisting of three independent reviews: a probity review, a workplace environment review and a clinical governance review.

In response to concerns regarding probity in the ADP, the probity review, which reported in July 2004, recommended corrections in procedures or policy in every one of the areas identified for investigation. The workplace environment review, which reported in December 2004, the full report of which I have not seen, made 31 recommendations ranging from defining the roles and responsibilities for senior staff and incorporating them into their performance agreements, which it would seem is a new process, to ensuring staff receive adequate support following serious incidents, which until then it could not be said that they did. The clinical governance review, which was released with a government response in June this year, made 52 recommendations, beginning with the development of a more client-centred culture within the service, recommendation 1, and moving to recommendations at the end of the report asking the ADP to develop a strategic approach to service commissioning and implementation. Considered together, these are specifications for a profound remodelling of the ADP, with a number of safeguards and substantial quality improvements. I do not think we can trivialise the significance of the changes that were foreshadowed by this process.

It is important to remind members that concerns regarding the ADP—how it worked internally with its clientele and with community partners—predate the disclosures of last year and, indeed, many of the staff. I would suggest there were embedded dysfunctions that had never been properly addressed, and it is important to keep that in mind when looking at this latest sequence of events and considering how to move forward now.

I would like to put on the record that both I and my Greens MLA predecessor, Kerrie Tucker, publicly pressed for the concerns and allegations about the ADP to be independently and thoroughly investigated and, where substantiated, addressed. Our concern was always to ensure that the important work of the alcohol and drug program was supported and that inefficiencies, conflicts or service quality problems were dealt with fairly and openly. My aim now is to ensure that any subsequent plans or strategies that have emerged from the inquiry process are both rigorous and sustainable.

I do not see my role as one of pursuing or addressing the behaviour or the performance of individuals who gave rise to or who were the focus of these investigations, because individual workplace issues are not usually a matter for debate in the Assembly. Rather, the intent of this motion is to ensure that the proposed improvements are put in place, are well supported and closely scrutinised, and, further, that lessons learned from the problems identified at ADP are applied to other government programs so that crisis does not have to be reached before action occurs.

This motion, as it is now written, acknowledges the damage that can be done to all parties when issues of dysfunction and divergent views of process have to be dealt with in such a public manner. People who find themselves making complaints or under attack publicly make themselves extraordinarily vulnerable. Furthermore, when systems are shown to have failed, the consequences can rebound on individuals to an extraordinary degree. The negative long-term impacts can be terrible, and people often emerge from such experiences with limited work opportunities and shattered confidence.

Consequently, we need to look for systemic ways of managing problems sooner rather than later and to set up resilient procedures to assist people in reporting their concerns.

Hospitals are learning more about dealing with failure than are many other organisations, which might be because the consequences can be so stark. So we can learn from them. It is now well accepted that hospitals need to be learning organisations and systems need to be put in place to deal with adverse events—not so that they rebound on staff involved in those events, or on their insurance policies, but so that the hospital can continually improve in delivering its service.

Many public organisations, however, are not set up to learn from internal failures. One institution that has had its share of catastrophic failure recently has been the commonwealth department of immigration. It is hard to know how much the individual outcomes are the consequence of internal failure or the direct result of government policy. Too often governments take the easy way out by scapegoating individuals and refusing to examine the culture, which is more diffuse and harder to identify. I understand why rebranding the department of immigration to say that its business is people makes some sense, at least in addressing problems with the vision thing. More practical strategies, however, do not appear to be in place. I do not believe, for example, that there is yet any system in place in DIMIA that would allow officers to easily raise matters of concern regarding particular actions they or others in the department were taking, such as impacting on the human rights of clients. This is a concern that would also apply for health services such as the ADP. Raising matters of such sensitivity is probably very difficult for officers in DIMIA, but it ought to be exactly the kind of information that is welcomed.

It is self-evident that, if agencies do not put systems in place to acknowledge criticism and failure and to respond positively to concerns when they are raised at all levels of operation, the operation of the agencies and the health of their staff will be compromised. In a complex, demanding area of work such as alcohol and drug services that is doubly so. I believe that some of the measures evident in the ADP action plan that emerged in response to the three reviews can give us some extra confidence; but the unresolved question is one of oversight.

I note that the ACT government has recently conducted a review of the Public Interest Disclosure Act, although this review has not yet been released. The PID act is our legislative backup when it comes to integrity in operations, and I look forward to seeing what comes out of this exercise. I am aware from the ombudsman's annual report that there are difficulties for agencies with carriage of public interest disclosures in separating matters of internal dispute and procedure from those of greater public interest significance.

It seems to me that either we look to make PID processes more resilient and give investigating agencies better resources to explore disclosures or we ensure that all agencies, in addition to complying with the PID act, have more accessible systems designed for staff to raise questions of policy and procedure. That is why for the ADP the detail of so many of the recommendations from both the clinical governance and workplace environment reviews is critical, because they are proposing more effective feedback and accountability systems.

This motion today is, if you like, an exercise in the possible. I have taken out elements of the original motion that were critical of government or people within it, because we really need to be using this moment of change as an opportunity to put something better in place. It is very important to gain here in the Assembly a strong government agreement to offer some real scrutiny of this reformulated ADP. For example, the review of clinical governance made the point in its first recommendation that, in the past, ADP procedures had evolved to suit the ADP. Now they will be required to develop a client-centred approach. I am not convinced that just appointing a few new staff and writing a planning document that addresses the recommendations will ensure that such a significant change is effected at all levels of operation, whatever the intent. More is needed.

There is a requirement for government to ensure that there is sufficient support. That means not just support for enough staff hours, although that too is important; it means support for mechanisms to hear divergent views and comments. It also means support for some internal and external scrutiny. I will certainly be taking up the opportunity to ask for regular briefings from the ADP and I will remain in reasonably close contact with community organisations and individuals who access the ADP's services to provide some scrutiny from my position. I would imagine that members of the Assembly's health committee might also find a constructive role for themselves in that regard.

More generally, in meeting the terms of this motion, I would like to see ACT Health echo the approach of the Department of Disability, Housing and Community Services in reporting against the outcomes of these three reviews. While ACT Health's 2004-05 annual report does mention that the reviews have taken place and that the recommendations of those will need to be pursued, there is almost no detail of the kinds of changes that are required. If readers did not know anything about the history of the reviews and the issues underpinning them, they would have no appreciation of the substantial changes now under way. That, in my eyes, is a failure in the reporting mechanisms and it highlights the need for specific scrutiny. In addition to using the annual report requirements to give some transparency to the implementation of the plan, I would ask that an advisory council or committee have some overview of the process. Given that the alcohol and other drugs task force is no longer operating, perhaps it should be the evaluation group for the ACT alcohol, tobacco and other drug strategy, or a subcommittee of that group.

To quote a constituent concerned about the process as it exists now:

> The three reports make a number of far reaching recommendations. 53 recommendations in the Clinical Report alone. Has the government set up a taskforce or some other committee or body to review and progress the recommendations? Will they do that? Have they learnt anything? Do they really care?

There are lessons in what happened at ADP for the government and its service agencies. There are no doubt dissatisfied and concerned members of staff at all levels who would like to speak out on behalf of their clients. The Greens would like this to be seen as a positive opportunity for growth and change, not an ongoing exercise in individual incrimination. This motion is driven by a desire to see that the government and we as a community learn from our experiences and that the recommendations of these reviews

are intelligently pursued. Thus I commend it to the Assembly and I seek leave to move an amendment to my motion:

Leave granted.

DR FOSKEY: I move:

> Omit paragraph (4), substitute:
>
> **(**4) calls on the ACT government to ensure recommended strategies are sufficiently supported and scrutinised.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.46): I welcome the opportunity to speak on the progress being made within the alcohol and drug program since the release of the final report from the review of clinical governance. As many members of the Assembly may remember, four former employees of the alcohol and drug program raised concerns through Ms Kerrie Tucker when she was a member of the Assembly. As a consequence, the department, ACT Health, commissioned three separate external reviews to investigate these concerns.

Firstly, there was a probity review, which was conducted by Acumen Alliance and which was tabled in the Assembly on 24 August last year. A workplace environment review was conducted by Katherine McPherson, an expert in human resources. The review recommendations and the government's response were sent to all MLAs on 17 December last year. A review of clinical governance was conducted that included interviews and discussions with consumer and family groups, other services and involved providers, such as community pharmacists. This final report and the response by the department were tabled in the Assembly in June this year.

The government acknowledges the contribution of complainants in this matter, thanks them for raising their concerns and also acknowledges the efforts of all staff involved in the alcohol and drug program in seeking to work to address issues raised as part of these investigations.

The Chief Executive of ACT Health has met with the complainants to provide them with feedback in relation to both the probity review and the workplace environment review. I would like to mention that at this stage it is not the government's intention to table in the Assembly further reports on the implementation of the recommendations of the three separate reviews. The issue of the ongoing implementation of the recommendations is being addressed within the broader context of the ACT alcohol and other drug strategy 2004-08. An annual progress report on the implementation of the strategy will be tabled in the Assembly. This is consistent with the approach already taken by the government in relation to other areas, such as mental health.

As members of the Assembly already know, a progress report on the implementation of the ACT mental health strategy and action plan is tabled annually in the Assembly and the government will undertake a similar approach in the alcohol and drug area. In addition, under the guidance of a new program director, an alcohol and drug program business plan for the 2005-06 year has been developed with extensive involvement of staff and managers. It incorporates the recommendations from all three reviews, with

other policy drivers identified in the ACT alcohol, tobacco and other drug strategy. The industrial representative groups have reviewed and endorsed the business plan, together with reformed ADP corporate and clinical governance structures. Implementation of the strategies in the business plan has commenced and will continue throughout 2006.

The alcohol and drug program business plan is one of the fundamental tools for building a framework for good clinical practice. Good clinical practice will result in better long-term outcomes for the clients of the service and their families. The level of staff skills and knowledge will also be improved, and there will be clear accountability and participation from client groups. A culture is being fostered that is respectful, compassionate and unambiguous. The alcohol and drug program business plan makes provision to build on the existing services by strengthening work that will reduce future alcohol and drug misuse. This means working with families of people with drug and alcohol problems and the consumers themselves, increasing the skills of youth workers to identify alcohol and drug use, and reinforcing partnerships with other alcohol and drug services.

Significant changes have already been implemented within the alcohol and drug program. I would just like to outline these for the benefit of members: a significant updating of or changes in relation to medical record storage systems; work undertaken in relation to the development of a culture with increased staff and client communication and consultation; the refurbishment of the Wruwallin clinic, which was reported in the *Canberra Times* on 24 August this year and is a significant step forward in improving the physical environment in which services are delivered; the modification of data collection systems to ensure data is compliant with national standards; the realignment of management positions to improve government structures, strengthen human resource practices and impact on the cultural environment; and the review of clinical pathways to increase access and to improve the quality of the clients' experiences with the services.

All of these highlight the steps the government is taking to address the issues identified in complaints and subsequent investigations. I do not think anyone in this Assembly could criticise the government for not being open and transparent in the way this matter has been conducted.

I want to add just a couple of other comments in relation to Dr Foskey's motion. The first thing I would say is that the government will support the motion but it does so with a number of provisos. The first is in relation to Dr Foskey's amendment. The alcohol and drug program, like every other program in every other part of the government, could easily argue for improved funding and further funding. That is a consequence of any service delivery anywhere in government. Whilst Dr Foskey is asking the Assembly to call on the government to ensure that recommended strategies are sufficiently supported and scrutinised, I am sure that Dr Foskey and I will continue to have a disagreement about what is an appropriate level of funding. In my experience, you can never spend enough money in health. Let us just take that as a given: you can never spend enough money in health. So I do not want Dr Foskey to come back to this place at some later time and say, "You said you would sufficiently fund this and you have not." We can have the debate about what is sufficient.

But it is important to note that the government must look to ensure that all programs are funded appropriately within the budget parameters that governments face. So I just want

to make that quite clear. That does not for a moment seek to undermine or to dismiss the importance of ensuring that as many resources as possible are put into providing support for people with alcohol and drug problems. We focus very strongly on that, we continue to improve funding, but I am sure we will continue to have an argument about what is sufficient.

The other point I want to make is in relation to ongoing scrutiny. Ongoing scrutiny is an appropriate role for this Assembly and there is a range of opportunities for members to do that. Reports and estimates hearings are the most obvious avenue of scrutiny, as well as members' questions in this place and debates in this place. But members should always be cautious about trying to do the job of managers in the operation of a service. At the end of the day, I expect my chief executive—and in turn he expects his managers in ACT Health—to do their jobs in delivering programs and delivering them efficiently and effectively and consistent with the strategies that government has set in place at a policy level. Whilst it is reasonable for members to ask questions of and to provide scrutiny of management of public services in the ACT, we do have to be conscious of where we draw the line about scrutiny and where it really is a matter for managers to manage appropriately and professionally in terms of the delivery of services.

I know Dr Foskey was interested in some sort of ongoing oversight mechanism. I do not believe that is appropriate. I believe there are sufficient oversight mechanisms in place—annual reports and estimates in the Assembly—and I will always, as I have indicated on this issue today and as I have demonstrated on this issue today, provide information openly and comprehensively on these matters so that members can be assured as to what steps are being taken to address issues of concern. But the issue of us trying to duplicate the work of or look over the shoulders of managers in making sure they do their jobs must also be kept in mind by members.

The government will support the motion. I think we have demonstrated our willingness as a government to investigate these matters fully and comprehensively and to be open about the outcomes, and I look forward to continuing improvements in the delivery of services for people with alcohol and drug problems here in Canberra as a result of these changes.

MR SMYTH (Brindabella—Leader of the Opposition) (10.57): To remind members of why this came about, it is important to look at the issues that were raised by those members of the service that made the public interest disclosure. The public interest disclosure looked at four areas: the conduct of the opiate treatment service, the methadone program; counselling, case management and health promotion; management and staffing issues; and service delivery issues.

Whilst I note the subdued support from the minister, this came about because the minister and his senior management ignored what was going on in the service. It was raised, issues were brought to people's attention and it was not until we had a public interest disclosure, articles in the *Canberra Times* and motions in this place that the minister actually did something about it.

It is quite interesting to read the report on the investigation into allegations of bullying and harassment done by Maureen Cane, whom I think we all know from communities at work. It states:

> Also and most regrettably, no action was taken by senior line management or by Human Resources to quickly investigate the incident and resolve the matter.

An individual who is not named—

> … said there was not a culture of immediate investigation. The possibility of the parties getting together in discussion was not pursued because management did not agree that the ANF should be present at any such meeting. I was advised by—

another blanked-out name—

> … that HR did not do anything because they did not receive a formal complaint. It appears that neither senior line management nor Human Resources considered the incident serious enough to instigate an investigation on their own behalf.

Here is the important line:

> As a result, the feelings aroused were allowed to fester … and impact negatively on relationships thenceforth.

That is the problem: people were aware but nothing happened. Nothing happened until the public interest disclosure was made and there was a *Canberra Times* article, then discussions in this place. The question is: why do you have to get to the need for a group who feel disaffected, marginalised or sidelined to take up a public interest disclosure before we get the government taking responsibility for the services that they provide? I think that is the whole point: how do we get a service where there is no need for public interest disclosures? That is what we should be aiming at and I think that is what Dr Foskey is aiming at in her motion here today. I think that is the point that the minister misses.

The minister said the government will support, this with provisos—qualified conditional support—that there be not necessarily additional funding. Obviously from the public interest disclosure and some of the issues raised in the reports, there needs to be additional funding. If we are not going to adequately fund the change, there will not be a change; it is as simple as that. If the people, the public servants who work in the alcohol and drug services, are not allowed to do their jobs properly, the culture will not change either. For instance, there are serious concerns about counselling services and the need to promote health promotion strategies. If we are only going to deal with people when they get to the acute stage of their illness—we are seeing this with this minister in mental health and we see this with this minister in alcohol and drug services—if we are not going to intervene early and fund it, it is not going to change. It does require funding, minister; you cannot walk away from that. He says, "We sort of agree with the recommendation, but then we put in this clause to say that we don't want Dr Foskey or others coming back into this place to say that I haven't kept my word. So I am telling you that I agree, but it might not change because there might not be any money for it."

In terms of ongoing scrutiny, the minister says there is adequate scrutiny and he will table a report every 12 months. This is going to be the minister for long report times. Health waiting list numbers used to be monthly, then they were quarterly; now they are biannually. We are going to get a report on this very important service once a year, but of

course members can take it up in estimates and annual reports, which is their right. I would have thought that, if the minister were serious in his commitment to implement reform and allow the workers in the alcohol and drug program to do their job properly—and if he knew he was going to be successful and it had his backing—he would be down here with a quarterly report, because he would want to spruik about the changes that they had made, how they had picked up the good things, eradicated what might have been flaws in the previous system and were effecting real change for those who need alcohol and drug services in our community. But, no: "Members can follow it up as they see fit. I'm not going to make your job any easier. I'm not going to deliver the level of transparency that people are asking for, which prompted the original complaints to put in the public interest disclosure." So, again, it is a limited sort of support for the notion that is put forward in this motion.

As you can see from what Maureen Cane says in her report, clearly senior management were aware of unrest inside the alcohol and drug services but really did nothing about it. Ultimately, that comes up the line to you, minister. If you are aware of these things and you do nothing about it, you are neglecting your ministerial responsibility.

The minister talked about ongoing oversight. Well, we will watch with interest. We will certainly take up the opportunity in annual reports and estimates in this place to continue to look at what is happening there, minister, but I suspect we will come back and revisit this issue. The way to avoid that, minister, is for you to stand up before this debate is closed and give a commitment to report on a more regular basis. If what you are saying is true, if what you are saying will be effective and if you believe what you have put in place will effect the change that I think everybody wants—to be able to look after the clients of the alcohol and drug services—I would have thought you would be really quite relaxed with the notion of coming back to this place on a quarterly basis and updating us.

Of the three reports that the minister mentioned, a number of the concerns were substantiated and others were not. But the point of this is that it is the implementation now. If we do not get a clear picture of the implementation and if you, minister, are not convinced that you are going to achieve this, I put it to you that that is why you are only going to come back here on an annual basis to give us the annual update on what is going on. If you seriously believe you are going to make changes that would lead to better service, you would be down here quarterly telling the Assembly of the good things that you have done.

The point of today is that the government did not act when all of this information was brought to their attention. The information was there. I am not apportioning blame on either side. One of the areas of the PID dealt with the workplace. The review is on either side, but nothing was done by senior management to effect the change there, and I wonder whether the new head of this service will find the same lack of support from senior management and will get the support that she needs to be able to deliver for the clients. That is something that we will watch.

We will support the motion because the government needs to handle the PID, the public interest disclosure, processes better so that things do not get out of control and so that issues can be addressed in a fair way. I do not think people are busting to go home at night, write down a PID and in the morning drop it in the office in-tray to start a process that for the majority of them—if not all of them—is incredibly difficult and has

detrimental effects on those who put the PID in and those who are the subject of the PID. As in so many cases, there are always two sides to each story. But what we need to do is to avoid getting to that stage as it is.

So, in regard to the motion before us, yes, we recognise the importance of creating a culture in the public service that responds positively to internal criticism and concern, and that can only be done with leadership from the senior managers and their being in touch with what is happening in their workplaces and making sure that small things do not fester, as the report says, into larger things.

Paragraph (2) acknowledges the potential for ongoing serious personal cost to all parties involved in complaints about a workplace. I think we all know that that is true. What we have got to do is to again avoid getting to that position where people feel that they have to go to a PID. When the PID is made, we also have to ensure that both sides are heard fairly, that both sides are represented in the reports that are put in place and that natural justice occurs.

Paragraph (3) talks about the process and that there has been a full investigation. Well, I think there are some things that still have not been investigated and that could be addressed more. It mentions the three reports that were tabled; the minister has responded. Paragraph (4) calls on the government to ensure recommended strategies are sufficiently supported and scrutinised. Well, he has qualified that—there will not necessarily be the support—and the scrutiny will be as we have now; it is not going to get any better because I do not believe the minister is seriously interested in resolving this issue.

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

DR FOSKEY (Molonglo) (11.07): I welcome the responses of the government and the opposition to the motion. I am happy that it is going through and I just remind members that it is very much a motion that resulted from collaboration in the first place.

I will respond to some of the points made by Mr Corbell and Mr Smyth. Mr Corbell put on the record that agreement from the government to this motion did not imply that there suddenly was going to be a deep well of funding available. But, while we of course are very concerned that there be adequate funding, both for the program to run and for changes as recommended to be implemented, we are very keen to be engaged in the robust debates that will occur around that at estimates committees in looking at community sector budget submissions and being involved in debates in the house.

This motion is much less about funding and much more about scrutiny and support, and that is why we are going to need and call for regular briefings. Having been in this place for a year, the way I see the different parties, just through division of labour and the realistic use of our resources, is that a lot of these sorts of roles of health issues, at the community level, are where the Greens are probably more focused. We do not have the resources to regard, for instance, the whole of government in the detail that we would like. I have noted that the Liberals tend to focus on issues at the pointier end of the health system—the waiting lists and so on. I must say that I appreciate that, because I do not have the resources to do that detailed work, but I just point out that it was the Greens that

brought this issue into the Assembly and I believe that we have the responsibility and the interest to carry that through.

Certainly, Mr Corbell is concerned that members—and I suppose he meant me—might want to take on the job of managing services such as this. I can tell you that that is the last thing I want. But I do want to make sure that people in the public service who have the role of manager are adequately supported, that they are included in decisions that are made that affect their departments and their work, and that realistic expectations are held for them. We cannot expect our managers to do what government should do.

I was sorry that the implementation group proposal was rejected by the government, because there is historical evidence that changes that are often recommended in good faith and agreed to by the government in good faith are lost along the way; they are not carried through in practice. That is why an implementation group of people really concerned about the changes being carried through makes this a really important process, we believe, because there are changes of personnel in departments, governments can drop the ball, and that is why we need this group.

Mr Smyth went over some of the history of this issue. It just reminded us of how this all happened in the first place and I am pleased that he very clearly understands what the intent of our motion is. Like Mr Smyth, I noted that the minister did not address our concerns about the systemic nature of the problems in ADP and the implications this may have for other service delivery agencies. However, we can look at this again in more detail when we have the results of the public interest disclosure review before us.

Mr Smyth made a point about funding. Of course it is absolutely essentially that we have adequate funds to implement the changes and to make sure the ADP program can work as intended, but our focus really here is on culture. The culture of an organisation is absolutely integral to the way money is spent and to the way decisions are made to the satisfaction of employees and services and to clients of those services. We know that culture is not as easily identified as budgetary allocations, so we can talk about the dollars but we need more clues as to what is happening in the culture. It is very good to hear from Mr Smyth and to know that the Liberals will be involved in oversight of this as well.

To conclude, it would have been interesting to have heard from members of the health committee because I did indicate in my speech that the health committee has a role in this Assembly, covering at least two parties, to ensure that change in the ADP is as deep and systemic as the reviews indicated it needs to be and that it is well supported. I commend the motion and the amendment to the chamber.

Amendment agreed to.

Motion, as amended, agreed to.

Intergovernmental relations

MR MULCAHY (Molonglo) (11.14): I move:

That this Assembly:

(1) express concern at the deterioration in relations between the ACT Government and the Australian Government; and

(2) calls on the ACT Government to work more constructively to enhance opportunities for the Territory in terms of Australian Government activities within the ACT.

It is regrettable that any member has the need to bring forward a motion of this nature. It has come only after a deal of consideration of what seems to be an endless war that is running between the territory, particularly the Chief Minister, and his colleagues at the commonwealth level. I raise it because it comes up in conversation so often with people in Canberra who are vexed as to how these perpetual battles can be quietened.

There is concern expressed to me by so many in the business community in this city about the potential long-term damage that this deteriorating relationship will have on commerce in the territory. It stands to reason that, if there is a constant barrage of criticism emanating out of the territory government against the major player in this town, the commonwealth, with their massive expenditures, employment creation and support for industry, the day of reckoning may be looming where we start to slide further down the priority scales in terms of their decisions to allocate expenditure.

The petulant attitude of the ACT government, I suggest, towards the federal government is essentially bad for Canberra. The territory government is constantly seen as putting a party-political, point-scoring view above sensible cooperation. What is best for Canberra comes a long way behind Labor taking unrealistic ideological positions on what should be sensible management decisions. I remain quite unconvinced that the position that the Chief Minister advocates on so many issues is necessarily reflective of the view of all of his colleagues, many of whom, I suspect, cringe at the difficulties that his approach creates and the isolation in which it constantly puts the ACT.

Labor in the ACT, sadly, still carries much of the characteristics of the old Victorian left which always preferred ideological purity to practical governance. I know there are some on the other side who would not align themselves with the old Victorian left, but I suggest that is a prevailing view which colours much of the utterances that we hear in this place from time to time. The fact that there may be differences of viewpoint on policy over various issues does not mean that there cannot be a constructive relationship.

In other states, whilst they may have differences with the commonwealth, when things are critical and on matters of importance to their jurisdiction, in fact they work to get the best outcome, on a cooperative basis. It seems to me that, instead of adopting an antagonistic approach to the federal government, the ACT should be more sensible and businesslike.

There is a string of areas we could look at with regard to their inflammatory and misleading statements. We have seen it recently with the supposed impact of the WorkChoices bill. The Chief Minister said such absurd things as:

> In the space of just 24 hours, the Federal Government has undermined the working conditions and cherished lifestyle fought for by the parents and grandparents of today's workers.

Incredibly extreme statements like that are going to look as foolish down the track as were those statements from Mr Beazley back in 1996 when he predicted gloom and doom and the end of our life as we know it. So much of it is empty rhetoric. The Chief Minister plays to the gallery and is more intent on drumming up political points than genuinely informing people. The Chief Minister cannot accept a prime minister to take him seriously when he constantly tries to distort facts in this fashion.

The Minister for Industrial Relations, in her own words, has "slammed the federal government over the workplace reforms" and has labelled the legislation "a direct attack on working Australians". After that diatribe, she then whines when she cannot get a meeting with the federal minister. We hear of all these supposed requests, but I have been struggling to find anyone up there who can confirm these applications for meetings. She abuses him and then wonders why there is no-one making any effort to invite her to the front of the queue.

She is plainly wrong in saying that the workplace reforms would stifle the ACT and Australian economies, as she said in the *Canberra Times* on 3 November. Indeed, very much the opposite is the case. We will have more flexibility and choice of arrangements; workplace productivity will increase; and so will economic activity and the living standards of the ACT community. We can still make progress even on our 3.1 per cent unemployment figures.

The ACT minister threatens to do all she can to resist the changes and then wonders why her federal colleague is not interested in hearing a repetition of her negative rhetoric. She was going to change the laws, bring in new legislation and overturn it and then, a day or so later, somebody obviously gave her a bit of constitutional advice and that great initiative went out the door.

We have seen very recently this conflict with the commonwealth over the antiterrorism legislation. We saw the Chief Minister break confidentiality and show disdain for the commitment that had been made in that meeting with his state Labor colleagues and the Prime Minister. Even his state Labor colleagues, who acknowledge the argument for informing the public, thought what Mr Stanhope did in breaking his undertaking of the Prime Minister was inappropriate. Regrettably, it shows that he cannot be—

Mr Stanhope: On a point of order, Mr Speaker: I did not break any undertaking. That statement was simply false.

MR SPEAKER: It is a debatable point, which I am sure you will—

Mr Stanhope: It is not a debatable point at all. The member has absolutely no information that I broke any undertaking that I gave the Prime Minister. I gave no undertaking to the Prime Minister at all. It was quite a serious—

MR SPEAKER: Order! That is a debatable point, and I am sure you will deal with it appropriately.

Mr Stanhope: On the point of order, Mr Speaker: the statement that Mr Mulcahy just made is quite clearly false.

MR SPEAKER: That is something you can raise in debate.

MR MULCAHY: As sensitive as the Chief Minister may be on these matters, the fact of the matter is that the record speaks for itself. It is a terrible reflection that the ACT has found itself isolated on these matters, to the point where even all the state Labor premiers have moved on and said, "We will progress this matter and leave him behind." That troubles me, not particularly because of the Chief Minister's sensitivities but because of the impact on the territory's standing.

If we look at the ACT budget for 2005-06 we see commonwealth spending through our budget is $1.148 million, which is about 43 per cent of total ACT revenue. This is what is coming through the budget. It does not reflect the expenditures being made directly by the commonwealth in a host of different areas—their support for federal agencies, federal institutions and the enormous value of contracts let to the private sector in this town that saw the IT industry move here in larger numbers. Credit for that is often claimed by our colleagues opposite, but in fact it was a direct consequence of the federal government's initiatives in these areas. We have seen the growth in law firms in this town as a consequence of the volume of work that has been outsourced by the commonwealth. So the commonwealth is a major player in the ACT.

Many people here draw their livelihood either through direct employment or through federal government contracts that are let in this city. They play an important part in our overall economic growth. It would trouble me if we were going to see the string of battles continue. In the limited time available I will not be able to detail them all. This quarrelsome approach is now characteristic of the way the Chief Minister conducts business in the territory. It is regrettable for the ACT.

We have seen the same position echoed by the industrial relations minister in her battles over skills-training funding. There is no attempt to recognise the generosity that has been afforded, but always criticism: not enough, not enough being done. If that is how you are negotiating, it is not a good way to expect people to improve their position.

Mr Corbell has been less than thrilled with the wonderful progress that has been made at the Canberra airport because it contrasts with the cumbersome approach that has been a characteristic of his style as planning minister. We have seen the investment in the Canberra airport and the vision shown by Terry Snow delivering enormous benefits in high-quality accommodation. The Chief Minister has been happy to claim some reflected credit for that. The wonderful developments out there are an example of how things could be done in progressing planning matters.

The ACT, though, persists in being antagonistic. It cannot expect easy and practical resolution of differing points of view and responsibilities if we are going to always find ourselves in direct conflict with the commonwealth.

We saw, going back a little while, before my time in this place, the saga of the GDE. It was endlessly and needlessly delayed for some 18 months because Labor attempted, unsuccessfully I might add, to change the alignment from the eastern route to a western route as part of its quest to have a political difference from the formal Liberal government. The people of Canberra have suffered as a result of these wrong and inept decisions by the ACT government.

What have we got now? The people of Gungahlin have got to live with a two-lane road instead of a four-lane road—

Mr Stanhope: No wonder your vote is going down.

MR MULCAHY: My vote went very well, I might tell you. I am very happy with my vote. We have got now this two-lane road that will probably be obsolete by the time it starts. Under their true style of economic management, the costs have blown out from $32 million to $105 million. I suspect that we are going to end up with a situation where it will cost a deal more and we will still not have an adequate solution to the transport needs of this fast growing area where tens of thousands of Canberrans who are setting up home expect, not unreasonably, that this matter should have been attended to a long time ago.

We go to the bushfire saga. And what a saga that was! How did the Chief Minister constantly annoy the federal government and the people of Canberra by needlessly delaying the ACT government's response to the COAG bushfire report—the report of the independent national inquiry into the bushfires delivered to the Prime Minister in April 2003? The aim was to release the report and its findings well before the next bushfire season so that preparations could be made. In the end, the report was delayed until January 2004, far too late to be of any practical use that summer. We still do not know why the ACT—

Mr Stanhope: On a point of order, Mr Speaker: the ACT did not delay the release of the report. That issue has been agitated in this place. The ACT government did not delay the release of the COAG report.

MR SPEAKER: That is an issue you will have to deal with in the context of the debate.

Mr Stanhope: The member does need to be honest. That is simply not true. That matter has been dealt with in the Assembly before. The member knows that is not true. He should not be repeating in this place things that he knows not to be true.

MR SPEAKER: That is something you can raise in the debate. Withdraw the imputation of dishonesty. You drew into question a member's honesty. You cannot do that in this place.

Mr Stanhope: He said I delayed a report. I categorically did not delay it.

MR SPEAKER: You can move a substantive motion, if that is what you wish.

Mr Stanhope: If there is any more of this behaviour I might have to do that. I withdraw it, but it is simply not true.

MR SPEAKER: If at some time in the future you feel as though you have been misrepresented, you are entitled to raise the matter under standing order 46 and you will be given leave.

MR MULCAHY: There was the failure to participate in the Nairn inquiry. The list goes on endlessly.

We saw the me-too approach taken in relation to the GST. I cannot explore all those issues, but let us reflect on what was said in March this year. I was looking back through some old press statements when I was researching my remarks and I noticed how the Chief Minister accused the federal Treasurer of threatening to rip up the intergovernmental agreement on tax reform, planning to raise the GST to 15 per cent and keeping the extra revenue for himself—all these prophetic statements in relation to tax reform, throwing all this argy-bargy out there, as is very much the characteristic of the Chief Minister, scare-mongering for a political audience. In fact, it is not true. If he wants to dispute those things they are contained in the Chief Minister's press releases.

In the limited time available, let me say that it is very clear that there has been a long pattern of this attitude: let us declare war on the commonwealth and we will get ourselves a bit of a headline and a bit of publicity. I do not see the interests of the people of the ACT getting a big run in all of this.

He was given a civil request to relay concerns about whaling to the people in Nara when he went there but, because it came from the commonwealth, he could not entertain it. If John Howard went there and had the same mission, he would be a heretic. He would be a heretic because he did not carry out what Jon Stanhope wanted. It is an extraordinary level of sensitivity that the Chief Minister shows. One thing that is very clear is that handling criticism is not a characteristic that the Chief Minister excels in. I am amazed at his incapacity to seriously address these issues.

MR SPEAKER: The member's time has expired.

MR SESELJA (Molonglo) (11.29): I had not anticipated that I would have 15 minutes to speak on this. I thought the Chief Minister would be to his feet very quickly to respond to and refute what he alleges are untruths in what Mr Mulcahy had to say. Maybe he is waiting to go and check the facts and see whether what Mr Mulcahy said may be true.

I commend Mr Mulcahy for bringing this forward. It is an important motion. It is an important debate that we have got to have because, like it or not, the federal government is obviously a very important player in the ACT. It is an important player in our economy and an important part of our employment market, in particular. Much of the expenditure in the territory is a result of federal government involvement.

It is a very important debate. Mr Stanhope seeks to make light of it, but it is an important debate to have. I guess this goes back to the fact that for a lot of people, not least our

Chief Minister, it is fun to have a go at the Howard government. There is no doubt that the intellectual left enjoys nothing better than to give the Howard government, in particular, a kick. We have seen that in various forums. The Chief Minister would like to see himself as part of that intellectual left.

It is unfortunate, though, that, when leaders of our political parties and leaders of governments desire to give the Howard government a kick—and it is a free society; if people want to attack the government they are quite entitled to do that—they do so at the expense of civil relations with other governments, in particular the federal government. There is no more important relationship for the ACT government than the relationship with the federal government.

It is unfortunate when that desire to appease the Howard haters and have a go at the Howard government for whatever they might do is put before the genuine needs of the people of the ACT and put before a genuine seeking of good outcomes for the people of the ACT. The question then becomes: what does this kind of grandstanding do for the people of the territory? I suggest that it does not do very much at all.

I want to go through some of the examples. As I said, I had not expected 15 minutes, but we will see how we go. Mr Mulcahy mentioned Simon Corbell railing against the airport constantly. At the heart of that is the fact that the planning system that the airport is subject to does not appear to be anywhere near as cumbersome as the planning system that Mr Corbell presides over. Of course that is a sore point for Mr Corbell. In his attack on one of the commonwealth government agencies moving to the airport, he said, "This will hurt Civic," when it emerged that there were no jobs moving out of Civic; it was extra jobs going to the airport. Never let the facts get in the way of a good rant.

In this place last week we had a bipartisan motion, supported by all 17 members, condemning the death penalty. It was condemned by all members. It should have been something that was bipartisan, where we could have said, "The whole Assembly supports this motion; the whole Assembly abhors the death penalty."

Mr Stanhope: We do not get involved in those. We don't sign international petitions.

MR SESELJA: The Chief Minister interjects and, as usual, he has not checked his facts. In fact, the motion said that the ACT Assembly abhors the death penalty. I do not think that is an international issue; that is an issue here. The ACT Assembly is saying that we abhor the death penalty. Once again, the Chief Minister has not checked his facts in his interjections. Maybe you can interject more with some ill-advised remarks and I can try to respond. That was about abhorrence of the death penalty.

What did the Chief Minister do? They had a stunt of a press conference. He tried to turn it into a partisan stunt, attacking the Howard government, somehow seeking to blame the Howard government for the situation that Van Nguyen finds himself in. I signed the petition. The situation is tragic. I oppose the death penalty. The Chief Minister, instead of embracing what was a bipartisan position in the Assembly, sought to turn it into an attack on the Howard government. That is another example of where, instead of having reasoned debate, we see this undergraduate stunt.

Mr Mulcahy has discussed the antiterrorism legislation already. We saw the Chief Minister go in talking tough to COAG. We saw him convinced by the arguments of the likes of ASIO and the AFP, accept most of what was put to him, then go away and have a think about it and think, "How can I appease some of my constituency? I will pull a stunt. I will put the legislation out, and I will distance myself from what I had agreed to at COAG." We see another example there of a partisan attack on what should be a unifying issue. This is an issue on which a number of his state colleagues have distanced themselves from his behaviour.

That kind of thing appeals to some people in the community—I have no doubt—but does it achieve any positive objectives for the ACT? That is what this motion is about today. It is about how there can be a constructive relationship. I put it to the Assembly that those stunts do nothing to build a positive and constructive relationship with the federal government.

Mrs Burke: On a point of order, Mr Speaker: standing order 61, I remind the Chief Minister, interruptions.

MR SPEAKER: Order! Mr Seselja has the floor.

MR SESELJA: Thank you, Mr Speaker. I always enjoy when the Chief Minister and Mr Quinlan are throwing jokes across the chamber. They remind me of those two old men in the *Muppet Show* who used to sit there on the side, make those jokes and laugh to themselves. It is always very entertaining.

Another example was the Australia Day citizenship ceremony, where people come forward to be made citizens of this country—a proud day for these people. What does Mr Stanhope do? He uses it as a platform, a stunt to attack the Howard government, a partisan attack. It should be a unifying point in our society where we are welcoming new citizens. What does the Chief Minister do? He turns it into an attack. After that he was not able to attend those citizenship ceremonies. In the end, the people of Canberra are the losers in that. We should have the head of our government attending those events. If he cannot be trusted not to turn it into a partisan stunt, then of course the federal government does not have much option. That was very disappointing.

The other particular issue that this Chief Minister has sought to make a lot of political capital out of is the issue of refugees. There have been endless attacks on the Howard government. Debate on the issue of refugees is quite reasonable. We should be scrutinising what the federal government does in this area.

Mr Stanhope: Mr Seselja supports children being locked up!

MR SESELJA: It is interesting, it is fascinating, that the Chief Minister raises that. He came into this chamber and suggested that we on this side are refugee haters and support children being locked up. I am informed that, at the moment, there are no children in detention. When Mr Stanhope was chief-of-staff to Labor Attorney-General Lavarch, how many children were in detention? It was in the hundreds—hundreds of children. Mr Stanhope is constantly preaching to us about his refugee credentials. When he was

chief-of-staff to the Labor Attorney-General hundreds of children were locked up in detention centres—hundreds of children.

What did the chief-of-staff to the Attorney-General do then? Did he resign in protest? Did he rail against this terrible policy of locking up children? No, not a word, no resignation. He came in here in 1993, after this policy had been put into place. This highlights the hypocrisy of this Chief Minister. He is happy to make points against the federal government, but the facts speak for themselves.

At the moment we have no children locked up, which is very good. Under the government Mr Stanhope worked for—and he was chief-of-staff, a senior position, to a senior cabinet minister—there were hundreds of children and families locked up, hundreds of people in long-term detention. So his credentials on this are very weak. That hypocrisy is borne out often by what the Chief Minister has to say. It undermines his credibility when he is attacking the federal government. There are times when he should be going after the federal government, but you undermine your credibility when you go after them on virtually everything and when you do it in the context of issues like the refugee issues where your own background and your own credentials are not that good and your own record is not that strong.

That brings me to the kind of impact this has. The Chief Minister is finding it harder to have dealings with the federal government because they do not take him seriously, unfortunately, because of all the attacks. This is where this motion is important. It is about how we can build positive relationships with the federal government for the benefit of the people of the ACT. It is not about whether it is a Labor or a Liberal federal government; it is about the fact that it is a federal government that is still the most significant player in the ACT in terms of its economy, jobs and other areas. To ignore them or attack them is not going to help the people of Canberra.

Look at some of the major infrastructure needs that this territory has. We have seen the issue of road funding just this week. I do not know what the Chief Minister's views on it were, but Mr Hargreaves said, "We are not going to be able to do all these other road projects because the GDE has blown out." Part of that GDE blow-out was due to this government, as Mr Mulcahy put it, stuffing around for 18 months over a route that they knew was never going to get up, in order to make a political point. What we are seeing is a massive blow-out in spending.

We need infrastructure. This is the national capital. The federal government has an interest in partially funding some of that infrastructure, particularly road infrastructure like the Majura Parkway. We are unlikely to see that for many years now because of the mismanagement of this government. We are unlikely to see the federal government acting favourably towards this current government if they continue to throw things out there that are normally untrue or if they commit the stunts that we have seen from this Chief Minister over a period of time. These upgrades, these pieces of infrastructure that we will be seeking federal government funding for, are less likely under this government with its current attitude.

This motion calls on the ACT government to work more constructively to enhance opportunities for the territory. It is not about the Chief Minister; it is not about this particular Labor ACT government. It is about the people of the territory. There are times

when partisan politics should be put aside and we should debate things sensibly rather than in an undergraduate way where we throw out labels, appeal to the Howard haters and say, "If John Howard's doing it, it's wrong." We saw it with the death penalty case. Somehow John Howard is being blamed for this tragic case in Singapore. It defies logic to try to draw that link, to blame the federal government for everything that is ill in the world, for everything that we consider to be wrong.

I support this motion. It is a good motion. I will be fascinated to see what the government does with it. I expect that they would have to support it, because they would want to work more constructively to enhance opportunities. I look forward to hearing what the Chief Minister has to say on the matter. I look forward to them supporting the motion.

MR PRATT (Brindabella) (11.43): We have seen the Chief Minister continually taking up national and international issues, for a number of reasons—boredom with his job representing local Canberrans and supervising local government, self-aggrandisement, a desire to build his national portfolio with a view to going to federal parliament and his narrow-minded, bitter dislike for John Howard and the federal Liberal Party. For all these reasons, he has wandered off tilting at windmills, rather than delivering the essential services for the people whom he represents. In the process he is unnecessarily causing tensions with the federal government, and this is a disservice to the ACT community.

A number of examples of the Chief Minister's strange and peculiar behaviour in this windmill tilting are as follows: I can recall vividly the multicultural community and the broader Canberra community being extremely disappointed with the Chief Minister's 30th anniversary of multiculturalism speech delivered on 26 September 2003. It was a highly politicised and irrelevant speech about multicultural issues and a speech that badly let down the ACT multicultural community. Of course it was aimed at attacking the federal government but it politicised the multicultural community. The Chief Minister is first and foremost a minister for Canberra and was formerly the ACT minister for multicultural affairs.

The ACT government should be deeply ashamed that this Chief Minister chose to ignore this very important opportunity to properly celebrate the 30th anniversary of multiculturalism in the ACT. Instead, at that time, he chose to launch into a disgraceful speech, bagging this country generally and demonstrating an extremely pessimistic view about the state of multiculturalism in this country. In the process, he damaged our relationship with his federal counterparts. Furthermore, I recall vividly the comments of amazement and anger expressed by Phil Ruddock and Gary Hardgrave at the time, along with the negative comments expressed by multicultural leaders at the federal and national level.

The Chief Minister's comments about Australia's position and its commitments internationally are irresponsible and divisive and have done more to create disharmony rather than enhance harmony in our multicultural community. What is the fundamental responsibility of all of us in this place? Our fundamental responsibility is to enhance harmony in the multicultural community. And the federal authorities are not impressed when they see this Chief Minister politicising multiculturalism and causing division. Were these responsible and mature actions of the Chief Minister? I think not.

To illustrate the Chief Minister's impact further, let us look at the Chief Minister's record a little deeper in terms of his treading on the international stage. In 2002, I do not recall Mr Stanhope getting up and making a statement in support of the rescue and recovery of Peter Bunch and Diana Thomas, Australians caught up in the conflict in Afghanistan.

In October-November 2005, I do not recall the Chief Minister standing up in this place and expressing support for the recovery and rescue of the Irish-born British citizen Margaret Hassan, who was working for an Australian organisation based in this town and who was taken hostage by al-Zarqawi foreign fighters in Iraq and then shot through the back of the head. In 2005, I do not recall Mr Stanhope substantially expressing this Assembly's support for the rescue and recovery of Douglas Wood, taken hostage by Baathist terrorists.

What in common do all these people have—Peter Bunch, Diana Thomas, Margaret Hassan and Douglas Wood? Firstly, they were in those countries with expressed intentions and well-demonstrated motives, either through their humanitarian work or in their undertaking of engineering projects, to assist societies caught up in conflict—all aimed at building capacity in those societies.

The federal government worked very hard to rescue and recover those people and many others who have been jailed in other societies for reasons of their own wrongdoing. The federal government has always demonstrated support. I would add: the federal government has worked hard and continues to work hard to defend David Hicks's and Mamdouh Habib's rights. They expressed the same amount of support, energy and time in the pursuit of Hicks's and Habib's cases as they did Thomas's, Woods's, Hassan's and Bunch's.

But what do we see? The only effort we see on the part of this Chief Minister is to make, and was to make, massive and repeated noises about David Hicks and Mamdouh Habib, not the previous four people that I mentioned. Why? Because this was purely a way of attacking the federal government. That was the only reason. He simply used and has used those people as vehicles to attack the federal government. We do not see the same expression of support, sympathy and empathy for other people who have been in predicaments overseas.

He continues to ruin our federal relationships by being blind-sighted by his ideological position, expressing support for people with deeply dubious motives, working against the societies that they were present in. He risks all sensibility because it is much more important to attack John Howard, again ruining the ACT's relationship with the federal government.

We have seen over these last few years of government a gradual gravitation by government towards human rights, as a priority, which has occurred at the growing expense of the delivery of essential services and good governance to the ACT. We are seeing from the Stanhope government less and less inclination to focus on the greater good both territorially and nationally. The protection of broader community safety is increasingly sacrificed in this government's pursuit of rights for a range of minority interests.

The federal government relies on the states and territories to shoulder their share of the burden in providing counter-terrorism protections to the people in their jurisdictions. I know, after discussions I have had with the federal Attorney-General and his staff, that the federal government relies heavily on the ACT government for the protection of federal, iconic and community targets and, therefore, Canberrans, here in the ACT.

Mr Ruddock is entirely amazed at the way that Jon Stanhope has dropped the ball. The Chief Minister, blind-sighted as he is by his ideology, has unnecessarily dropped his responsibilities to ensure that the introduction of new laws, new measures, new capacities and new capabilities was expedited because he is blind-sighted by this ideology. By so doing, he has jeopardised the putting in place of sensible and professional protective measures.

By so doing, Mr Stanhope continues to poison the well of goodwill that is the relationship that we have with our federal government. Instead, we see a chief minister who dabbles too much in federal and international issues, on which he is no expert, while neglecting the ACT community. That does not impress the federal government. Instead of leaving these broader issues to the experts and to his federal counterparts, who are responsible for those issues, he interferes; he rubs the federal government the wrong way; and this impacts heavily on the ACT's relationship with the federal government.

What we see as a consequence is the ongoing poisoning of that well and the ongoing poisoning of that goodwill. We see, therefore, a federal government increasingly less likely to put its energy, its efforts, its investments ideologically, its efforts intellectually as well as practically and financially, into the ACT. This is a concern. It is a major concern that must impact on Canberrans. Canberrans must be wondering where the hell this government is taking us in terms of building a future for the ACT at the expense of ideological pursuits.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.53): What we see displayed in the presentations from the opposition on this particular issue is a complete lack of willingness to carry a debate, to put the interests of the ACT forcefully in negotiations or consultations with the commonwealth and other governments. In other words, what we see is an opposition without backbone, an opposition that is prepared to be sycophantic to an extreme, an opposition that would rather crawl and an opposition, in effect, of brownnosers.

What we have seen expressed through the three speeches to date is the willingness, capacity and the rush of members of the opposition that have made presentations on this to brownnose at every opportunity and on any issue. It is all about lying down; it is all about bending over and taking it; it is all about showing a complete lack of strength or will to put a position of principle or to put a position in the interests of the people of the ACT.

The people of the ACT, reflecting on this debate this morning, should be truly alarmed. They should be truly alarmed at the prospect of the Liberal Party in the ACT ever taking government, in the face of what we have heard this morning—the sycophancy, the crawling, the brownnosing that is inherent in everything they have said and in every

position they have put. That is not appropriate for a head of government. We know that neither Mr Smyth nor Mr Mulcahy, whoever will be the next leader of the Liberal Party, has the capacity or the strength to take the argument, to stand the argument or indeed to stand up. And that is what this is about.

What the Liberal Party are saying today is that they do not want an ACT government or a head of government in the ACT to stand up and express a firmly held position of principle or to express firmly on behalf of an ACT government or the people of the ACT a firmly held policy position. What the Liberal Party think is that you should simply bend over, that you should wobble at the knees, that you should simply give up in the face of a federal government, because the federal government is bigger, has influence and might seek to punish you in some way; so, for goodness sake, do not upset them; do not argue with them; do not put your own point of view; do not express a principle; for goodness sake, do not stand up in the face of the commonwealth government; they might punish you.

You are better off to go quietly, scuttle around; you do not have to stand up for principles; do not worry about your own policy position; do not worry about the people of the ACT; do whatever the NCA says. If the NCA says it is a good planning position or principle, do what the NCA says.

If the commonwealth presents legislation to you which includes a provision to shoot to kill on sight, accept it; do not worry about it. If the legislation says you can be shot on sight and shot to death, accept it; do not argue about it; do not say, "Is this good policy? Should we have shoot-to-kill provisions in legislation?" The Liberals say, "Why, for goodness sake, would you argue about that? You might upset Philip Ruddock. Let the AFP come into Canberra and shoot people to death; let them shoot you to death, who cares; but do not upset Philip Ruddock; they might punish us; do not stand up for principle; do not say there is a better way; do not argue for more civil liberties or human rights compliant legislation; do not worry about preventatively detaining people without the right to contact a lawyer; do not worry about the fact that you are locking up for 14 days people that you are not prepared to charge, without access to anybody in the outside world, without a right appeal. Who cares?"

The Prime Minister wants to lock people up without a right of appeal, without right of access to a lawyer. But we do not want to upset the Prime Minister; so do not stand up for your position of principle; bail in, bail out. Where is the position of principle? What is the policy position? What is in the interests of the people of the ACT? "Do not worry about those things because John Howard is the Prime Minister, and you should not stand up to the Prime Minister; you should not stand up and say, 'I am sorry but I think there is a better way. I think it is appropriate that we not run around shooting people and killing them. I think it is appropriate that, when we move to preventively detain somebody without charge, they have right of access to a lawyer; that they have a right to appeal against their detention; that there should be appropriate judicial oversight'."

Mr Pratt: Who cares about community support?

MR STANHOPE: Mr Pratt says, "Who cares?" It is interesting that it is Mr Pratt that interjects, "Who cares?"—somebody who was preventively detained in Serbia and screamed like a stuck pig when he did not have access to his lawyer. It was an

international issue when Mr Pratt was detained preventively for allegedly spying. I say "allegedly"; I am being kind.

Did he expect the states and territories to agitate on his behalf? I wonder what he would have thought had none of the heads of government in Australia or none of the parliaments in Australia, except perhaps the federal parliament, agitated on his behalf. Is it not remarkable that we have in this parliament a person who was preventively detained for spying in a foreign country, detained without charge, who now argues in favour of the imposition of exactly the same regime in Australia? What a remarkable turnaround!

Is it not interesting, in the context of this assault on me for taking an interest in national issues and even perhaps from time to time making comment on issues that affect Australia internationally, that the final, killer blow delivered by Mr Mulcahy in his presentation today was to criticise me for refusing to take up the issue of whaling! How remarkable! It is inappropriate for me to put a position on the illegal and immoral invasion of Iraq; that is off the agenda; an ACT head of government should not involve himself in discussions on the lack of progress in relation to reconciliation; an ACT chief minister should not, on behalf of the residents of the ACT, express an opinion, in Mr Seselja's view, about the detention of refugees within the desert—children behind razor wire. Mr Seselja thinks it is okay for us to remain silent on the detention of children in the desert behind razor wire.

He thinks it is okay for me to remain silent in relation to the illegal and immoral invasion of Iraq. In fact, he insists I remain silent in relation to that. But it is okay to make representations in relation to international whaling. Why is it okay to make representations in relation to international whaling? Mr Mulcahy has just berated me for refusing to take up the cudgels in relation to international whaling, in the same debate in which he and other speakers berated me for daring to talk about the detention of David Hicks, an appalling blemish on Australia as a nation, a blemish which we will not, in our history, be able to expunge.

Nor will we as a nation ever be able to dilute the stain involved in the invasion of Iraq—never, ever. These are stains that this nation will carry for the rest of its history. But do not talk about those; do not get involved in those; do not get involved in those indelible stains which will never be removed from this nation's history—ever, ever, ever—but make representations in relation to international whaling or else be condemned.

Then we have Mrs Dunne circulating a petition in relation to the execution of an Australian in Singapore. We have this Assembly debating and unanimously agreeing to a motion as a result of that particular event—embracing the motion, deciding unanimously, yes. The Liberals can get involved in those debates in relation to which they feel comfortable, like the death penalty, but will they talk about the detention of children in refugee camps?

Will they talk about the invasion of Iraq? Will they talk about the immoral, appalling detention of David Hicks without charge for four years in Guantanamo Bay? No, we will not talk about those things. Will we talk about the lack of progress in relation to reconciliation? No, let us not talk about that. That is a little bit too embarrassing because we have some of this on our hands; we are complicit in some of these decisions. In fact, we support these decisions, as do our big brothers on the hill. We have these fellow

travellers here supporting the invasion of Iraq, supporting the detention of David Hicks, refusing to progress reconciliation. This is what they stand for.

I love motions and debates like this. I love motions like this, to the extent they reinforce to the people of Canberra how right they were in sending this mob to purgatory, to perdition. It confirms for the people of Canberra how right they were at the last election. I love it.

MR SPEAKER: The minister's time has expired.

DR FOSKEY (Molonglo) (12.03): It looks as though, as sometimes seems to happen in this place, the Greens stand somewhat between the government and the opposition as they wage their federal-ACT battle in the house. In this case, however, I believe that I stand somewhat closer to the government than I do to the opposition.

Nonetheless, we have some concerns about the apparent deterioration of relations between the federal and territory governments. In some ways, this apparent deterioration is lamentable in that it means the ACT is not getting the full range of benefits that we should receive from the commonwealth. For instance, the ACT government has recently stated that it will not seek funding available from the federal government for the solar cities program. There have been a number of problems surrounding the ACT government's lack of obtaining the federal government's indigenous domestic violence funding in a timely manner. We agree that the ACT government should work as constructively as it can to enhance opportunities for the territory in terms of these commonwealth activities, and we urge you to do so.

But the fault does not lie solely with the ACT government. It is becoming increasingly apparent that the National Capital Authority is not interested in working with the ACT government in developing a cohesive, integrated and coordinated planning regime that you would think would be in everyone's interest. Instead, the NCA appears to be acting like so many other commonwealth agencies, which have been politicised by this federal government.

Who could seriously claim that the NCA is overseeing the airport developments in a cooperative, constructive manner, in line with best-practice planning principles and for the benefit of the people of the ACT? Who could seriously claim that the NCA had Canberra's best interests at heart when they deliberately sabotaged the ACT government's earlier election promise to follow the western route for the Gungahlin Drive extension—not that the ACT government had to accept this, as it did, without putting up any serious resistance? In fact, this was one area where the Greens would have liked to have seen more backbone on display in standing up for the ACT's interests.

But I would like to devote the rest of my time to discussing the apparent deterioration in relations between the ACT and federal governments. As they say, when you sup with the devil, be sure to take a long spoon. When you hand over unprecedented coercive powers to a government that has proven time and again that it can not be trusted or taken at its word, be sure to insist on plenty of safeguards and effective measures that would ensure that these powers cannot be abused with impunity.

We must remember that the federal government has the opportunity to pursue its ideological agenda to such an extent because it has a majority in both houses—a majority that it said it would not abuse. I believe that we are seeing the abuse of that majority. And therein lies a message for the majority government of the ACT as well.

I would have thought that these precautions to make sure we have plenty of safeguards were so obvious that it would be unnecessary for me to mention them now. But apparently not! From all accounts, it does look as though Jon Stanhope stood alone amongst his state colleagues in having the foresight and moral integrity to stand up to John Howard and try to hold him to account for any misuse of these powers in relation to the terror laws. In so doing, he appears to have upset a man who does not like criticism, a man surrounded by other men, and very few women, a man who thinks that any sign of dissent, disagreement or constructive criticism must be crushed before it can be spread—and that seems to be the nature of the sedition aspects of the terrorism laws—who seems to believe that consultation and collaboration are in fact signs of weakness and who believes that you should never say sorry or admit to mistakes.

I believe that disagreement, debate, collaboration and compromise are signs of a healthy democracy. A healthy democracy works on the basis of give and take. I believe that the Labor premiers and chief ministers are a kind of opposition to the federal government and we must remember that the decisions of the federal government may impact very strongly on the ability of state and territory premiers and chief ministers to carry out the policies and strategies that they went to an election with. So I believe that premiers and chief ministers have a right to speak. It is a democracy. The Labor premiers are part of the opposition because we have a majority in both houses and we do not have the ability to do that within the federal parliament.

The proposed industrial relations laws take from the workers and give to the employers and the controllers of capital. Whose interests are being served? The sedition laws take freedoms and security away from anyone who contemplates expressing disagreement with government policies and actions and gives unaccountable coercive powers to the commonwealth. Whose interests are being served? Does anyone seriously doubt that existing incitement-to-violence and anti-discrimination laws did not contain sufficient powers to deal with the purveyors of hate and violence in our society? There are people in prison right now through those laws. I suspect that these examples are what the federal government understands to be give and take.

What would the ACT Liberal Party have the ACT Labor government do? Do they want it to agree with everything that their federal counterparts propose? Everybody knows that the federal government is more swayed by opinion polls than by the opinions of premiers and chief ministers. But what is the response to unfavourable opinion polls? Attack the messenger, play the individual, deliver arguments with a spin that would make Shane Warne proud—attack the messenger and play the individual?

Who can forget the personal vitriol that this government heaped on the United Nations human rights inspectors and Hans Blix. Where is the apology that any principled human being would have offered unreservedly to Mr Blix and his hardworking, competent and brave weapons inspectors? He was right, as we now know. Has there ever been an admission of this?

There have been a number of other such cases. For instance, the thousands of weapons of mass destruction, the yellow cake from Niger—wrong again and again and again. Many of us feel that our federal government does not represent us very well and that perhaps Mr Stanhope represents us somewhat better in putting those opinions that we are not hearing from our government.

One thing on which I do not agree with Mr Stanhope is his position on maintaining troops in Iraq. I note here in this house that our federal government helped to set up—and it was part of the reason why we assisted the US—the invasion of Iraq and has asked for the US and its allies to leave. We do not seem to be listening to that. When America actively works to destroy the Vienna and Geneva conventions, Australia is implicated and our security is threatened. The ACT government's stance on human rights fills a great, big blank there. We are not hearing the federal government stand up for these conventions that have been worked on for years, and we are in danger of seeing that whole machinery collapse.

The so-called war on terrorism is a struggle against people who are resorting to indiscriminate violence in pursuit of what they feel are moral ends. I disagree with them, but we are not going to win this war just with legislation that supposedly attacks terrorism. We used to have a really high standing in the international community. Remember, it was an Australian proposal that led to peacekeeping forces going into Cambodia. Do we see that support for the United Nations now? No, we do not. Multilateral institutions, which were the results of years and years of collaborative work from the governments of the world, have held a peace, a very fragile peace, in balance. Where is that leadership now?

I would have thought that anyone who claims that they love Australia would show affection and respect for the plants and animals that have evolved here. We have not seen that from the federal government. Sadly, the ACT Liberal Party seems to share that indifference. Take their stance on the legislation that came up in the house last week about restricting cats. There is so much evidence that shows that cats, especially feral cats and uncontrolled cats, are a real danger to those cute, cuddly creatures that we put on our postcards and that we use to try to get tourists here.

The ACT government has a role in standing up for the environment and against the immoral vandalism of the federal government. Sadly, the ALP federal opposition is not doing this enough. We have to acknowledge the federal government is driven by values—

MR SPEAKER: 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) (12.14): From what I have heard from the opposition today, the theme that has come through is effectively a negative commentary, a negative view, held by our Liberal opposition of their own federal colleagues. The thesis that has been put forward today, particularly by Mr Mulcahy, is that federal ministers are so small-minded as to take disagreement on any issue as a personal affront and to allow those differences

of opinion to cloud their judgments on other issues or, conversely, they would allow sycophantic behaviour to sway their judgment in the opposite direction.

This is a commentary on how Richard Mulcahy's world works. We have seen already evidence that Mr Mulcahy is a very rank-conscious individual and some hint of insensitivity as well. It might be that what we are seeing, through this motion, is Mr Mulcahy's projection of himself and what Richard Mulcahy in power would be like. He would be small-minded in relation to those who take issue with him; he would allow differences of opinion to cloud his judgment and to affect quite independent decisions on other matters, because that is the logic of the arguments that have been put forward today by our opposition. I am glad this matter came on today because this matter does reveal that this is you. This holds up the mirror to you.

Before this debate today, I was trying to think of people that I respected. There are no sycophants, no toadies, no people that are serially compliant and no coat tuggers in the group of people that I respect. I respect individuals who are open, honest and forthright.

I had the benefit of four years of dealing with federal ministers, with all sorts of different outcomes. The first thing you discover is that first appearances of anybody can be deceiving and are not necessarily accurate at all. Without entering into any detailed criticisms or whatever, I would say that in the vast majority of cases there have been quite free and easy relationships, despite our differences.

Some of the differences that have been referred to in today's debate have been, at ministerial councils, the subject of banter and of good humour, as opposed to the federal ministers' negative: "You are from the ACT. We are not talking to you because Jon Stanhope stood up to the Prime Minister." In the majority of cases, that is not the case. You demean your federal colleagues, Mr Mulcahy, by the inferences that must be drawn from what has been said in this place today. You have belittled those people to the point of saying they are that small-minded.

It has not always been the case. A couple of tourism ministers who did no homework were offered gratuitous advice. They did not necessarily know what they were talking about, to their embarrassment. There have been occasions when there have been harsh words. But in four years, they have been very, very few and they have not continued and did not become extensions. The next event is not coloured; the next discussion is not coloured by previous discussion. As I said, you do your colleagues on the hill a great disservice if you think that is how the world operates.

You were talking about business coming to you, Mr Mulcahy, and expressing their concerns. There are people that come to me and express concerns—and I am starting to share them—that this motion is reflective of you.

I cannot say that there are not on the hill some vindictive people. I worry a little about Peter Costello. I have to say we had a very intense period of discussions with both that minister and the Prime Minister over the appointment of Graeme Samuel to the ACCC. I have a strong suspicion that that has coloured decisions that followed from that. That does not confer any great credit on the federal Treasurer, I have got to say. It is hard to deal with the guy. For all the noise he makes in public, he is a very shy and socially awkward chap. He is very hard to have a relaxed conversation with.

As I said, this motion does two things: it demeans your own federal colleagues and reflects how you think. Both of those are of concern. There will be times when, if you are in power, you have to represent the people of the ACT and not suck up to the federal government. Have the courage to do so. Life would be easy if we agreed with the commonwealth all of the time. We on this side of the house have the people that have the courage and the integrity to stand up when it is necessary to stand up.

I want to respond to that outrageously ageist comment made by Mr Seselja about the old guys that criticise the Muppets. Who were they criticising? The Muppets. I spent a little time trying to allocate some characters across there. Take your pick: Kermit, Miss Piggy, Scooter, Ralph the dog, Animal, Fozzie Bear, Beaker. We will work on it. But thank you for the handles.

I will close by returning to the serious matter of wondering how it would play out if, at some future time, there was a federal Labor government and a territorial Liberal government led by Richard Mulcahy. It will never happen, but I get some delight out of just imagining Dicky the coat tugger chasing Kim "Bomber" Beazley around Parliament House, hanging around the foyer waiting for the Labor ministers to pop out and say, "Remember when I was a member of the Tasmanian ALP? I used to be a comrade." As I said, this has been an illuminating exercise on the attitude of a pretender to the subthrone over there.

MR MULCAHY (Molonglo) (12.23), in reply: Illuminating indeed, but the performance of the Chief Minister today has got to be one of the most illuminating performances I have ever seen. I had a notepad to make some notes to rebut, but I was struggling to get more than about three lines. And there was not much in those. It seemed to be more of a tantrum than a response to some serious issues that we raise.

The term "sycophantic" was used by Mr Stanhope and Mr Quinlan. I do not think they understand the point of what we are trying to get across. The fact of the matter is that, in the commonwealth environment, particularly in the commonwealth government environment, funds, opportunities for employment and programs are the subject of much intense competition. The concern we are trying to get across to government members is that, in that competitive mix, the persistent and repeated performances of constant opposition and lack of cooperation on so many different issues must surely work against the interests of the people of the ACT.

I look back at what is going on here. I spoke of the enormous reliance that the territory budget has in terms of commonwealth funds. We would be out of business without that level of funding. I have also looked at some of the other areas where the territory stands to benefit. The tax cuts, in particular, that we will see and have seen, tend to benefit Canberra out of all proportion due to the large proportion of middle to high-income earners. They then flow through to boost our local economy.

In terms of direct jobs, the average staffing levels in the Australian public service are expected to increase this financial year by about 1,670 positions. Many of these will be located in Canberra. In the previous budget there were 1,200 new public service jobs created, on top of 3,000 new jobs and 3,300 new jobs, respectively, in the two prior

budgets. ASIO is increasing by 24.8 per cent as a result of the commonwealth's efforts in countering terrorist activity.

The ACT and Mr Quinlan have been able to go some way towards addressing the overspend by the government through the additional funds that were received, $39.4 million, in GST revenue under this budget. If there had not been a GST introduced, the ACT would be getting about $98 million less than it currently receives, based on the guaranteed minimum amount.

There are so many developments going on that are related to commonwealth activity: $9.5 million on the fit-out of AusAid; $132.6 million over four years on the construction and fit-out for ASIO; $41.2 million at the Royal Mint; $89 million through the refurbishment of Anzac Park east and west; a $70 million upgrade at the Australian Institute of Sport, which will strengthen Australia's capacity in the world of sport, particularly as we lead up to the 2008 Olympic Games; over $20 million this year in the redevelopment project to refurbish facilities at the Bruce campus. We have also heard that the commonwealth is planning to spend about $318 million building a new joint defence headquarters at Bungendore. It seems that the role of the commonwealth cannot be underestimated in terms of this territory.

The Chief Minister is incredibly sensitive to this criticism and darted off down all sorts of roads, saying that he has to take these positions of principle. I do not believe that you have to be sycophantic; I do not think that you have to agree with everything the commonwealth has done.

In fact, I will share with my colleagues opposite that I have been very critical of the commonwealth on industrial relations reforms. I have been critical of the way in which they marketed some of that information. I am happy to share that with you. I have told them that it took a disproportionate amount of time to get out that message on the strengths and benefits of that reform program so that the people of Canberra would understand, through the misinformation promoted by the ACTU and some of my colleagues opposite, that their livelihoods were not being threatened. I have been strident in telling Mr Andrews that they needed to do a better job there.

I do not mind; I am happy to criticise them if they have dropped the ball in a particular area. But I do not make my livelihood by declaring war on every single thing the commonwealth does. I know Mr Stanhope considers that he is intellectually superior to all the rest of us and the people of Canberra and that we should defer to his view on any matter in the world, but the fact of the matter is that is not a view that seems to be shared by the other state Labor premiers and it is not a view shared by many in the commonwealth.

Mr Quinlan says I am doing a disservice to my colleagues federally. I do not think I am. In fairness, I do not really hear them talk too much about Mr Quinlan, except when I catch up with a few of his federal Labor colleagues and they have a few comments to make. Basically, the concern I have is the one that I keep hearing: that people find the ACT government's strident opposition on all these different issues puzzling and bizarre. It troubles me—and I would not have raised this if I had not heard it so often—that the troubling and bizarre observation will gradually move to a point of such irritation that regard will be given to demands for expenditure and employment in other environments.

I do not think the Chief Minister is doing us any good whatsoever by his preoccupation with so many things. He attempted to twist what I said about whaling. My point of illustrating that was that he is so inconsistent that, on one hand, he wants to be an expert and then, when he goes to Japan and they ask him to help, he comes out and criticises Ian Campbell and says that he is not doing enough on the issue.

As Mr Seselja pointed out, when we had the press conference outside, he just could not help himself; he had to take a sideswipe at the commonwealth. The Greens, the Labor members and the opposition were there to take a united approach on something that was carried unanimously in the Assembly, but he had to turn it all into a stunt. I was personally very, very disappointed.

I know the sensitivity of members opposite, in particular the Chief Minister, to criticism. This is criticism he takes very personally. It is really an issue of style that we are talking about here. It is the intolerance of contrary points of view. Those who hold a different point of view are dismissed. The concern is that the people of Canberra are the ones whose interests are disregarded. I am worried about that.

I hear that he has a dismissive view, for example, about the diplomatic community. I hear that he will not even take calls any more from people when they want to present their credentials. I know they cannot vote, but they are a very significant part of our small economy. They employ lots of people; they expend a deal of money. Here is another group of people that are feeling rather shunned, not because he needs to pursue international issues but simply as a group of people who are sending their kids here, buying cars, employing Australians, spending money in our community. It typifies this attitude: "I'll do things my way and disregard other perspectives."

We have heard the pronouncements on Iraq. He dismissed and would not listen to my comments when I asked him what he thought about the previous regime in Iraq being allowed to run amok. I asked whether that was something that he would approve of and support. He was silent on that.

In America there are people who are referred to as "Monday morning quarterbacks". They are the people who, on Monday, are experts on how the game should have been played. He is a great one with advice after the event. He knows better because of his enormous depth of experience, working basically for the public purse through his whole life.

The fur bristled when Mr Seselja raised some remarkable issues about his management of and consistency on refugee matters. What applies today may not have been such an apparent position as the one taken when he was in a position, probably, to have more influence than he does today on such policy.

In conclusion, I hope that members opposite heed the message. I know they will oppose this particular motion because they have got to. I am disappointed that debate has been contained. I found it interesting that we have been told to wrap this up because the criticism is too stinging, but it was only a couple of weeks ago that the Chief Minister, Jon Stanhope, told the national day of community protest at Thoroughbred Park how

outrageous it was that the federal government had guillotined debate on industrial relations reforms.

This is the problem: one set of rules applies down here; bully your way through the Assembly; bully your way amongst your colleagues over there—"You are only in government because of me and do as I say"—but, when it comes to what goes on in another parliament, we have to apply all these new-found values. I struggle with the inconsistency. I hope—and I am sure by the extraordinary reaction we have seen this morning that this issue has hit a raw nerve—behind all that, when things settle, the Chief Minister rethinks his approach.

Question put:

> That **Mr Mulcahy'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.

Sitting suspended from 12.37 to 2.30 pm.

Questions without notice

Mental health

MR SMYTH: My question is directed to the Minister for Health and relates to the mental health crisis teams. Minister, it has been reported to me that the CAT team was rung last night at 7.15 pm to provide assistance to a seriously ill and distressed person. Assistance finally arrived at 11.15—four hours later—in the form of a CAT worker escorted by two police officers, by which time the person's condition had deteriorated dramatically. She then needed to be admitted to the PSU.

Minister, is it the case that, after a certain hour of the day, CAT teams will go on site only with a police escort of at least two officers? If so, given the pressure on police resources and numbers, is it the lack of police numbers that causes long delays in the CAT team reaching seriously ill people in the ACT?

MR CORBELL: I am not familiar with every single incident relating to clinical care in the ACT, whether it is for mental health services or any other ACT health service. If Mr Smyth is able to provide me with the details of the incident, I certainly undertake to investigate the matter and provide him with information. It is quite unrealistic for Mr Smyth to ask me a question about an incident that occurred in the last 24 hours, given that there are literally thousands of occasions of care provided every day in the ACT health system.

MR SMYTH: Mr Speaker, I will re-ask the question. It is about the police issue—

MR SPEAKER: You can ask a supplementary question.

MR SMYTH: I will then ask a supplementary question about the policy concerning an after-hours call out for the CAT team. Is it true that CAT teams will go on site after hours only with a police escort of at least two officers? If so, given the pressure on police resources and numbers—given that you claim to have put so much more money into community mental health—is it the lack of police numbers causing the long delays in CAT teams reaching seriously ill people?

MR SPEAKER: I think that is the same question.

Mr Smyth: No, Mr Speaker; I have put in the bit about the lack of money, and I have asked the minister whether it is the lack of police numbers.

MR CORBELL: I am not aware of the protocols relating to the CAT team. Again, I am happy to make inquiries and advise the member of the operational protocols of the CAT team. If Mr Smyth seriously thinks that I know the operating protocols for every element of the ACT health system, he is sadly mistaken. Nor should I. Thousands and thousands of people work in the ACT health system. They all operate within particular protocols, arrangements and understandings. In relation to the CAT team, I am very happy to confirm or deny the arrangements once I have sought further information.

It is worth making the point that there are occasions on which the CAT team does seek police attendance, particularly if someone is behaving in a violent manner, or is threatening to be violent. That is a normal and a sensible arrangement for the security of staff, as well as for the person concerned. Whether that was the case in the incident that Mr Smyth alludes to, I do not know. I have already indicated that I will seek that information and provide it to the member as soon as possible.

Emergency services

MS PORTER: My question is to the minister for emergency services. Minister, now that we are officially into the 2005-06 bushfire season, can you inform the Assembly of the advances the government has made in the area of emergency services since the January 2003 bushfires?

MR HARGREAVES: I thank Ms Porter for the question. The Stanhope government has made a significant investment in the protection of the Canberra community in emergencies through major emergency services reforms borne out of the experience of the 2003 bushfires.

The first of its type, the Emergencies Act 2004, introduced a new era of emergency response in the ACT by updating and clarifying the planning and organisation of our ambulance, bushfire, fire and state emergency services and drawing them together under a more strategically focused management structure—the Emergency Services Authority. The Stanhope government, through the ESA, has achieved many changes in the ACT that have resulted in our being better prepared for an emergency than ever before. Over

successive budgets, the Stanhope government has invested in the people, equipment and operational support needed to protect Canberra from future emergencies.

This investment has seen significant advances in our response capability. We now have 16 new ambulance officers and 42 new firefighters, with an extra 16 recruits currently undergoing training. We have over 600 trained volunteers for our community fire unit program, 71 new volunteers for the ACT Rural Fire Service and 40 new volunteers for the ACT State Emergency Service. The ACT Fire Brigade now has two new pumpers, four compressed air foam tankers, two new four-wheel drive command vehicles and 28 community fire units, with 450 fully trained volunteers and an additional 300 volunteers in training.

The ACT Rural Fire Service has one new tanker, 21 new slip-on pump units and three new compressed air foam tankers, which I commissioned today. The ACT State Emergency Service has five new command vehicles, and our ambulance service has a new operational support unit for mass casualties and a new patient transport vehicle.

In the last budget money was allocated for seven new intensive care ambulances, one light tanker, one heavy tanker, two four-wheel drive command vehicles, fitout for one HAZMAT vehicle and one state emergency service troop carrier. In addition, just over $1 million was allocated for 31 new monitors, defibrillators and patient care stretchers for the ambulance service to assist patients in life-threatening emergencies.

In addition to this, the government has invested heavily in state of the art communication technology for the ESA. We now have a world-class computer-aided dispatch system, which assists the ambulance service in responding crews to emergencies to make sure they get there as soon as possible with as much information about the emergency as possible.

We have also invested in a trunk radio network, providing cover over the bushfire abatement zone and interoperability between the ESA's four services, as well as the New South Wales Rural Fire Service. We now have an emergency coordination centre, which brings a more strategic and coordinated approach to emergencies and has assisted the ESA in many instances since its inception, including the management of the white powder incidents that we saw earlier this year.

The Stanhope government has invested heavily in the protection of the Canberra community following the blaze of 2003. I ask those opposite who are so quick and eager to criticise the ESA and people who protect our community: what part of this investment would you have not undertaken? Which emergency services would you cut back if you ever get back into government in the ACT? Until we get answers to these questions from this lazy and superficial opposition, it is a bit rich for them to criticise the government for making the necessary investments in the protection of our community.

Education—greenhouse reduction program

MRS DUNNE: My question is to the minister for education. During the 2004 election campaign you promised $5 million for a school greenhouse reduction program. It now seems that this promise was unfunded, with no money for it in the last budget. As the

ACT's financial position has deteriorated badly over the last year, do you guarantee that you will meet the commitment made during the 2004 election campaign?

MS GALLAGHER: We went through the election campaign and to the election with a very strong commitment to education. One was delivered on certainly in the first term of the Stanhope government. We made several promises. The one which Mrs Dunne mentions, reducing greenhouse gas emissions in schools, was in that. We have another three budgets to go. We never said in our election campaign that every promise would be funded in the first budget. We saw that a number of promises were delivered in the second appropriation and in the first budget following the election.

There are a range of initiatives remaining to be rolled out over the next few years of this term of government. They are all sitting there, being prioritised and will go through the budget process, just like every other initiative.

MRS DUNNE: Following the prioritisation of the election initiatives, will you still be confident of meeting the greenhouse commitment that you made in the 2004 election?

MS GALLAGHER: We made a commitment to an initiative, not a target, of reducing greenhouse gas emissions in schools. We made a commitment of some money to be provided. That is a different question.

As I have said to Mrs Dunne, she has not been a minister; so we can understand that she has not been through a budget process and does not understand that you go in there and work through the initiatives. A responsible government takes decisions on what initiatives should be funded in a priority order. I do not think there is anything wrong with going through that process, other than that Mrs Dunne does not understand how the budget process works.

We have a range of initiatives to be funded through the education policy that we took to the election. I should say that it was a very strong education policy and one which was endorsed by the community at the polls. That was obvious. What the Liberals went to the election with in education was nothing short of disgraceful. Massive injections into the non-government sector and closing schools were key elements in the election policy by the Liberals in the lead-up to the election.

The electorate said no. The electorate, surprisingly, had a little look at Mr Pratt, who was a very quiet shadow education spokesperson. The electorate looked at their policy on education, weighed it up and voted. What did they do? They voted in as a majority government the side who was putting forward policies that invest in the public education system and who had delivered on a very, very strong education commitment in the first term of government.

This is merely a continuation of that commitment. We funded a number of those initiatives in the second appropriation. We had a number funded through the last budget. We will continue to roll out those election commitments as we progress this term of government, along with any other pressing need that comes in the education area.

One area of obvious expenditure in education is teachers' salaries. I remind those opposite of the situation we were in when we came to negotiate the first teacher EBA.

You would have to say that Mr Pratt or Mr Mulcahy must have been advising Mrs Carnell on an appropriate clause to put in an agreement like that. The clause stated, "You must agree on the first pay increase for the next agreement before this agreement expires." They must have known they were going to lose the election. They did not have to make provision for that pay rise or think about it any more than just putting a clause in an agreement which, I would not imagine, is in any other agreement anywhere across the country.

We had to meet the needs in the public sector, as we have, of pulling every public sector worker up to a reasonable standard of pay. We had to fund teachers appropriately, which we have now. We are going to the second round of bargaining.

What I am saying is that not only do we have our whole range of election commitments to fund but we have a whole range of other responsibilities in education which we meet as they arise. This government believes in appropriate funding of public education. We have shown that throughout the first few years of government, and we will continue to show that as we go through this second term.

ACTION bus service—airport

MR SESELJA: My question is to the planning minister. Can the minister confirm that he has received advice in relation to the viability of an ACTION bus service to and from Canberra airport? If so, what did the advice say about the viability of such a service and what action will the minister be taking in response?

MR CORBELL: Yes, I have received advice in relation to the viability of a bus service to and from the airport. I do not recall the figures. I would be happy to provide a briefing to Mr Seselja if he is interested. The issue of providing a bus to the airport, if I remember the brief correctly, is that, given the previous low levels of patronage, it would be difficult to justify. Even with the increase in employment that has occurred at the airport in the past number of years, we anticipate it would cost between $300,000 and $500,000 per annum to provide four services every weekday to the airport. If I recall correctly, those are the figures, which are substantial and which cannot be justified or afforded in the current context of the budget or of ACTION's operating arrangements.

The other difficulty is that it would involve the diverting of two buses from existing routes. You would need to have at least two buses operating at any one time on that route because of the length of the journey from the city to the airport and return. You could not use just one bus; you would have to use at least two to operate at any one time. I think that this highlights the difficulty with decisions being made on investment and development at the airport which are not consistent with the broader planning strategy for the city and how that impacts on the provision of services such as public transport, which is, of course, the issue that I continue to raise in this place and elsewhere.

To date, Mr Seselja has not really worked out exactly what the ramifications are of infrastructure investment decisions not happening in a coordinated way and consistent with the planning and development framework for the city. This is an example of how investment and development decisions being made outside the planning framework can put pressure on the taxpayer to subsidise the provision of services to areas which are not consistent with the overall development strategy for the city.

MR SESELJA: I have a supplementary question. Minister, how long have you had this advice? Will you make it public?

MR CORBELL: I have had that advice for the last couple of months; certainly I received it in the second half of this year. In terms of making it public, I have already indicated that I am quite happy to brief Mr Seselja on the issues.

Housing—heritage listing

MRS BURKE: Mr Speaker, my question is to the Minister for Disability, Housing and Community Services. Minister, how is Housing ACT liaising with the Heritage ACT unit to finalise its position on handling the impact of possible heritage listing of the properties owned by government?

MR HARGREAVES: In relation to the question: how is housing liaising with heritage about the properties it has under consideration for sale by auction or disposal, it is part of the sale of any house or property in the ACT that has a heritage listing to make sure that heritage conditions are not breached. I have every confidence that Housing ACT is doing very nicely in its consultations with heritage, thank you.

MRS BURKE: Mr Speaker, I have a supplementary question. Minister, if Housing ACT maintains a number of properties that could be affected by possible heritage listing, how will this affect any plans for redevelopment or rejuvenation of housing properties, particularly in relation to multiunit complexes?

MR HARGREAVES: All manner of things are taken into consideration when redevelopments occur or disposal action is taken within the public housing stock. I have every confidence that the people in charge of those considerations in the Department of Disability, Housing and Community Services do that with the utmost propriety.

Multicultural affairs—Mr Mohamed Omari

MR PRATT: My question is to the Chief Minister. Last Friday, and again yesterday, Mr Mohamed Omari, the President of the ACT Multicultural Council, made serious allegations in the media about supposed visits to the Yarralumla mosque during Ramadan by, as he called them, Wahabist radicals. They were allegedly seeking to recruit young Canberra Muslims to their apparent radical cause. These are extraordinary claims. I do not know how credible these claims are, but they are claims that will have to be tested by the police. I understand that Mr Omari has spoken and will continue to speak to police about these claims. Indeed, I see he has said as much to you in a letter dated 22 November 2005:

> … I have already discussed this matter with the AFP yesterday and further meetings are taking place … tomorrow.

This letter was in response to your letter of 21 November to Mr Omari, where you said:

> I would be grateful if you would provide me, immediately, all information in your possession, including names and sources of your information in order that I might ensure that it is investigated by the AFP—

and other agencies—

> … without further delay.

Chief Minister, why are you personally involving yourself, in a most inappropriate and unprofessional way, when it is the responsibility of police to investigate and test M Omari's claims, not your responsibility? Why are you politicising this issue further by threatening budget cuts?

MR STANHOPE: It is remarkable, isn't it, how the attitude, the position or the response varies according to the time, the issue and the politics that can be gleaned? For the last three years, the Liberal Party have been roundly condemning and castigating me for not putting out the fire all by myself—it has been entirely my fault, my responsibility—the fact that the bushfire that occurred in January 2003 is, of course, as we all know, as presented by the Liberal Party, a matter exclusively of my responsibility.

Now we have a situation involving most serious allegations by a Canberran in relation to "extremist" visits to the Canberra mosque at Yarralumla—views that were expressed on Friday of last week, and I confess views that were not brought to my attention until Monday morning. I must say that I did not watch WIN news on Friday night and it is an issue that was not reported by other media over the weekend. I have to concede that it is an issue that was not brought to my attention until Monday morning. It was with significant alarm that I was advised and learnt of the allegations on Monday morning.

After some investigation—what involvement had the police had in this matter; which government agencies had Mr Omari informed of these most alarming allegations—the answer I received on Monday morning was: none. Mr Omari had not contacted the police, Mr Omari had not contacted the office of the Chief Minister or Attorney-General, Mr Omari had not contacted the Attorney-General's Department, he had not contacted ACT police, he had not contacted the office of the minister for multicultural affairs. In fact, the only person or organisation contacted by Mr Omari in relation to grave allegations of the involvement of extremist Wahabists in the ACT seeking to recruit young Muslim men was WIN television. And that did concern me: that Mr Omari had spoken to one organisation in the ACT around these most alarming allegations that extremist Wahabists were seeking to recruit Muslims for terrorist activity.

Whom did Mr Omari inform of this grave situation? WIN television. He did not inform the Chief Minister of the territory. He did not inform the members of the executive of the multicultural council. He did not inform the Attorney-General. He did not inform ACT Policing. He did not inform the office of the minister for multicultural affairs. He did not inform a single other person. He did not inform the president of the Canberra mosque. He did not inform the president or a member of the executive of any other Muslim organisation in the ACT. He did not inform a single other person of his concerns on the day that he spoke with WIN television.

I was advised on Monday that he had not informed the police. I was advised on Monday that the claim made by Mr Omari on television on Friday night—that the individuals that had been approached had contacted ACT Policing—could not be confirmed by ACT Policing. ACT Policing had no record of having been contacted in the way that Mr Omari claimed on Friday night they were contacted.

The allegations are grave. My initial reaction was to confirm with Mr Omari what it was that he said, what it was that he intended to say, and the purpose of my initial letter to Mr Omari was to seek some confirmation from him of the substance of his allegations. I indicated to him at that time that I would arrange for my chief of staff to speak with him and to assist him so that we could get to the bottom of this. There was a conversation between Mr Omari and my chief of staff. My chief of staff asked Mr Omari what information he could provide to assist in the confirmation of the serious allegations, and he could not provide any information—any names, any dates, any leads, any possibilities. He was completely devoid of information.

Mr Pratt: Why not just insist he go to the police?

MR STANHOPE: I then wrote again simply to indicate to Mr Omari the importance of him corroborating his allegations, and advising him that the ACT Chief Police Officer would be asked by me to investigate these most grave allegations.

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

MR PRATT: Thank you, Chief Minister. You make some relevant points, but I have a supplementary question: why are you allowing your political grievances with Mr Omari to blur your judgment, and why are you, by your peculiar standards, impinging on Mr Omari's human rights by personally and deliberately pressuring him, instead of allowing the police to do their job? Where is the arm's length?

MR STANHOPE: I did not make any statement I have made in relation to this matter lightly. This is a most grave situation. These are very serious allegations that have been made. I, along with I believe other members of the Assembly, have received a joint letter from the five recognised Muslim organisations of the ACT in relation to the allegations that Mr Omari made. There are five organisations that broadly represent the Muslim communities of the ACT. I am sure you have seen the letter that they have written to Mr Omari. In light of the content of that letter, I find it remarkable that the Liberal Party in this place would pursue the attitude that they are pursuing here in terms of their response to these grave allegations.

Mr Pratt: We are just pursuing the issue of arm's length, Chief Minister.

MR SPEAKER: Order!

MR STANHOPE: The five recognised representative Muslim organisations within the—

Mr Pratt: Pursuing the issue of arm's length.

MR SPEAKER: Order, Mr Pratt!

MR STANHOPE: ACT have written to Mr Omari, have pointed out to him that they have no confidence in him as an individual; that they have so little confidence in the multicultural council under his leadership that they refuse to belong to that organisation. Yet Mr Omari makes grave, serious allegations around the Muslim community of the ACT of its involvement potentially, or potentially members of its community—

Mr Pratt: Yes, so let the police do it.

MR SPEAKER: I warn you, Mr Pratt!

MR STANHOPE: in relation to these visits by unnamed, unknown Wahabist men, in long robes and with long beards, to the Canberra mosque for the purpose of recruiting young Canberra Muslim men. Yet none of them know about it; not one of them knows about it. Not one of them knows what Mr Omari is talking about—not one of them. Not one of them is prepared to confirm his allegations. In fact, they reject his allegations absolutely and in an outright way. They have approached Mr Omari as well. They sought, on Monday morning, exactly the same responses from Mr Omari as I sought. As members of the same community, they went to Mr Omari and said, "Mr Omari, what is it that you are speaking of? Who was it within our community that was approached? Give us the names? These may be our sons that you are talking about. Please let us know who it was that was approached. These are serious issues for our community, particularly in the light of the focus that there is on the Muslim communities around Australia as a result of terrorist activity around the world and recent events in relation to security and the arrest of members of the Islamic communities of Australia in recent police and ASIO action."

One can imagine the sensitivity, the stress and the anxiety within that community at this time. Those arrests occurred two weeks ago, and here is a member of the Muslim community in the ACT making at this stage allegations, which are not corroborated, against other members of the Muslim community in the ACT, and one can understand their sensitivity and their anxiety and their desire to ensure that this issue is brought to a head, that we all fully understand and, to the extent that people are acting and behaving in an inappropriate way in the ACT, that the police are armed with the information to respond immediately to this issue.

We cannot tolerate the prospect of extremists operating within this community. This is a most worrying allegation that has been made, and at this stage, five days after the allegation was first aired, nobody in the ACT has been able to glean from Mr Omari a single skerrick of understanding or evidence of what it is that he is talking about. Five days later, I am at a loss to know what it is that he is talking about or whom he is talking about, and the police at this stage, on the advice I have, are in the same position. They are interviewing Mr Omari as we speak, I understand, and perhaps, through that interview, all of us will be all the wiser and perhaps we can get to the bottom of this issue.

It is in the interests of all of us, but most particularly the Muslim peoples of this town, that we get to the bottom of this, because of the enormous distress that has been caused

within the community by Mr Omari's public allegations—public allegations aired without briefing the police or the government or anybody else in Canberra. Not even the communities involved were taken into Mr Omari's confidence. It concerns me gravely that the organisation that the Muslim communities of this town rely on to represent their interests—the multicultural council, the peak body representing diverse ethnic communities—is so lacking in confidence that they refuse to join it. That is intolerable, and the government will seek to mediate a result to that intolerable situation.

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

Canberra Labor Club

MR STEFANIAK: My question is directed to the minister for gaming and racing. The Canberra Labor Club's move to Petrie Plaza continues to raise questions. The first social impact statement lodged by the labor club with the racing and gaming commission was sent back for revision. A new one has now been lodged with the commission. But I am advised that the commission is making only part of the new social impact statement available and that, unless pressed—when the rest, in the form of attachments, will also be released—it will not do that. Is the minister aware of the reason the commission is reluctant to release the whole social impact statement, although it is required to do so by law?

MR QUINLAN: The short answer is no. We have a commission in whom I have the greatest confidence. I am sure that it is providing the same treatment to the potential Labor Club as it does to any other.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Minister, will you make some inquiries and ensure that the labor club's full social impact statement is available to all interested members of the public.

MR QUINLAN: Since you have asked, I will inquire as to whether there is any specific problem, because that is a fair question. For obvious reasons I would be concerned that this be handled in the most propitious way possible.

Education—funding

MR GENTLEMAN: My question is to the minister for education. You touched on funding earlier in a response to Mrs Dunne. The federal minister for education recently suggested that state and territory governments had starved state schools of essential funding. Is this, in fact, the case?

MS GALLAGHER: I thank Mr Gentleman for the question. The federal minister has, as he does every year when he travels around with his whiteboard, claimed that state and territory payments to government schooling have not increased at a pace that he would like. His allegations are that they have not increased at the pace that the commonwealth investment in education has increased, which is simply incorrect. He does this every year. It is the same media release; he just changes the date at the top as he sends out the media release.

It is important to correct the record and for Assembly members to understand exactly how much this government has invested in education since coming to office in 2001. The ACT government contributes over $408 million annually to government schools. In the last budget alone, we provided an increase of 9.4 per cent, or just over $27 million, to government schooling. When you take into account the capital increases of around $3 million, the ACT government funding increase was over 10 per cent, or $30.6 million, in last year's budget. Since the government first came to office in 2001, ACT government funding to education has increased by $94.1 million, or around 27 per cent.

Some of that money has been allocated through our initiative on preschool hours. We have increased preschool hours from 10½ hours a week to 12 hours a week, acknowledging the essential importance of those early years of schooling. We have also provided almost $1 million in operational funding to assist parents with preschool costs, which is certainly the first time that that money has been provided.

In the last budget we provided over $4 million to assist the needs of students in the ACT with a disability. This was on top of $4 million in the previous budget, addressing those needs we have seen for students with special needs in our government schools. We have extended the class-size reduction program to year 3, with an investment of over $12.3 million.

In indigenous education we have rolled out programs for indigenous student support, at $1.6 million. In indigenous education support, we have extended Koori preschool to five sites. We have seen big increases in the number of Koori preschoolers attending those programs. We have increased the number of indigenous home school liaison officers from two to 11 and have introduced and enhanced an indigenous support program.

We have allocated an additional $8.3 million over four years to improve the state of repair of school infrastructure. This is in addition to the $11 million spent on capital upgrades in government schools every year. We have introduced a career education support service, at around $1.8 million, to provide essential career education advice to students in those critical years of schooling.

In the 2004-05 budget we allocated $11 million over four years to improve IT and communications services to students in our schools. This covered programs such as technical support. For the first time in the territory we had our schools serviced by IT professionals working within schools to ensure that the computers, the programs and the IT labs were running at the standard that they should be. No longer are we relying on the goodwill of teachers to provide that IT support. We have a school IT infrastructure fund where schools can apply to purchase upgrades, including hardware, software, communications and related facilities. I have seen some of those projects once they have been finished. They are excellent—$3.6 million.

We have a range of other initiatives, including upgrades of school websites. We have introduced an initiative on whiteboard technology, all to ensure that our government schools remain at the forefront of meeting the IT technology challenge and making sure that our students do not fall behind those in other schools, not only in Australia but across the world.

We have embarked on a curriculum renewal program of over $2 million. There had been no curriculum done for the entire time that those opposite were in government. The documents that have been used and that we are replacing now are 1994 curriculum documents. Again, that is a major area of school programming that was simply unaddressed during the years of the Carnell government.

MR SPEAKER: The minister's time has expired.

MR GENTLEMAN: I ask a supplementary question. Minister, are there other initiatives the ACT government has prioritised for schools in the territory?

MS GALLAGHER: We have had the school excellence initiative. We have allocated $500,000 to ensure that schools go through that renewal and review process to ensure that they are offering the best service to students, schools and their communities. We are undertaking a review of colleges to ensure that our college system is meeting the needs of students as we move into the 21st century. Again, there had been no review of the college program since self-government. These are the critical core areas that need to be addressed to ensure that current, as well as future, students are accessing educational facilities that will meet their needs.

We have improved the old Stirling college. It is now a premier professional development institution, the centre for teaching and learning. For the first time we have a place in Canberra where teachers can undertake courses. There is a library. Its resources are shared across the entire education system to ensure that our teachers have access to the best facilities for their own professional development, which, of course, has a flow-on effect into schools and classrooms.

We have prioritised education as a major area deserving government expenditure. Our schools have not been so well resourced since self-government, and the results are showing. Our teachers are the best paid in the country. Interest in teaching in the ACT has never been higher, and it is increasing all the time. The concerns that jurisdictions have about teacher shortages, as well as specialist teacher shortages—and these concerns are a challenge for every jurisdiction—are being met because we have a package of conditions in the ACT that mean that our teachers are the best in the country. They are the best paid in the country, with the best conditions in the country, and this will deliver results for our students.

In every review of education, the biggest single contributing factor to student outcomes is the quality of the teaching. We are attracting quality teachers here and we are keeping them here. As teachers are replaced due to aging and retirement, we are picking up the best graduates. If they are in our classrooms teaching our children, then the results for our children will be amongst the best in the country, and they are.

The results of national and international assessments show that our students are performing at the highest levels, not only across the ACT but also across the world. Our investment in education and our recognition of the value of that investment is delivering for children and young people in the ACT. We have a system that we are very proud of. It is a system that everyone can access, regardless of background. The education system

in the ACT is amongst the best in the world. It is a direct result of the priority and investment that this government has given to education.

Disability and community services commissioner

DR FOSKEY: Mr Speaker, my question is to the Attorney-General and is with regard to the proposed disability and community services commissioner. In the development of the model for the human rights commission there was considerable discussion and extensive consultation about the role and responsibilities of a disability, or disability services, commissioner. The Human Rights Commission Act, however, identifies a disability and community services commissioner, although the description of the responsibilities of that commissioner in the act only details responsibilities in respect of disability services, which appears to be reflected in the funding. Given that the government has already advertised for commissioners, how could a disability and community services commissioner be appointed before the community services functions are defined and appropriate selection criteria are in place?

MR STANHOPE: Thank you, Dr Foskey, for the question. I have to say at this stage that I am not up with the processes, duty statements or job descriptions to that degree. It certainly is the government's determination to recognise the broader functional responsibilities that would be incorporated in a commissioner for disability and community services. The government is mindful of the structure of the human rights commission, which, as you know and as you alluded to, will incorporate a human rights and discrimination commissioner, a health complaints commissioner, a children's commissioner and a disability and community services commissioner.

To some extent, the structure and nature of the responsibilities of each of the various commissioners that will comprise the human rights commission have to be determined by our resourcing capacity and the resources that we believe we can apply at this stage to the human rights commission. I acknowledge that the range of functions or role of any of the commissioners—and most particularly that of the disability and community services commissioner—is to some extent a reflection of the budget we have been able to apply to the commission. I think everybody is aware that our budget position is tight. That is reflected not only in the funding available for the human rights commission but also across the board.

There are aspects of the detail of the question you ask, Dr Foskey, that I will have to inform myself on. To answer your question more fully, I think the best thing for me to do is to take it on notice and provide you with more specific detail around the range of responsibilities on the duty statements, so to speak, of each of the commissioners and most particularly, that of the disability commissioner.

DR FOSKEY: Mr Speaker, I ask a supplementary question. Perhaps this will also have to be taken on notice but I will ask the question so you can do that. Will the funding of the commission, then, be adjusted to take into account the additional so far unfunded workload of this commissioner?

MR STANHOPE: The budget that has been applied to the operation, management and running of the human rights commission will, of course, be distributed according to decisions made by the commission itself. I think the answer to your question is that all

individual funding decisions relating to the various parts of the roles and operations of the various commissioners will be made in a collegiate way by the commission as a commission. Each of the commissioners will, of course, be competing for the funds being made available for the operation of the commission. I hope that assists your understanding.

The government will not adopt the role in relation to each commissioner of determining a particular level of funding. That is one of the synergies involved in the establishment of an overarching commission to cover off each of the five commissions that will be incorporated within the human rights commission. The human rights commissioner, the discrimination commissioner, the health services complaints commissioner, the children's commissioner and the community services commissioner will operate in a collegiate way as a commission and will, in a collegiate way, under a president, make funding decisions for themselves.

Procurement guidelines

MR MULCAHY: My question is to the Treasurer. The Auditor-General's report on government procurement finds disturbing evidence of sloppy and careless management. Basically, because agencies had not been following guidelines when purchasing goods, there was a heightened risk of collusion between purchasers on behalf of the government and private sector suppliers, and agencies were not getting best value for the public's money. Does the Treasurer acknowledge that some agencies have been sloppy in not complying with procurement guidelines and that the territory has not been getting value for money?

MR QUINLAN: I have not had time to get a briefing on all of the detail of the auditor's report. I have had a quick thumb through it. I am aware that these days auditors are inclined to paint a darker picture sometimes than is the case in reality. The overall verdict and assessment by the Auditor-General was positive. The report said that generally everything was done in a satisfactory way.

I think that the next most frequent problem was an absence of some recording or reportage, and then there was some concern that people had, I presume, got into ruts in relation to their purchasing—looking on the positive side, which I like to do until told otherwise. Certainly, because the report was tabled in this house, the government will prepare a response.

I have been surprised from time to time by some percentages I have seen in an auditor's report—35 per cent or something like that—only to find out that the actual sampling taken was miniscule and possibly open to considerable statistical error. The government will have a good, hard look at the report and get back to you. If agencies have not done the job properly, appropriate action will be taken.

I think you know that the government is in the process of centralising a large amount of the procurement anyway. I think you would also know from the report that the centralised procurement area got pretty well a clean bill of health.

MR MULCAHY: Treasurer, how will the centralisation of that government procurement actually lead to a more efficient outcome?

MR QUINLAN: We are looking now at centralising procurement and centralising a lot of the IT delivery as well. I guess that you could say that maybe part of the theory of the pulsating universe is organisations, on the one hand, centralised and, on the other, decentralised.

Mrs Burke: It sounds a bit cabbalistic to me.

MR QUINLAN: You should have stayed at school a bit. We have had an expenditure review committee report. We have looked at some of these areas and the ERC report indicates to us that we can, with fewer resources, do the same job. As the audit report would indicate, the procurement area itself, the centralised Procurement Solutions, seems to be doing a good job.

A couple of times, not many, I have had visitation from people—I am sure that the MBA would be happy to be quoted—who have said to me, "Can you get all of the work to go through your guys because when we deal with them we know exactly where we are going?" Inevitably when you have a decentralised system, even if there is a hard and fast set of rules, you will still get interpretation and you will still get diversion in the way things are done. Of course, business wants everything to be simple. They like us to keep it very simple for them, otherwise they complain—red tape, task forces and those sorts of things. You have to keep it fairly simple for business and we intend to do so.

We have, through the expenditure review committee, estimated a reduction in the amount of resources that will be applied to procurement once the centralisation process is completed. That, like any other process, is going to take management as well. You do not just change it and walk away from it. It is going to take management to ensure that we provide the level of service and that all of a sudden we do not get, as well as business maybe having a bit of a complaint about procurement, all the other agencies saying, "We never get service. It used to be much better when we had it."

I think that in the overall context, just going through the ERC figures, which have generally been accepted by those that are involved, that it does offer economies to government. That does not change the need to abide by processes. It does not change the need to ensure that the competitive process continues and that we do not get ritualistic in our purchases. But occasionally, and this is one of the things that I want to ask about before I bring back the response to the audit report, you will get situations where the rules and regulations become a nonsense, where you get to the point that there is only one supplier or the line that you are buying is such a standard line that going through "the process" does devolve somewhat to a nonsense.

I will be pushing in the future for the management of our procurement to be sensible so that we get the best out of it. Business is flexible and would want to remain flexible, but the public sector has always got that two-edged sword. You have to do everything exactly by the book or someone will complain, but if you do it exactly by the book and it takes so long someone else will complain because it takes so long to go though the process. I would like to think that we could strike a balance and be sensible and still get the best value for the town, but that is a case of ongoing management.

Children—kids-at-play program

MS MacDONALD: My question is directed to the Minister For Sport and Recreation. Minister, yesterday you helped celebrate the first birthday of the government initiative, kids-at-play. Could you inform the assembly of the success of this program over the past year?

MR QUINLAN: The government committed to establish kids-at-play just over a year ago in October 2004—just before the election—and started establishing it immediately. The program is designed in response to concerns about the decreasing level of children's physical activity and the impact it has on their health status, including levels of obesity.

The program focuses on play rather than sport to engage kids who might not consider themselves—or be considered as—sporty and who are not necessarily comfortable playing sport, but who nevertheless have fun with physical activity. The program aims to provide physical activity for children up to the age of 12 years in a non-structured environment and to encourage children and family interaction through play.

Kids-at-play is delivered to the community initially through two specifically designed and equipped vans that travel to after-school and school holiday programs, and community events, where trained casual staff help children actively play various games and activities. Services include the arrival of a kids-at-play van fully equipped with a range of sporting and play equipment accompanied by three trained staff members to facilitate activity. The trained staff members are generally university students from the University of Canberra. Their participation in this program is part of their university development.

Operation of the program was initially aimed at terms one and four in schools to take advantage of the warmer weather. However, the program's appeal and the demand for the service and the kids-at-play vans have meant that we have extended it through the winter months. In terms of participation, in holiday care programs, nearly 3,000 kids have been through 80 sessions; through after-school care centres nearly 6,000 kids have been through about 350 sessions; in community activities, nearly 9,000 kids have been through about 100 sessions; and, overall, in 12 months, 17,000-plus kids have been exposed to the activities of kids-at-play.

In the first year there was significant interest from the early childhood sector. Pilot activity was undertaken in that area as well. Through these activities it was evident that the equipment in the current vehicles was mostly a bit too large and cumbersome for the smaller kids. So the program grows. Yesterday—a year into the program—it doubled in size, with the launch of two additional vans. One of these will specifically target pre-school kids, with specialised equipment for these younger children to assist in the exploration of play and to develop motor skills.

All kids-at-play vans will be operational from 28 November—next week—and already the bookings for 2006 are rolling in. I congratulate my department for the work they have done on this. We have an actively ageing program for older people. We came to the electorate in 2001 saying we wanted mass participation in sport; we wanted people across the community to participate in sport.

We have done some constructive things about that, beyond the talk. Actively ageing grows. Quite clearly, the kids-at-play program has grown. I thank the sponsors who have helped us fit out the vans. I thank the University of Canberra for the continued provision and the continued involvement of their students. For the students, the government and community, it is a win-win process.

MR STANHOPE: I ask that all further questions be placed on the notice paper.

Supplementary answers to questions without notice

Griffin Centre—food distribution program

MR HARGREAVES: On 17 November I took a question on notice from Dr Foskey concerning the Red Cross Roadhouse free food program operating from the new Griffin Centre. The Red Cross Roadhouse has been operating for some time. It used to run from the old Griffin Centre and is now operating out of the main meeting room on the ground floor of the new building. The government made a commitment that all tenants from the old Griffin Centre would be accommodated in the new Griffin Centre if they wished. Users of the old building, such as the roadhouse, have transferred across to the improved facilities in the new Griffin Centre.

The new Griffin Centre represents a substantial commitment by the government, with the building costing over $9 million to construct and establish. However, the building is managed by the ACT Council of Cultural and Community Organisations Inc. In my meetings with the council I have acknowledged their significant role in managing the sometimes competing priorities and demands of and diverse use by tenants and users of the building. The roadhouse operated from one of the larger meeting rooms in the old Griffin Centre, a space that was used for other activities when not being used for the program. It is just such an arrangement that is in place in the new centre. With any new building and significant move, there are issues and challenges that need to be resolved. These issues and challenges need to be addressed by that council.

Canberra Labor Club

MR QUINLAN: During question time yesterday I took a question from Mr Stefaniak in relation to the Labor Club in the city and I will read the answer that I have received from the commission:

> The Gaming Machine Act requires the Commission to "make the Social Impact Assessment available for inspection" by members of the public for a period of 6 weeks, ie there is no requirement for the Commission to provide the public a copy of any Social Impact Assessment (SIA) lodged with the Commission.
>
> In relation to the SIA lodged by the City Labor Club concerning its proposed move to the former Angus and Robinson site in Civic, due to the public interest in the proposal the Commission made a copy of the text of the SIA available to all members of the public that were interested.
>
> Initially, the data tables attached to the SIA (such as the ABS data used) were not provided due to their size and the fact that they were generally publicly available.

> However, when requested to do so by one interested party, the Commission also provided copies of these tables.

Paper

Mr Speaker presented the following paper:

> Study trip–Report by Mr Smyth (Leader of the Opposition)—Meeting of Shadow Health Ministers—Sydney, 14 November 2005.

Welfare reform legislation

MS PORTER (Ginninderra) (3.34): I move:

> That this Assembly recognises the effect of proposed federal welfare reform legislation on members of the Canberra community.

In the weeks preceding the September sitting I had the opportunity to attend a luncheon to recognise the work of foster carers and kinship carers in our community. In response to the heart-rending and inspirational stories that I heard at this luncheon, I had written and prepared a speech discussing the absolute injustice of the Howard government's welfare-to-work legislation and, in particular, the effect it would have on the provision of foster care.

However, upon reading the papers that morning, I found that the unthinkable had happened. For perhaps the first time in political memory, the Howard government had come to their senses and made it clear that they were willing to compromise their punishing crusade, at least in part, to soften the impending blow for some of the welfare recipients who were being targeted by the welfare-to-work legislation.

Mr Speaker, you can no doubt realise my surprise upon reading headlines such as "Vision of Welfare-to-Work" and "Foster Carers set free from shackles of Welfare reform". I was, of course, sceptical at first, given the debates we have had in this place regarding the effects of federal legislation on the Canberra community. I am sure that I need not remind those opposite of the ducking and weaving they have performed when debates have been initiated in this place on industrial relations or on VSU. In all of my time of serving politics, I do not think I have ever seen anyone try to distance themselves from their political party to the degree that those opposite have on the issue of Telstra.

But it seems that in this instance I was right to remain sceptical. As has been pointed out by the National Centre for Social and Economic Modelling, some of the most disadvantaged elements of our society are still being forced off their entitlements in order to achieve meagre saving targets. For example, sole parents who claim income support after 1 July 2006, with the youngest child aged six or more—sorry, eight now, as a result of Howard's further backdown—will have their parenting payment withdrawn and they will be placed on the Newstart allowance. Joining them on the job-hunting circuit will be those with disabilities who are deemed to be able to work between 15 and 29 hours per week, as they will have their disability support pension withdrawn.

The federal government is playing economics without any reference to the social and emotional impact these changes will have on people's lives. The same NATSEM report concludes that, under the proposed system, sole parents who are placed on the Newstart allowance will receive much lower incomes than under the current parenting payment system. This means less disposable income for school books, less available resources for family activities and, at the same time, less time spent developing a meaningful relationship between child and parent.

Similarly, the NATSEM report highlights the disdain with which the Howard government treats those who seek to receive a disability support pension. The report includes a graph which compares the disposable income of a person with disabilities who has private earnings of $191 a week, firstly under the current DSP system and then under the proposed Newstart system. This graph concludes that such an individual would be $99 a week worse off under the proposed system.

The federal government is proposing, firstly, to send the most disadvantaged members of our community back to work, regardless of their circumstances, and then to implement a welfare system, which will actually reduce their income on the basis of this return to work. This does not make sense. Perhaps those opposite could make some sense of it and explain it to me.

Even with the concessions we have seen announced recently, the legislation still proposes to target those who, through no fault of their own, find returning to paid work difficult. It still ignores any consideration of personal circumstances and still places the interests of the almighty dollar above the welfare of ordinary Australians. As the Australian Council of Social Service points out, these changes still do not ensure that single parents or persons with disabilities will be protected. Many will be financially worse off as a result.

Mr Andrews needs to take a long, hard look at the effects of this legislation on ordinary Australians and recognise the responsibility he has to the whole community. I am not holding my breath, Mr Speaker. This federal government obviously does not believe in supporting and sustaining the whole community; rather, it believes that it should punish those who are already down—teach them a lesson perhaps; the old "blame the victim" of the old Poor Law days. Perhaps Mr Howard would be happy if all the parents on parenting allowance and all the people with a disability, once forced off their payments, were herded into some kind of workhouse until they had paid their debt to society or perhaps had met their mutual obligation, as Mr Howard is prone to say. What about your mutual obligation, Mr Howard?

The Stanhope government repeatedly expresses its disappointment at the agenda that is being pushed in this fourth term of the Howard government. We have commented in this place on the impending sale of Telstra and its effect on ACT residents. We have debated the detrimental effects on our community of the voluntary student unionism legislation and we have expressed our disgust at the impending damage associated with the so-called reforms to Australia's industrial relations system.

The welfare-to-work legislation represents the worst of a set of pretty horrid so-called reforms, and those of us who value our society, our community in the ACT, must take

every opportunity to speak out. As I said, the so-called reforms are designed to target the least advantaged in our society and, therefore, those who have the least opportunity to express their anger or their disappointment. This legislation targets people with disabilities, people with very real impediments to work, sole parents, and, until the recent miraculous backdown, foster children and their carers.

I initiated this discussion here today not to point out to those opposite what a draconian bunch their federal colleagues are, which of course they are. Rather, I moved this motion initially because I was afraid of the very real effects this legislation will have on our community in the ACT, our wonderful foster parents and the children that they care for, single parents and their children, people with disabilities and their families, people living here in the ACT. Whilst we now know that some affected groups—namely, foster children and their carers, families with four children or more, and carers of children with disabilities—will be spared this punishment, but to even contemplate that these families were under threat in the first place is astounding and, of course, very disturbing.

This legislation is still draconian in its content and it fails to take into account the actual welfare of Australians. Despite the backdowns, we can expect many more community groups and individuals to experience disadvantage due to the effects of this heartless withdrawal of government support. In fact, only this morning I picked up my *Canberra Times* and read the following report:

> Chief Executive of Anglicare Canberra Ian Marshall said changes to eligibility requirements for welfare to work could lead to a greater community dependence on charities in the future.
>
> "A concern that I have is that people who are in need will become more disadvantaged," he said at Anglicare's Christmas Appeal Launch yesterday.
>
> Mr Marshall said certain changes could reduce people's access to the skills and employment necessary to get them off welfare.
>
> "Sometimes legislation and policy has unintended consequences, so we will watch carefully to see if there is a growing demand for our services."

I think Mr Marshall has a very real reason for concern. I know that all of us in this place take our responsibilities to our constituents very seriously. It is because of this that I know we will all remain vigilant and we will all lobby our federal colleagues to further reform the welfare-to-work legislation so that it more accurately reflects the true Australian values that we all ascribe to—values of a caring, compassionate society which recognises the significant contribution already made to the community by all of those who now find themselves the target of the federal government's draconian legislation. It is as though these people do not make any contribution already to our society, yet we all know, of course, that they do. I encourage all those in the house to support this motion.

MRS BURKE (Molonglo) (3.45): At the territory level I hope we are all under no illusion that any member of the Canberra community is surely better off in some form of employment than remaining on welfare. I propose to present a different view perhaps to some of the—dare I say—hand-wringing commentary we have heard in this place about the proposed welfare reforms. And let us not forget that they are only proposed; there is much to work through and it is being worked through at a federal level. There is

obviously no need then to spend the next hour debating the benefits of assisting and encouraging people, wherever possible and where it is certainly realistic, to enter into the job market and take that first step to increased independence and personal satisfaction that is gained from meaningful employment, be that part time, casual or full time.

Let it be remembered that the intent of the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005 is to introduce a number of amendments to the Social Security Act 1991, the Social Security (Administration) Act 1999 and the Disability Services Act 1986. It will give effect to the legislative measures in the welfare-to-work package announced in the 2005-06 federal budget.

The measures in this bill, along with other administrative measures in the package, are a significant further step towards building a modern and responsive social and welfare support system for all people of working age by encouraging and assisting more people to participate in the work force. I know that Labor and those opposite love to see this as code for shoving people who are on crutches and wheelchairs into the work force. Some of these notions that are presented are absolutely absurd and I take absolute offence at the notion that anybody would seriously consider that happening. We have to think of the choice of the individual here as well.

The three principles that underline these measures are: people who have the capacity and are available to work should do so; the best form of family income comes from a job rather than welfare; and services provided to people who have an obligation to seek work should focus on getting them into work as soon as possible. But, sadly, the scaremongering continues. Any group or organisation that seeks to engage in scaremongering tactics in relation to the federal government's welfare-to-work reforms is obviously not seriously considering any policy development; nor are they capable of entering into the debate and the active participation in reforms that are needed and are generally supported across the business sector and wider community.

In fact, in the nine years that federal Labor has been in opposition I do not believe—and I stand corrected—it has come forward with any solutions to encourage people, where they can, to enter into meaningful employment and go on to furthering a productive life, full of prospects that can never be fully realised when receiving any form of welfare.

No doubt some welfare groups have concerns, which, quite rightly, should be aired during the inquiry process, in relation to the welfare-to-work changes. In fact, I watched with great interest how Senator Kay Patterson, on the lawns of Parliament House, addressed a very angry group of people from a wide range of disability associations. Quite quickly they could see that she was desperately trying to grapple with the situation, and that was a good meeting. It was a bipartisan meeting: there were people there from all sides of politics, wrestling with the issues. I will speak more later as to why we have to move this agenda forward.

What should be highlighted is that the federal government has recognised that support should always remain for those families who are most vulnerable, and it will no doubt maintain a responsive and sensible welfare safety net. A poignant issue is that the federal government is prepared to tackle one of the most difficult problems faced in a generation: unemployment and the fact that around 600,000 children—a staggering

number—are currently growing up in homes where parents are not fully engaged in any form of work.

There could be no member in this Assembly who would agree that this is a situation that should be allowed to continue. If there is an opinion otherwise, to me it signifies that some members would rather pursue a campaign that seeks to disrupt and not recognise that, in tandem, the WorkChoices and welfare-to-work reforms are designed to complement and combat outdated systems that do not in any way assist our economy to continue to grow and to therefore provide productive jobs for people who wish to participate.

A combination of a feeling of achievement, motivation and imparting of a strong work ethic to children are the key components that the Liberal opposition recognises are at the heart of the federal government's efforts to rejuvenate an ageing legislation that impedes employment growth. Contrary to efforts by some groups to distort the facts, support will be offered to eligible families faced with difficult circumstances.

Ms Porter's motion talks about proposed changes. You cannot sort of hypothecate. We can have the debate, and I am happy to do that, but you cannot make assertions that this will happen or that will not happen. I am putting to you a human case. I have talked to stakeholders; I have talked to people with a disability. I watched a program on SBS last evening that talked about young people with a particular disease longing to be in a workplace—not wanting to stay at home, hide away and be on welfare—far from it. In fact, we can often learn a great deal from people who have disabilities and so forth.

Why would any fair-minded human being consider it unreasonable to view the welfare-to-work reforms as an effort to actively encourage people to seek employment that matches their capacity to contribute effectively in the work force? A balance can be achieved in this sense and this reflects a wider community sentiment that cannot be disputed: whenever you require legitimate government support, it should be there, always. But, on the other hand, all of us should be contributing productively in the spirit of building our community and strengthening our economy.

As recently as yesterday, the federal Minister for Workforce Participation, Peter Dutton MP, indicated that he had concerns that the federal Labor Party was entering into what might be called a surreal world, claiming there would be no flexibility in guidelines that put into effect the legislation surrounding the welfare-to-work program. An official from the Department of Employment and Workplace Relations explained, in essence, in a committee hearing on 21 November 2005 that vulnerable groups would be protected by way of exemption from certain portions of the legislation that would see them shift from some form of support payment on to Newstart. The federal government is aware that, due to complexities and personal circumstances, rather than seek to legislate on such complexities, regulations and guidelines are far more useful in offering flexibilities to families. The department official clarified this by saying:

> The legislation does cater to the key groups of people for whom an exemption may be required. For example, it makes it very clear that there will be automatic exemptions for parents who are active and registered foster parents, for parents who are home schooling or for parents who are facilitating distance education for their children. … for parents who have children with disabilities … for parents who are

> escaping domestic violence … there is a whole range of categories there which are actually in the legislation …

In addition, there are provisions that protect people who are homeless, who face some form of mental illness or have a disability that would not require them to undertake active participation requirements. There is definitely a lot of scaremongering going on about what groups are in and what groups are out, yet clearly here we can see that for many of these people this fear is being spread in our community quite wrongly. It is quite wrong to assert that some of these cases will be shoved out and forced to get jobs. It is clear that they are not going to be.

Guidelines allow the relevant government departments a degree of flexibility in dealing with job seekers experiencing a broad range of life circumstances that would not be possible if everything were set in concrete by way of legislation. So here again we see a more flexible world. We need to live in a flexible society where people can make choices, where people are given options that they have never had before to do something. Of course it is going to be hard to turn this whole welfare system around. I do not deny that.

Any political party that does not support the notion that we, as responsible members of our community, should participate in the work force wherever it is possible is acting in an irresponsible manner and patently displays that it does not seek to foster growth in the economy nor does it wish to elevate a sector of the population that deserves the same right to enjoy the financial, social and personal benefits that naturally come with participating in any form of gainful employment. I think historically people have thought, "Well, the only thing I can do is take welfare." We need businesses—big businesses, small businesses, medium-sized businesses—to come on board and to offer options to people that will make it easier for them to go back into the workplace, to employ people with a disability.

I think we have got into a pattern where we just hand out money, but we should be giving people a hand up. I am surprised this motion really has been brought forward by Ms Porter, as I know she is an active supporter of the social services sector and would know first hand of the benefits that are realised when a person who has never been actively encouraged to seek employment experiences the elation and personal satisfaction that come when they receive a pay cheque or a pat on the back, or both, from an employer for a job well done.

What the Labor Party may not recognise, nor seek to address over the medium term, is the fact that the demographics of our nation are shifting and that action is required to match the increasing costs that are imposed upon our health systems: pharmaceutical benefits, aged care and the cost of continuing to offer all forms of pensions. There is a bigger debate to be had on that for another day. It is true that we are keeping people alive longer, but we need to make sure too that at every level we give people who have never worked before, be they able-bodied or with a disability, an opportunity to do so now. It does not mean that they cannot work; often it just means that they have never been given an opportunity to do so.

Of course there is going to be some fear about this, of course there is going to be some uncertainty, but at least do not let us knock this until we ask truly those people with

a disability who are in jobs, who have been on welfare and are now back in work, how they feel. I have asked such people, and I am sure Ms Porter knows of such people. That is why I am concerned with this motion today—that so many assumptions are being made about something that we do not really know is not going to work.

The Howard government has identified the need to make momentous and courageous changes now to the interconnected areas such as industrial relations, welfare and workplace relations. These reforms, however we view them, are a vital necessity. Change takes courage. Often, people do not like change. People are reluctant to get out of their comfort zone, to move on with life.

The prosperity of our nation relies quite heavily on three factors: population, participation and productivity. Unfortunately, I will not be supporting this motion as it does not and cannot in any way clearly articulate any real argument that can, without doubt, prove to me "the effect of proposed federal welfare reform legislation on members of the Canberra community", that it will have the negative impact that Ms Porter talks about.

I end by saying that I do believe it is quite clear that the states and territories are failing miserably in achieving a fair go for people who want to get off welfare and into work. We seem to have this notion that giving people money and then allowing them to just live off the fat of the land forever and a day is the way people want to be. Give people the option. Give people the option to do something different with their lives. They need to do more work at the local level with the federal government. We have had a debate in this place today. Work with the federal government. We need to be sure as a territory that we meet our obligations and reduce welfare to those who do not need it, and target it instead to those who do.

DR FOSKEY (Molonglo) (3.58): I support the motion and I want to thank Ms Porter for raising this issue in the Assembly. I regret that the opposition will probably see the debate in terms of the motion raised by Mr Mulcahy this morning, because this is an important issue that will affect the ACT. Before I begin my substantive speech, I want to quote some figures to Mrs Burke.

Mr Dutton, the federal Minister for Workforce Participation, released figures yesterday showing that nearly 10,000 people receiving the disability support pension found work in the year to September—doubling on the previous year—and that, over the same period, 35,000 people receiving the parenting payment also found jobs, which is another doubling. I think this indicates that there is not really a problem; that people who are able to do so are going out and looking for jobs. My real concern is that the welfare-to-work package is a sticks method rather than a carrots method. As you say, people are better off working. It is not that they do not want to be better off; there must be some other reason why they are not in the jobs.

At the moment, there are three major federal government society-transforming packages in front of us—the antiterror legislation, the industrial relations reforms and welfare-to-work reforms. Most of us have to prioritise where we put our energies. I think one of the areas missing out is the welfare-to-work package. We have antiterror legislation causing concern to the broad community—and this is a constituency issue—relating to human rights and other issues and the industrial relations issue has been taken

up by the unions and very substantively by the Labor Party. Because the welfare-to-work package is most aimed at those on the margins—people with a disability, people on parenting payments—and because of the emphasis unions must necessarily place on working issues, they are perhaps not getting the attention they deserve. But they have excellent spokespeople within their own groups and within groups like the National Welfare Rights Network.

The more we see about this legislation, the more it looks problematic and horrific. Just yesterday in the *Sydney Morning Herald* it was revealed that sole parents and people with disabilities may have to work nearly twice as many hours as the federal government promised under its welfare changes. The trouble with this legislation is that you have to get into it with a magnifying glass. To do that requires time, which is not available to most of the people it affects. They rely on peak bodies such as the ACOSSes and COSSes of this world and the welfare rights network. I quote Michael Raper, who is the Executive Director of the National Welfare Rights Network. The day before yesterday he said:

> Although the government has consistently said people would have to look for 15 hours of work a week, a parliamentary inquiry into the new system heard yesterday that people could be required to work up to 25 hours a week.
>
> There is no upper hours, part-time work limit in the legislation.

It goes on to say that if people refuse a suitable job offer of up to 25 hours a week when they are working at, say, 13 hours a week, they can be hit with an immediate eight-week no-payment penalty and will lose in excess of $2,000 in welfare payments.

There is no doubt that there is a problem. Thank God for the Senate committee—and again we had to fight to get that. This legislation would otherwise have gone through with almost no scrutiny. Even though they do not have the numbers in the Senate, the opposition and the minor parties put their feet down and we have had some public airing of the issues. This shows the different weighting of interest in the two issues. By 21 November the Senate committee had received 59 submissions on the welfare-to-work program. By comparison, the Senate committee inquiring into WorkChoices had received over 4,500 submissions by 10 November. Good on people for getting those submissions in. But let us not see that as an indication of how the government should act, because it is the intersection of these two bits of legislation that is really worrying.

The Australian Council of Social Service and community, church and other rights groups have had significant input into this debate. There is no doubt that all these groups support the goal of assisting more social security recipients into jobs and welcome the government's increased investments in employment assistance and childcare. All this has to happen if this package is going to work. However, ACOSS believes that the bill unnecessarily places many single parents and people with disabilities onto lower payments—so they will have to live on less until they get secure employment. Look, if we had been able to put a poverty-proofing process onto this legislation, it would never have got past cabinet. It is the opposite of assisting people.

A couple of sittings ago I moved a motion that the government agreed to. It was about how we could move the group of people who constantly stay in the unemployment

sector—the low skilled and low-income workers. There may be other reasons, such as a slight disability or family circumstances, as to why they are not able to get into jobs, or perhaps those jobs do not exist for them. We do not know for sure why that is. Our work was informed by Professor Bob Gregory's work, which points to some of the disincentives for people on welfare to move to work.

There have been a number of attempts to improve the situation. The federal government I suppose is using the neoliberal economic model, which uses what could be called a fashionable analysis. There have been enough critiques of it to know that this micro-economic analysis does not work. It relies on a so-called market approach. If you follow that, it means deregulate the labour market because that means that wages would fall for the disadvantaged and there would be more jobs. That is the argument. Along with the real wage falls, the level of welfare payments needs to go down, because you have to boot people out as well as provide a place for them to go.

That is the model I think the federal government is working on, but then we have the problem of skills. We all think the ACT has a skills problem where we do not have enough people with certain skills. That is a universal problem; it is not just in this precinct. What about more training, then? We have people staying on at school for, on average, two more years but we still have the problem. Obviously, that is also going to require more fine-tuning too, rather than just throwing education at it—especially when we are going to charge more and more for that education and foster the public's fear that the government offers less money for education for the groups of people we are talking about. It is not just putting people who are on welfare out to work; it is a double-barrelled approach; it is across society.

One of the main impediments to people going off welfare is the fact that, as we know, they lose money. We have high effective marginal tax rates and this is where the government needs to act. This is a simple one. Let us get rid of the disadvantage that one has to leap into a much higher income bracket to be able to live at the same standard one lived at when on Centrelink payments because of the various advantages that go with those payments. We need to get rid of that margin. It is very strange that the government is not tackling that. I do not understand it. They are lowering taxes for everyone else at the top end. I prefer the use of incentives and supports rather than punishments and deterrents. I would like the broader community to become more aware of the welfare-to-work reforms and the problems they set.

MRS DUNNE (Ginninderra) (4.09): To refresh people's memory, Ms Porter's motion on the surface seems fairly innocuous. It reads:

> That this Assembly recognises the effect of proposed Federal welfare reform legislation on members of the Canberra community.

I think we should reflect upon and not go in for the, I suppose expected, cliches Ms Porter started off with, such as the punishing crusade of the Howard Liberal government. It is a classic. Everything done by the federal government is brought into this place and trotted out by members opposite as a means of beating people around the head. What Ms Porter did today was a logical extension of the things Mr Mulcahy was complaining about this morning: we've got to find an opportunity to beat the Howard

government over the head. Let us not look at any of the things being proposed, we will oppose them because they are being suggested by the Howard Liberal government.

I think it is time we had a little history lesson in this place. We had a little look at the welfare reforms we have seen in the past 20-odd years. For my sins, or for whatever reason, I spent a considerable amount of time in the mid-1990s working in the commonwealth Department of Employment, Education and Training and, in the mid-1990s in particular, working in the area of the federal office that oversaw labour force programs and the application of programs through the Commonwealth Employment Service. For a particularly long period of time I was involved in that wonderful testament to Labor policy—the labour market program's white paper called "working nation". If ever there was a misnomer, that was it. Paul Keating and his "working nation" were ably supported by bomber Beazley, who is now the Leader of the Opposition. We had a little look at the history of "working nation" and some of the Labor Party programs.

Mr Stefaniak: Noodle nation!

MRS DUNNE: No. It was worse than noodle nation. It put a whole lot of people on the scrap heap. It saw the light of day; it saw people implementing it; and we saw lives ruined because of it. "Noodle nation" is just an object of derision; "working nation" is a national tragedy. To put a little context about where the Labor Party was going in the mid-1990s, I remember that one of my jobs was to write drafts of speeches for departmental officials and ministers to present on a variety of occasions. I remember being called upon on one occasion to write the first draft of a speech for Mr Beazley to present at a book launch at the national press club. When the speech as presented came back to the department, it was no surprise to me that none of the words I had prepared seemed to have appeared in Mr Beazley's speech.

Mr Beazley's speech on that occasion—back in 1993—sits strongly in my mind, because it was the day I realised there was no hope for unemployed people while ever he was the minister for employment. He said then that we would never achieve five per cent unemployment again and that, if we ever got to five per cent unemployment, that was as low as we could go. We need to remember that, at that time, we were looking at a million people out of work, with a huge proportion of those having been out of work for more than 12 months. They were the long-term unemployed. Bomber Beazley said, "Like the poor, they will always be with us. We can't do anything about it." They proved it with "working nation".

In "working nation" they came up with a whole lot of programs and a whole lot of variations to programs to address, with a supply side solution, a demand side problem. The problem was that there were a whole lot of people—at one point one million Australians—out of work, looking for employment. The Labor Party came up with reforms to the labour force programs to somehow better educate people for non-existent jobs.

One of the especially exquisite elements of "working nation" was the capacity they used to move long-term unemployed people off the long-term unemployed list. They did that by two means: one was to put people into short-term fake jobs; then, when they came out of those fake jobs and had no jobs to go to, they were no longer long-term unemployed

and they could put them back on Newstart as new entrants—and people were being churned through. The other even more exquisite means was to take people off long-term unemployment and put them on the disability support pension. Between 1991 and 1992 the number of people on the disability support pension in Australia rose by 13 per cent. We are reaping the whirlwind of that even as we speak today.

Ms Porter comes in here and wrings her hands about what a terrible thing the welfare-to-work process is. I will stand here and proudly say that I support any fair means of getting somebody off welfare benefits and into a job. The best way to address this and get people out of poverty is to get them off benefits and into a job. Let us look at some of the figures. These are not the government's figures; they come from reports produced by the National Centre for Social and Economic Modelling—hardly what you would call a mouthpiece for the Howard government. In 2001, for a report commissioned by the Smith Family, they found that only three per cent of waged households were in poverty, compared to 31 per cent of households relying on welfare in poverty.

Dr Foskey: That is self-evident, isn't it?

MRS DUNNE: Regular and ongoing employment is obviously a guarantee against poverty. This is something we all know. Dr Foskey says it is self-evident, but it is not self-evident to the people opposite, who would do anything to stand in the way of reasonable changes that would help people get off welfare and into a position where they could get jobs. When would we be better placed to do it than now? We could not do it when bomber Beazley was the minister for employment because he would not do anything about the sinfully high unemployment level at that time. A million people in Australia were unemployed—unprecedented numbers. Now that we have an economy that is working, there is employment and increased numbers of jobs. What better time to attempt to get these welfare-to-work reforms in place? This is a time when we can achieve something, not just for the individuals concerned but also for their families and ongoing generations.

One problem we have in this country is intergenerational unemployment. What better thing could we do for the young people of this country than get their parents into jobs? Rather than learning about being unemployed and being dependent upon welfare through the experience of their family, give them the positive experience of being in work.

Another interesting and more recent survey from NATSEM in 2004 shows that around 41 per cent of all unemployed people were considered to be in relative poverty, along with 17 per cent of people not in the labour force and 24 per cent of people whose main source of income was government cash benefits. This compared to two per cent of people whose main source of income was wages and salary who were considered to be in relative poverty. Let us get it straight.

For all Ms Porter's words about a punishing crusade by the Howard government, I would like to see the Howard government continue to crusade to get people out of poverty, off benefits and into a position where they can find work. Dr Foskey raises some very important points, to which I say, "Hear hear" to her. She constantly and effectively raises the issue of high effective marginal tax rates. There are disincentives that still need to be addressed in this package. I do not have any problem saying that I think the federal government has failed in this regard, but there is still time for improvement. High

effective marginal tax rates are a disincentive. I would encourage the government to look at those, but the work done by Minister Andrews and Minister Dutton is good work that should be supported. We should not have any view that this is draconian.

MR SPEAKER: The member's time has expired.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.19): I thank Ms Porter for bringing this motion to the Assembly. It is an important one and I think it is very important that we discuss this prior to the legislation coming into effect, as we continue to lobby against the legislation and lobby for amendments to make it fairer, if at all possible. I have listened to Mrs Burke and Mrs Dunne. Mrs Burke's speech contains the usual number of cliches. She has obviously read the propaganda, but there is absolutely no critical analysis of the work and the dialogue that has been going on since this legislation was put on the table.

As an individual, I do not necessarily accept that everybody is better off in a job than receiving some kind of welfare support. I think it depends on the type of job, how it impacts on the family and the opportunities for the individual. I do not necessarily swallow that. The line is constantly run that "You are better off in a job." It is used as a way of saying, "We need to reduce welfare support." It is not, "We will continue with a strong welfare support system and create opportunities and jobs for people"—it is, "You are better off in a job, and off welfare."

I am not convinced that that is necessarily the case for all families that require the social security safety net. They are the people we are concerned about in relation to this proposal. It is the people at that most vulnerable edge for whom there is a punitive mechanism being put in place to shift people off social security support and into a job. It is not about choice; it is not about training; it is not about opportunity. It is a case of, "This is what has to happen or you will lose your income support, and you will be penalised." That is what the legislation being proposed says to families who are in need of support from the states and from the system. There is no choice in this proposal. It is not about creating opportunities or anything like that. It does not talk about training. In the recent training agreement there was no new money to support vulnerable groups within our community to receive training that would put them in a better position.

Mrs Burke: But other states and territories have to put the money in, Katy. Meet your obligation.

MS GALLAGHER: We have put millions of dollars into the training system—

Mrs Burke: What are we seeing for it?

MS GALLAGHER: and that has not been matched by the commonwealth.

Mrs Burke: Let's blame someone!

MS GALLAGHER: Mrs Burke can sit there and spout stuff she has no idea about. We have put millions into the training system here that has not been matched by the commonwealth. There has been no new money to take a vulnerable group who may be in

receipt of social security payments and say, "Let's provide you with the training you need to get a job that is going to be good for you and your family." That is where it is missing. Mrs Burke sat there and I think her line was, "All these people that live off the fat of the land"—as though people in receipt of a social security pension live some fantastic life.

Mrs Burke: For some people. They shouldn't be there.

MR SPEAKER: Order! Mrs Burke.

MS GALLAGHER: I cannot believe Mrs Burke would believe that and that she would stand in this place and say that people are living off the fat of the land and that they need to be shifted into employment because they are having this fantastic life. There is less income in their families per week than you would have spent on that lairy pink jacket you are wearing.

Mrs Burke: I didn't make rude comments about your clothing today. Childish.

MS GALLAGHER: I am just trying to give you an example of the money we are talking about here that is supporting families.

Mrs Burke: Silly debate, Ms Gallagher.

MR DEPUTY SPEAKER: Order!

MS GALLAGHER: You would have absolutely no idea how families live on that income. If you had any idea, you would not be in here saying that families are living off the fat of the land, as though it is some great existence. That is an absolutely appalling statement.

Mrs Dunne cited NATSEM research I think of 2001 and 2004—research produced prior to welfare to work and prior to the WorkChoices legislation being on the table. The most recent research done by NATSEM on welfare to work, released in the last couple of months, suggests that single parents will be up to $100 a week worse off under the proposed changes. This loss in income is due in part to single parents going from paying no tax under the current arrangements, which Dr Foskey referred to, to paying marginal tax rates of between 65 and 75 per cent. The NATSEM research goes on to show that many millionaires in Australia are taxed at only 48.5c in the dollar. That brings into question the fairness of this proposal. If we are going to accept the opposition's claim that this is a fair approach to take and fair legislation to bring in, I think that fact in itself, which Mrs Dunne seems to have accepted, brings into question how fair it is going to be.

Research done by the National Foundation for Australian Women around people with disabilities shows that from 2006-07 they can be up to $122 a week worse off. Single adults with disabilities, with no private income apart from their social security payment, will receive $46 a week less—a drop of approximately one-fifth. This is due to being forced off the disability support pension and onto the dole or the Newstart allowance, as it is to be named. This allowance is now to be indexed at CPI rather than average weekly earnings, meaning that those losses will be compounded over time, rising to $68 a week by 2009-2010.

The NATSEM research shows that a person with a disability working 15 hours a week for the minimum wage will earn $191 a week but will take home only $80 under the new system, due to the government's decision to claw back $111. The statistics Dr Foskey quoted, which I have included here, about the increases being seen in the job market from those moving off a sole parent payment or disability support pension show that we are in a time of great prosperity in this country. This legislation is supposedly trying to achieve welfare to work.

Mr Stefaniak: The federal government is a good government. It is good prosperity.

MS GALLAGHER: If you believe all that and accept what the Treasurer is saying—that we are in a time of great prosperity, that people are shifting from welfare to work—why then would you bring in a system that says, "We can take away all your income support if you do not do this"? Why, if you understand all that, would you then introduce a system like this which is going to have significantly disadvantage many families? Is that motivated by what you are trying to deliver, which is supposedly already being delivered, or is it being motivated by something more sinister?

Referring to the issue of foster carers, I wrote to the federal minister on 11 July this year when this legislation was first introduced, drawing his attention to the problems around how this would impact on foster carers, stating my concern, as Minister for Children, Youth and Family Support, and acknowledging that we have a shortage of foster carers in the ACT. I received a letter in reply saying that foster carers would have to apply individually for exemptions and that they would be assessed upon that. I wrote back and said I thought that was unfair. Then we had the changes, saying that exemptions would be provided to registered foster carers. The government claims to have exempted foster carers from the legislation; however, the legislation shows that exemptions will only be made in accordance with as yet unwritten guidelines, which will be the prerogative of the departmental secretary. If you look at the fine detail, you will see that there is no blanket exemption for foster carers, who provide a valuable service to our community.

Mrs Burke: Of course there is—under fair pay and conditions standards. What about that?

MS GALLAGHER: The guidelines are yet to be determined. That is what provides the guidelines.

Mrs Burke: That is the crux, isn't it—yet to be determined?

MS GALLAGHER: Yet to be determined. I am sure that has comforted you, Mrs Burke, but it has not comforted me. It is a comfort to you that the guidelines have not yet been determined. It is like the prohibited content in WorkChoices. You can get a fine for prohibited content, but we will not tell you what prohibited content is. And we will exempt foster carers under the guidelines, but we will not tell you what the guidelines are until the legislation passes. For the opposition to believe that this is fair legislation is outrageous.

Mrs Burke: Wrong.

MR DEPUTY SPEAKER: Order, Ms Gallagher has the call.

Mrs Burke: Read the report, Katy.

MS GALLAGHER: I have read the report.

MR DEPUTY SPEAKER: Can we have one speaker at a time. I call Ms Porter.

MS PORTER (Ginninderra) (4.29), in reply: I would like to thank all members who have spoken in support of this motion—Dr Foskey, Ms Gallagher. I am, of course, disappointed by those opposite who do not support the motion but I am not surprised. As Dr Foskey pointed out, people want to work. According to the *Canberra Times* today, the Anglicare submission to the Senate inquiry says that policies to remove barriers would be more effective in helping to get jobs than imposing extra requirements on recipients of welfare.

Mrs Burke spouts the benefits of getting people off benefits and back to work. As I have already said, Mrs Burke, we on this side have never said that returning to work is necessarily bad. It is the manner by which this is achieved, the timing of a person's return to work and what kind of work, as Ms Gallagher has just said, that we are talking about. As Dr Foskey said, it is definitely a stick approach rather than a carrot approach. By the way, Mrs Burke, I must say that to say that a person who is not in paid work is not engaged in any form of work—and those were your words—is an insult to many people in our community. Many people are engaged in voluntary work. However, the greatest insult is to maintain that caring for children and running a home is not work. Mrs Burke cannot be serious.

As we have heard in the media and seen demonstrated over and over by research, the family is essential in nurturing the young child. If a parent of such children is made to return to unsuitable part-time work too early, without adequate affordable childcare and without substantial support from, say, extended family, then the children can suffer considerably. They can suffer developmental delays; they can experience problems with their peer groups and at school. Moreover, women returning to work under Howard's welfare-to-work regime are more likely to be working in low skilled, part-time and insecure positions which, under the new IR legislation, will cause them to work possibly very long and unfriendly child-rearing hours.

How do you expect people to be able to look after small children—and an eight-year-old is still a small child—if they are working maybe in the evening or working hours when they cannot necessarily get childcare? I heard only this week at the NAPCAN breakfast how important it is that we acknowledge that the parent and the child are better viewed as a unit rather than as two separate units. This sounds logical, I know, but it has not always been the case. Not so long ago, some agencies working with adults might not even have known whether they had children or not.

The Howard government's welfare-to-work legislation acknowledges the child all right but it actually punishes—yes, punishes, Mrs Dunne—the woman for having a child who turns eight. After they acknowledge that that child has turned eight, that child and its welfare is forgotten by the Howard government in its push to force everyone off benefits

and on the job seeking round. Once upon a time the Howard government punished unemployed people who wanted to volunteer—imagine that. Then along came mutual obligations, and the Howard government decided to force people to volunteer. That was a nonsense and still is a nonsense. After all, the word "volunteer" means "to will" or "to choose". Left to their own devices, many unemployed people volunteer by choice. Under mutual obligations, volunteers find that they are often forced to volunteer for organisations that they do not particularly want to work for and often forced to work hours that they do not particularly want to work—and the organisations are none too happy to receive them, I can tell you.

Howard's beady eyes are now set on the single mother and people with disabilities. He is fixing them in his sights, looking to see what he can force them to do, although I am sure, as Dr Foskey said, many of those women and people with disabilities, given suitable work and suitable childcare arrangements, would be happy to return to work. It is not as though they are not already making a huge contribution to our community. Unfortunately, Mr Howard and his cohorts measure everything in economic terms. Mr Howard likes to trot out that he and his government are being fair and Mrs Dunne is trotting out the same mantra—"It's fair."

Mrs Dunne: I defy you to find the word "fair" in what I said.

MS PORTER: This is not fair, and he is not fair.

Motion agreed to.

In-sink garbage disposal units

MRS DUNNE (Ginninderra) (4.36): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) the actions of the Minister for Planning in making the Water and Sewerage Amendment Regulation 2005 (No 1) on 29 July 2005, which reversed a ban on the installation of new in-sink garbage disposal units in the ACT; and
>
> (b) that in-sink garbage disposal units are very water inefficient and therefore work against the government's stated water efficiency policy; and
>
> (2) calls on the Minister for Planning to repeal the Water and Sewerage Amendment Regulation 2005 (No 1).

I have moved this motion today because of two things: one is the duplicity of the Stanhope government and one is a failing on my part, and I will admit the failing on my part quite openly. Back in 2004, after a lengthy process, this Assembly passed unanimously a series of water efficiency measures that were related to works that could be done in new houses or new domestic constructions.

One of the initiatives passed in the water efficiency bill that came into effect in September 2005 was that in all new domestic constructions, whether a new building or

the renovation of a kitchen, it would be prohibited to install an in-sink garbage disposal unit.

I need to point out that in the last Assembly these measures were passed unanimously; they were agreed to by the Minister for Planning. So it was some surprise to me to find that very recently, on 29 July 2005, the minister introduced the Water and Sewerage Amendment Regulation 2005 (No 1), which specifically put back the possibility of installing in-sink garbage disposal units in the ACT.

This is where the failing came: I was not quick enough to pick up this amendment and to move a disallowance in the disallowance period, which is why we are here today debating this on private members day rather than in Assembly business. It should have been done some time ago, so that was a failing on my part. I did take my eye off the ball. But it is very interesting to question the motivation of this government. As I said before, this was a motion that was passed unanimously in the last Assembly; this was a measure that was part of a suite of water efficiency measures that would be introduced in new domestic dwellings. It was interesting to note at the time that some of the minister's political staff actually said to me, "Gee, it's not a bad set of measures, but I am really unhappy about taking out people's rights to install in-sink garbage disposal units, because I've got one and it's really good."

In-sink garbage disposal units are, without a doubt, very convenient things to have. But convenience is only one part of it. Let us just look at the figures As a general rule of thumb, an in-sink garbage disposal unit uses about 55 litres a day, which is 20 kilolitres a year for every in-sink garbage disposal unit. When you consider that, according to the think water, act water strategy, an average household currently uses 330 kilolitres of water a year, that means that an in-sink garbage disposal unit increases the water consumption in a house by six per cent. This is no small measure, and what has happened is that somebody has got the ear of the planning minister and he has come in and changed the regulation that every member of the previous Assembly, including him and all his Assembly colleagues, agreed to. They thought it was a good idea. That was just before the election.

It was very interesting because, in the run-up to the election period, I was door-knocking one day and I was chatting to a bloke in a garden and he said to me, "Tell me about the water efficiency measures you have just passed." I had a chat to him for a while, and he said, "Look, I need to tell you I am a plumber" And I thought, "Here we go. I am just about to get in a bit of a shellacking for doing something that perhaps the plumbers did not like." And he said, "Some of the plumbers didn't like it, Mrs Dunne, but what you have done is a very important measure."

It was only a small measure—and we all admitted it was only a small measure—but it sent an important message to people about how you save water. Finding means of saving six per cent of your household potable water is a very powerful thing indeed. For the most part the plumber organisations were in agreement with this. I consulted with them before the legislation was introduced. I consulted with them on a number of occasions and it was actually the plumbing organisation that pointed out to me that, without consultation with at least the chief executive of the peak body, the minister had changed the regulations. So it had been done fairly much on the quiet.

I have to ask the question: what is the motivation of the Stanhope government? On the one hand, we have all these pious platitudes. We have the think water, act water strategy. We have water resources management plans. We have a whole range of initiatives supposedly designed to save using potable water for non-potable purposes. At the same time, again we have the conflict between Stanhope and Corbell because Mr Corbell comes into this place and makes a regulation that allows people to use six per cent more potable water—and for what? For slushing up your garbage and putting it through the sewer into the treatment works.

This is a policy initiative that is counter to the policies espoused by the environment minister when he espouses think water, act water, and it is also a policy which is counter to the policies of the urban services minister, who keeps talking about no waste by 2010. Well, it is not very much waste by 2010.

We know that successive ministers for urban services have had problems in dealing with biowaste and putrescible waste. I think what has happened is that Mr Corbell has found a solution: "We will allow people to scrunch up as much as possible, put it through the sewer and let it be treated in the sewage treatment plant rather than have to be dealt with properly." Mr Hargreaves cannot find a solution to putrescible waste, so Mr Corbell has found one for him.

What we see in the Water and Sewerage Amendment Regulation (No 1) of 2005 is a turning away from the government's water efficiency policies. Recently I heard the Chief Minister and Minister for the Environment talking on the radio about the new regulations for installing rainwater tanks. He spoke at great length and with great passion—and I agree with him wholeheartedly—about the need to limit the uses that we have for potable water. He did not think it was reasonable that we should use high-quality water—probably the best water in the country, despite everything that this government has done—to flush our loos. If we can limit that, we should.

At the same time, we have the Minister for Planning saying, "Well, I don't care. You can flush an extra 55 litres of water down the drain every day, an extra 20 kilolitres of water every day, as a means of getting rid of your kitchen waste, getting rid of your vegetable scraps." So, instead of putting it in the compost or in some sort of waste bin where Mr Hargreaves could deal with it in a proper way, no, what we will do is mash it up, add water to it and put it down the sewerage into the treatment works.

This is another important measure. One of the reasons that motivated us to move this regulation last year to ban the future installation of in-sink garbage disposal units was the effect that it has on the treatment works. We have probably one of the best inland treatment works in the world, but it is interesting to note that what we have out at the lower Molonglo is an exact copy of Californian technology and it was installed in the 1970s. On the basis of the Californian experience of water projection and water use, it was predicted that we would have to build a new water treatment plant when Canberra's population reached about 250,000. Now we have extended that, and one of the reasons that the water experts believe that we have extended the life of the current treatment works and we do not have to replicate what we have out there, which would be a very expensive endeavour indeed, is that there is not wide-scale use of in-sink garbage

disposal units to the same extent that there is in California and in other places in the United States.

What we had was a modest approach to saving water that was endorsed by much of the rhetoric in the Chief Minister's and the Minister for the Environment's think water, act water policy. It is interesting to look at a whole range of initiatives that have been proposed across the country in the last five or so years when the issues about water conservation and whether we have enough water to meet the needs of our growing population have been addressed. As well as all the pious platitudes that we hear in think water, act water, I would just like to refer to some of the issues that were raised in a similar study in Melbourne. They looked at all the mechanisms that needed to be in place to ensure that we arrive at a situation where we save water. One of the most important things that most of the research tells us is that most concern in the area of water conservation is about changing behaviour. Most people find it difficult to change their behaviours, and these would be simple behaviours. If you were not flushing your vegetable scraps and your chicken bones down the sink, you would be saving a lot of water. It is a simple measure. I know that some people find it enormously convenient, but that convenience needs to be married off against the waste of water that it is.

There is a general agreement that in changing behaviour you need to use a whole suite of levers and mechanisms. Those include education. There is a fair amount of education that could go on in this territory that does not go on. There is a lot of it set out in *Think water, act water,* but there is not much action on it. Another lever is incentives. We have got things like the tank rebate, and the Chief Minister and I have had arguments about the efficacy of that, and regulations. Last year in this place, unanimously, there was an agreement that there should be a small amount of regulation in relation to domestic construction, as a start. There had previously been a few changes, like the very successful and very important introduction of dual-flushing loos, which are now compulsory in new constructions of any sort, be they domestic or commercial, in the ACT.

There have to be a suite of things, and a part of this suite, along with incentives and education, is the appropriate use of regulation. Last year this Assembly agreed that it was appropriate to regulate the installation of in-sink garbage disposal units so that in future there would be declining waste of water. Every household that has one of these things wastes 20 kilolitres a year. It does not sound very much but it adds up across the population; it adds up over the years.

The minister has a few paltry excuses that they do not use very much water so it does not matter. But every drop counts. His policy proposal runs counter to the rhetoric run by his Chief Minister and the environment minister and is an abrogation of his responsibility to implement government policy that should be in favour—it says it is in favour—of maintaining water conservation measures. This government has set the people of Canberra significant tasks to reduce water conservation, and at the same time the Minister for Planning is making it easier for people to unwittingly waste water.

What the minister did on 29 July was the wrong thing. It was a failing on my part that I did not notice it at the time, but it is not too late for the Assembly to direct this minister to withdraw that regulation so that the ACT can continue on the path of appropriate water conservation measures.

DR FOSKEY (Molonglo) (4.50): I hesitated there because I assumed there would be a speaker from the government, though I was wondering how the government could possibly argue against this motion.

Mrs Dunne: It will be interesting—

DR FOSKEY: It will be interesting, and I did want to wait and hear it before I stood up, but it looks as though they are saving that one for you, Mrs Dunne.

This is a situation where I think the Liberals look like the Greens. The Liberals were accusing Labor of looking like the Greens earlier on today, but now the Liberals look like the Greens—and that is all good as far as I am concerned. The more people who look like the Greens, the better; it means we are doing our job.

I give my wholehearted support to Mrs Dunne's motion, which calls on the Minister for Planning to repeal the Water and Sewerage Amendment Regulation 2005 (No 1) and I guess that the Minister for Planning will be responding shortly. I also need to say that I let this regulation get past me too, and I appreciate the vigilance of and the role that the plumbers have played in bringing this before us today.

I agree with the ban that existed on the installation of new in-sink garbage disposal units in the ACT, because these units are water inefficient and a waste of good organic nutrients. I felt that Mrs Dunne gave a very good exposition of most of the reasons related to water for continuing the ban and I endorse those. I also want to compliment her on her depth of understanding on that one. It does lead me to wonder how you could possibly go from there to saying we need a new dam, but I will not have that argument right now.

The units were prohibited for good reason—good water-saving reasons—and it is disturbing that the government casts these reasons aside, saying that "it only adds one per cent to the total urban water usage". Mrs Dunne used very different figures to that; she was talking about six per cent of household use, so maybe one per cent of total urban water usage when we start talking about watering of parks and so on. But one per cent is still a significant amount of a household's water use, given that most of it is used on their gardens.

I am interested that this regulation was brought down at a time when we did not know whether the drought had broken or not. There was nothing evident; there was no reason that a person, an interested bystander, could see as to why this regulation was brought in, and I am looking forward to the government's explanation for that. Given the drastic drought conditions over the past few years, it is very sad that the ACT water managers have not found better, more conservative ways to manage our scarce water resources, rather than using good drinking water to wash organic matter down a sink blender. To me, this is almost akin to hosing down dry waste, and I hope we do not start seeing that again now that water restrictions have been withdrawn.

Mr Corbell stated in his explanatory statement to this regulation that composting is the preferred means of organic waste disposal and that in-sink waste disposal units are seen as an alternative to this in medium-density dwelling where suitable land is unavailable to

residents. Here we might be getting to the nub of the problem: perhaps—I do not know—it is hard to sell medium-density dwellings these days without these in-sink garbage disposal units.

I have never even experienced one of these things. I think I have seen sinks that have got strange big holes in them—big enough to chuck down half a chook or something like that, but also big enough for a child to put their hand in. I think that is another reason why—

Mr Mulcahy: They've got a safety mechanism.

DR FOSKEY: Okay. As I said, I have never had a chance to put my hand down one of these things. I do not know; maybe they are a way of manicuring your nails. They need to have another, more useful function before I am even going to countenance one. So perhaps it is medium-density-dwelling developers that have put the pressure on the government; I do not know. But there are other ways that we could solve this problem that residents have who have to flush away their wastes, flush away their peelings—if indeed they have any these days. To me, the problem with these things, apart from their use of water, is that they divorce people from the impact that we have on the environment.

We live in our environment; we create wastes. We create so much waste that we are practically drowning in it, but we pop it out there where we cannot see it. It is a bit like with our electricity from coal-fired power plants; we cannot see the smoke, so that is okay. We will turn on our heaters and our airconditioners because they do not affect us; they affect the people in the Hunter Valley or wherever. So I believe that in itself is sufficient argument against them.

So how else can we do it? Well, Queanbeyan has waste collection units. We know that Queanbeyan is also ahead on a lot of water efficiency measures as well. I am not sure whether they have these in-sink garbage disposal units in Queanbeyan.

Mr Mulcahy: I reckon they do. They are very upwardly mobile over there.

DR FOSKEY: They do? Okay, well that is something that people do not lose the benefit of when they cross the border. But I am sure that is one of the things that will be taken into account when people seek their BASIX accreditation, because that is one of the things that could be traded off.

Well, how about we just ensure that there are a few square feet on all medium-density dwellings where compost facilities can be installed, rather than allowing inefficient systems to become the norm? In his explanatory statement, Mr Corbell also writes off the amount of organic matter that will be disposed into our sewerage system. Even though this may be unproblematic to Actew's waste water treatment plant—Mrs Dunne gave some evidence from California that suggests that perhaps it is not unproblematic—it is still a waste of nutrients and good drinking water. On the one hand, we have got a government that is—or was—pushing its think water, act water policy and, on the other hand, it is introducing conflicting water regulations like this one.

There are better options for organic waste disposal that use no water. Rather than wasting nutrients, the rich organic matter can be collected and used in the garden—or in somebody's garden if you do not have one yourself. There are a number of composting, fermentation and worm farm systems available, which are compact and can easily be used in individual apartments or shared between apartments on the same floor or building. Some of them look like clean little plastic boxes. They do not ooze stuff all over the place and they do not smell. I have got one of them here—a bokashi bucket. I have no conflict of interest in mentioning the bokashi bucket, except that I would like to see more people using a bokashi bucket. It can hold a month's worth of food scraps without being emptied, and without odour.

The bokashi bucket is a unique Japanese system, which uses a thing called bokashi, which looks to me like bran or something I would feed to my chooks if I had any, to ferment food waste inside a sealed container. Because the system is sealed, there are no problems with rodents, insects or odour. The food waste is then placed in a garden. In my case, I dig a hole in the garden with a spade and chuck the food waste in. I have not checked yet to see if it has broken down into rich humus, which it is supposed to do in a couple of days, releasing nutrients to the soil. If you like, I will report back on that. Unlike composting and worm farming, there is no food waste you cannot put in the bokashi system. I guess the big problem for compost is chicken bones; you cannot really put them in the compost because that brings the rats or the cats or the foxes. But in the bokashi system you can put in those—even paper, even dairy. Because it is small and compact, it is ideal for people in units or small homes with little room in the garden—and it is very popular in inner city Melbourne. Wouldn't we like to be like that?

Composting is a great way to take something that is a waste product and turn it into a nutrient-rich organic material. There are many composting systems available and the government could run an education program. I do not know that I have ever seen anything out in the media from this government about how people can compost. We know there was a trial in Chifley; we keep getting referred back to that.

Mrs Dunne: And it didn't work, so they have given up the ghost.

DR FOSKEY: I cannot believe that the government even really wanted that to succeed from the way it was promoted and from the way it was quickly dismissed. Effort needs to be put into retraining people. I think people have forgotten about litter. A lot of littering goes on in this city, which indicates that people are too divorced from their rubbish; they do not take responsibility for it.

So there are compost tumblers, there are bokashi buckets and, as I have mentioned, there are issues about safety and children, though Mr Mulcahy assures me that that is not a problem. There are certainly issues about use of water. Consequently, I support Mrs Dunne's motion. I hope that the government will, too, because I just cannot understand how a government can advocate water efficiency and allow this regulation to continue.

If the problem is with developers—if they are putting undue pressure on the government—let the government put due pressure on them to take some responsibility in thinking about more efficient organic waste disposal methods. It is about building

developments where people can see gardens. There is one in Melbourne, near where my daughter lives. It is a great block of flats that has a tiny little bit of ground around it. I always love walking past it because somebody in those flats grows tomatoes every year. That person, he or she, is kind of solving the problems of every resident housed there. I would like to meet him, but I would not know which door to knock on. That person is perhaps also solving the waste problems of people in those flats and building a sense of community at the same time—and probably providing them with tomatoes. This sounds like a very green thing to say, but I would have to say that these in-sink garbage disposal units are the very opposite of green.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.04): The government will not be supporting the opposition's motion and I want to outline at the very beginning, and reassure members, that in no way has the government come under any pressure from the development lobby on this matter. In fact, it is quite the reverse. The government has taken a close look at these provisions and has decided that, one, they do not work, and, two, they are certainly not enforceable. The motion that Mrs Dunne has put forward today is ill informed and I stand by my decision to make the Water and Sewerage Amendment Regulation 2005 (No 1), which overturned the ban on in-sink waste disposal units.

Provisions in the water and sewerage regulations that banned the installation of in-sink waste disposal units were introduced by way of an amendment put forward by Mrs Dunne in the Assembly last year. This bill was a piecemeal attempt at introducing water efficiency measures, contained many flaws and was unworkable. The government sought to amend the legislation as best it could while leaving in place the initiatives proposed by the opposition, as at that time these had the Assembly's support.

The arguments for the introduction of a ban on in-sink waste disposal units were not only ill informed in terms of the ban's ability to reduce water usage but also misguided in terms of its impact on water quality and waste management practices. Having reviewed the measures in the legislation to ban the installation of in-sink waste disposal units, the government has concluded that the measure is not an effective means of reducing water use and it denies many ACT residents an alternative means of reducing landfill waste.

Mrs Dunne's assertions that the in-sink waste disposal units are highly ineffective, that the lower Molonglo water treatment facility would be unable to cope with the increased water flows and that insinkerators pollute the Molonglo River are simply incorrect. Advice provided by Environment ACT indicates that, even with high market take-up rates of up to 50 per cent, which are highly unlikely, the increase in water usage will be less than one per cent.

Let me just go into this in a little more detail. We know already that the kitchen is not a major water consumption area, and that there are not great water savings to be gained in this area. Of entire household use, only six per cent of water use occurs in the kitchen. Water is a precious resource and should be used wisely, but just how much water do in-sink garbage disposal units use and how much would we save by banning their installation in new homes?

Recent advice the government has received from Environment ACT on water consumption of modern units indicates that they use as little as six litres per person per

day. So how much water would we save by banning their installation? Even if we assume that, in the unlikely situation that 50 per cent of households in Canberra had one of these units installed—50 per cent—overall ACT water consumption would increase by approximately 150 megalitres of water per year, which is less than one per cent of total consumption in a year.

In reality, now only about six per cent of households have these units. In consequence, you can see that their effect on future and current water consumption in the ACT is insignificant—less than one per cent. It would only be one per cent if 50 per cent of all households in the ACT had one of these units. Only six per cent have these units, so the figure is minuscule.

Advice provided to the Planning and Land Authority from ActewAGL, which operates the lower Molonglo water quality control centre, indicates that, even with a one per cent increase in flows—that is assuming that 50 per cent of all households in the ACT had one of these units, which they do not—together with the added organic waste, there would not be any significant adverse effect on the treatment process. Contrary to opposition claims during the debate at the time the ban was introduced last year, food scraps that enter the sewerage system do not ultimately end up in the river system.

The lower Molonglo treatment facility is a tertiary treatment plant, which produces high quality effluent. Sewage is treated to a high standard; all the solids are removed and these are ultimately turned into fertiliser. The effluent that enters the river system does not contain solid waste or nutrient components, and certainly no kitchen food scraps. In fact, the lower Molonglo treatment plant relies on a component of solid organic matter in order for the biological treatment process to be effective. The organic matter that is removed is converted to fertiliser and soil conditioner and is in line with the ACT NOWaste strategy.

So there are your two arguments. Firstly, water use is minimal. Even at 50 per cent of all households having one of these units—and we do not have that level of take-up—consumption is less than one per cent of total consumption every year. Only six per cent of households have these insinkerators, so consumption is significantly less than one per cent of total consumption every year. Secondly, any organic waste that goes through the treatment system ends up as fertiliser anyway. So it is not like the waste is not being recycled; it is. So on those two grounds how can you justify this ban?

The use of in-sink waste disposal units on those grounds is an option for reducing green waste going into landfill. Composting and worm farming are the preferred means of reducing landfill from kitchen waste, and that is consistent with the government's NOWaste strategy. But they are not always practical and they are certainly not always practical in apartments and townhouses. Disposal units provide an acceptable alternative means because that waste is still recycled. It ends up in the treatment plant, it is turned into fertiliser and it is recycled. The waste is reused rather than occupying landfill.

The government recognises the benefits of urban consolidation in reducing pressures on our transport systems and assisting us in creating a more sustainable city. We support the choice in housing that comes from that and we recognise that sink waste disposal units provide an option for those people who simply do not want to bin their green waste. Their green waste can be put into the sewerage system and it can be recycled as

a consequence of its going into the sewerage system. It is not just discharged in the river; it is used as fertiliser. So it is not as though we are not recycling that waste.

In the light of all these facts, the government believed and still believes that it is unwise to allow the ban proposed originally by Mrs Dunne to continue. It was the result of a misguided policy-on-the-run proposal, which was seen to be doing something in the lead-up to the election. But it is a bad policy. It denies people the opportunity to still recycle their waste, albeit in a different way.

The government has adopted other water-saving initiatives, which will result in more sustainable building practices and which will achieve the objectives that the opposition sought to achieve through Mrs Dunne's bill last year. Through the think water, act water strategy, the government has introduced effective, as opposed to ineffective, ways to reduce household water consumption and facilitate the reuse of grey water and the use of rainwater in new residences. These initiatives include requiring pipes to be built into new homes, to make it cheaper and simpler to connect a rainwater tank supply and connect grey water take-off systems to homes. These are now mandatory in all new dwellings in the ACT. These alterations would normally incur a substantial cost if homeowners were required to install them in finished homes.

These initiatives also allow the use of rainwater to flush toilets and for use in washing machines. They also allow the use of shower water for plant irrigation. These are genuine initiatives that reduce water consumption in those parts of the home where it is the highest. The opposition's ban on in-sink disposal is a simplistic measure that does nothing in practice.

The government has put in place and continues to put in place effective methods to reduce water usage and seriously address the water consumption issues our community faces. But this ban is meaningless, tokenistic and does not work. It does not work because the water consumption is minimal. Just remember those facts: 150 megalitres a year would be the increase in water consumption if 50 per cent of homes had these units. Only six per cent of homes have these units and that is less than one per cent of total water consumption every year. Secondly, any waste that is put through these units is recycled as a consequence of our tertiary treatment plant at Molonglo, where solid waste is converted into fertiliser and recycled. Those are the reasons why the government will not support this motion.

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

MS PORTER (Ginninderra) (5.14): The intention of this motion is to reverse the action of the Water and Sewage Amendment Regulation 2005 (No 1) which allows in-sink garbage disposal units to be installed in new dwellings. In supporting this regulation, the government considered further information on the environmental aspects of these units and the consistency of the then ban with the government's sustainability and environmental policies.

There are several environmental aspects of these units that I would like to address, the first of which is water efficiency and the water these units consume. One of the intentions of the original legislation banning the installation of these units was to save

water. Again in the motion before us the units are referred to as very inefficient and, therefore, working against the government's stated water efficiency policy.

As background, I would like to remind the Assembly of the government's commitment to implement water-saving measures to ensure that we use our water resources in a sustainable fashion. As Mr Corbell has said, a number of approaches have already been or will be implemented as detailed in the think water, act water strategy released in April 2004 that Mrs Dunne has referred to several times. That strategy took as a core principle that water efficiency should be sought across residential households, targeting those areas where water usage was largest and most inefficient. The indoor tune-up program has been operating for over a year and targets water-inefficient areas such as the bathroom and toilet. Similarly, the outdoor tune-up program targets water wastage in gardens.

As Mr Corbell has said, we are finding that the kitchen is not a major water consumption area and there are not great water savings to be gained in this area. Of entire household use, only six per cent of water is used in the kitchen. Water is a precious resource and should be used wisely; but just how much water do in-sink garbage disposal units use and how much would be saved by banning their installation in new homes? As Mr Corbell said, recent advice on water consumption of modern units indicates that they use as little as six litres per person per day. I know you are sick of hearing it over there, but how much water would we save by banning their installation? Even if we assume that—in the unlikely situation, as Mr Corbell said—50 per cent of households in Canberra install units, overall ACT water consumption would increase by approximately 150 megalitres of water per year, which is less than one per cent of the total consumption. We are probably repeating this because it takes a lot of numbers to sink in over there. In reality, only about six per cent of households have installed these units. Consequently, their effect on future consumption in the ACT is likely to be insignificant.

The third environmental issue I would like to raise about these units is the actual waste material they process. In-sink garbage disposal units process two sorts of waste: vegetable matter and animal-sourced waste. The units direct all this material to the sewer and on to the lower Molonglo plant for treatment. Households without units have two alternatives for this material. Vegetable material can be composted or put out in the garbage to go to landfill. Animal-sourced waste must go to landfill. The policy of the government on waste as detailed in the no waste by 2010 policy is to reduce our waste streams as much as possible, particularly that waste going to landfill.

So for vegetable waste the best alternative is to use household compost. This option, as Mr Corbell said, is not always possible or practical, for example in some apartments. In such instances, the use of an in-sink garbage disposal unit is consistent with our government's waste minimisation strategy as it reduces the waste stream to landfill. In a similar fashion, the diversion of animal waste to sewer via an in-sink unit is consistent with the waste policy.

As Mr Corbell has explained, downstream of the lower Molonglo water in-sink garbage disposal units will not cause deterioration in the condition of the Molonglo and Murrumbidgee rivers. All effluent releases below the plant are regulated under the plant operating licence and must meet stringent environmental standards regardless of whether in-sink garbage disposal units are used or not.

In summary, the installation and use of these units do not raise significant environmental issues. Water consumed by these units is minimal, as we have already explained. Energy use and greenhouse gas production is minor, and the diversion of some solid waste away from landfill may be slightly beneficial.

In light of the above arguments, I cannot support the motion, on environmental grounds.

MRS DUNNE (Ginninderra) (5.20), in reply: If you believed everything that Ms Porter put forward in her motion, it would be a positive policy for the ACT government to go out and encourage every householder in Canberra to install an in-sink garbage disposal unit. The logical consequence of what the minister has said is that everyone who has one is doing a positive environmental good. The ACT government cannot come up with a way of dealing with putrescible waste, so we should all put our vegetable scraps into the sewer and have them treated by the lower Molonglo treatment works.

The logic of what this minister is proposing defies belief really. I am sorry Dr Foskey obviously did not have the fortitude to sit around and listen to the drivel coming from the government on this issue. As Dr Foskey rightly said at the beginning of her introductory remarks, it would be a very ingenious argument for anyone to oppose this proposal.

Mr Corbell did say at the beginning of his remarks that the proposal was not enforceable, but he did not even have the audacity to elaborate on that later on. If it is not enforceable, it is a failure of his certifying system that he upholds. If the system is not enforceable, there is something wrong with the inspection process that goes on in relation to approving plumbing.

This is the real problem: this minister does not care. Apart from the run-up to the ACT election, since 2002 when this bill was first introduced Mr Corbell has filibustered with it and tried various means of putting it off so that he would not have to deal with it. The means that this minister has used to forestall this since the outset show that he has no concern about water efficiency and water reduction, even if it does save one per cent of our water use in the territory. We have to remember that this government has set us a target of saving 12 per cent of potable water by 2013, and we are just adding to usage by allowing this regulation.

While one hand of government is saying, "Let's pull back our use of water," the planning minister and the plumbing approval organisations are saying, "Let's waste some water." The reason it is being done is to cover the rear end of the ineffectual Minister for Urban Services, who cannot come up with a solution for putrescible waste. Mr Hargreaves's solution for dealing with putrescible waste is to flush it down the sewer, because he cannot come up with any other solution.

It is interesting actually. I wonder what the motivation was. This minister said there was no clamouring from the plumbing industry or the development industry. There was certainly no clamouring from the plumbing industry, because they found out about it after the event. He says that these units do not use very much water and only six per cent of people have one anyhow. So there is not a huge demand out there, but this is a symbolic thing. No one denies that it is only a small thing—

Mr Corbell: "Tokenistic" might be a better description.

MRS DUNNE: It is a token, it is a symbol, but it is a token and a symbol that points us in the right direction. It is an important message that says, "Don't needlessly use good quality drinking water for something like this." This minister has found himself to be out on a limb because he has been shown up to be not in sync with his own Minister for the Environment. The Minister for the Environment is saying, "Save water" and Simon Corbell says: "I don't care. I'm going to encourage people in Canberra to waste water." This is a dreadful indictment of this government, and it shows that they are entirely inconsistent and have no thoroughgoing policy on water efficiency. They also have no thoroughgoing policy on dealing with putrescible waste. And this is a minister who presides over a plumbing regulation system that is obviously in disarray because it cannot be enforced.

Motion negatived.

Safety in the construction industry

MR GENTLEMAN (Brindabella) (5.25): I move:

> That this Assembly:
>
> (1) recognises the importance of:
>
> (a) safety in the construction industry as vital to our community; and
>
> (b) industrial rights in the construction industry as an internationally recognised right and a means of workplace safety;
>
> (2) condemns the Federal Government for its attempts to reduce safety and restrict the rights of workers in the construction industry through provisions of the Building and Construction Industry Improvement Act, namely the:
>
> (a) exclusion of industrial action on the grounds of safety concerns;
>
> (b) introduction of penalties of up to $22 000 for individuals who partake in industrially motivated actions;
>
> (c) exclusion of Construction Project Agreements; and
>
> (d) ability of Australian Building and Construction Commission inspectors to enforce a penalty of imprisonment for six months against any worker who does not attend for questioning, answer questions or who obstructs an investigation or fails to handover documents; and
>
> (3) calls on the Federal Government to revoke the Building and Construction Industry Improvement Act on the basis that it jeopardises the safety of the thousands of construction workers employed in the ACT.

Early this morning, probably whilst the majority of Canberrans were still enjoying their sleep, thousands of men and women from the building and construction and

manufacturing industries were at work. These thousands, some 17,000 according to the most recent ABS statistics, represent 9.5 per cent of all ACT workers and a large section of the ACT's private sector—that is, 17,000 households that rely on the income of these workers; 17,000 households that depend on 17,000 workers to return home when their day is complete and be well enough to do the same thing tomorrow. The motion before the Assembly in my name is about these 17,000 workers and their rights to workplace safety.

The motion is about the rights of these 17,000 workers to organise and form a union, rights that are necessary for ensuring workplace safety. This motion condemns the federal government, with its Building and Construction Industry Improvement Act, for the exclusion of industrial action on the grounds of safety concerns, the introduction of penalties of up to $22,000 for individuals who take part in industrially motivated actions, the exclusion of construction project agreements and the ability of Australian Building and Construction Commission inspectors to enforce a penalty of imprisonment for six months against any worker who does not attend for questioning, answer questions or who obstructs an investigation or fails to hand over documents.

This legislation arose from the recommendations of the federal government's $60 million Cole inquiry. According to the Prime Minister and the then Minister for Workplace Relations, the building and construction industry was plagued by illegal activities and corruption, on the verge of anarchy. But what came of such inquiries into lawlessness? Overall, only 25 per cent of the near 100 serious instances arising from the royal commission were pursued at the conclusion of the inquiry. In the final stages of the royal commission, 50 files were referred to the building industry task force to follow through. Every single case has been reviewed and all have been discontinued without any further action taken. I am yet to be convinced that these findings illustrate an industry in chaos and disarray.

Despite this fact, the federal government chose to pursue its ideological agenda with legislation—the Building and Construction Industry Improvement Act. It is an ideology shared by those in the opposition—those members who voted against industrial manslaughter and who, I anticipate, will attempt to justify the position of their best mates on the hill. I can hear them now crying foul over statistics of the royal commission and calling for improvement of the building and construction industry.

It is not often that I do, but in this instance I would agree with the opposition. The construction and building industry does need improvement. The realities of the industry are none too pretty; in fact, they are heartbreaking. I read from the *Sydney Morning Herald* of 17 October 2003:

> Joel Exner was so excited about his new job that he jumped out of bed at 5.30 am on Wednesday and took a taxi to work, from Doonside to Eastern Creek.
>
> It was the 16-year-old's third day as a roof plumber, striding the giant structure of the new factory being built by Australand.
>
> It was also to be Joel's last day.

> Shortly before 8.30 he went to grab a sheet of plastic that had come loose and lost his balance. Joel fell 15 metres onto hard clay ground and later died in Nepean Hospital.
>
> Joel's uncle, Charlie Williams, said yesterday that the teenager was the youngest of three brothers. "He was a loveable kid, a talented footballer, respected by everyone."

Sixteen years old and on his third day at work! This is a tragedy. Tragedies like this should form the basis of any endeavour to improve the building and construction industry.

But what would our counterparts on the hill have us do? Would they introduce industrial manslaughter legislation, as is the request of Joel's mother? Would they seek to improve the role of workplace occupational health and safety officers? No. They did neither. It seems that those on the hill share our opposition's position on how best to protect young workers in the building and construction industry—increase the boss' power.

I challenge the opposition to try to justify their position to Joel's mother and why they voted against industrial manslaughter legislation in the ACT. Think about it for just one second; think about how you would say to Mrs Exner, "Sorry, but we do not think Joel's employer, who failed to provide either scaffolding or safety harnesses, should face criminal charges because we think it would scare off business." You had the chance to do the right thing by workers in this territory and you threw it away in the interests of your friends at the big end of town.

No, the motivation for the Building and Construction Industry Improvement Act is not safety. I quote from federal workplace relations minister, Kevin Andrews', second reading speech:

> This bill is a specifically targeted legislative measure to address the unlawful conduct of unions.

As highlighted by the Construction, Forestry, Mining and Energy Union, if the conduct of unions is unlawful, there would be no need to legislate. What Minister Andrews should have said is: "This is the government's final and revised attempt to union-bust in the building and construction industry."

The legislation was introduced to parliament on 9 March 2005. Taking effect immediately were the new definitions and penalties for unlawful industrial action. Penalties for organising or participating in such action increased to $110,000 for unions and $22,000 for individuals. The definition of unlawful industrial action is wide, as is the definition of industrial dispute. Chris White, researcher at Flinders University, points out:

> Any building worker who is law abiding and raises grievances can easily get caught after the event because of this scope in definition.

These broad definitions place unreasonable restrictions on the rights of individuals to strike—a right internationally recognised by the International Labour Organisation and

agreed to in principle by former IR minister Peter Reith. But as we all know, principle and reality are always blurred with the federal government.

More concerning is the act's restriction on industrial action based on reasonable concern about an imminent risk to his or her health or safety. The onus is now on an employee to prove that the action was based on a reasonable concern about the imminent risk to health and safety. But an employer does not have to prove that a workplace is safe.

A young worker, for example, on his third day at work, who is concerned about safety in his workplace, must prove that he is at risk. He must articulate an argument as to why working from three storeys without a harness or scaffolding is a risk to his safety. Say his experienced colleagues, union members, decide to assist this worker by voting to stop work until the workplace is safe, they will be fined $22,000 each. Further, their union will face a fine of $110,000. The fine for refusing to work in an unsafe workplace is $22,000. Even employer groups—the Australian Industry Group and the Australian Constructors Association—believe this figure is too high.

I would like to give this Assembly another figure: $11,754,082. That is how much was paid out in the 2003-04 financial year in compensation in those industries covered by the Building and Construction Industry Improvement Act. In that reporting period, some 652 workers were injured, with injuries ranging from body stress to being hit by a moving object. If the federal government were serious about assisting employers in the construction and building industries, surely they would focus their improvement act on reducing the number of workplace injuries.

The federal government's national code of conduct deals with safety issues within the building industry. Here is another figure for you: $2,200. That is how much an individual can be fined for breaching the code. $11,000 is how much a body corporate can be fined. If you strike unlawfully you face a fine of $22,000, as an individual. But if you are an employer who fails to supply a safety harness, you face a fine of $11,000. It does not make sense. But this act is not about sense; it is not about safety; it is about frightening workers into industrial compliance, with fines.

The federal government was not content to leave it at frightening workers; it wants to terrorise them. The act introduces into the building and construction industry the Australian Building and Construction Commission, at an expense of $96 million. In addition to the power to get an injunction to stop that broadly defined industrial action, the ABCC gets its own police. This is exactly the intent of the ABCC inspectors. These building police can enforce a penalty of imprisonment for six months against any worker who does not attend for questioning. You can face six months imprisonment for failing to hand over documents in an investigation.

As if this were not enough, your civil liberties will be under threat, for the act says that witnesses cannot avoid answering questions on the basis of self-incrimination. Heaven forbid if you are an employer that does not wish to pursue any action in the event of a breach. The ABCC can, irrespective of an employer's view, do the same.

But wait, there's more. An employer can be prosecuted for not reporting so-called unlawful industrial action. So much for deregulation! A group of employees who refuse to work, on safety grounds, can be fined $22,000 each and face jail time of up to six

months for refusing to answer questions. An employer can face prosecution for not reporting the incident. I say it again: so much for deregulation!

The rules and regulations within the act make it impossible for employees and employers to negotiate wages and conditions as they see fit. The act makes industry practice of construction project agreements unenforceable, restricting the fundamental right to collectively bargain. To clarify, for those in the opposition: should employees seek to ensure that all workers on a site receive the same penalty loadings or the same access to family friendly provisions, tough luck. Should an employer seek a minimum standard across his or her enterprise, tough luck.

The federal government was not content to wait until the legislation was passed by both houses to start its tough-luck strategy. Since January 2005, that is, two months before the introduction of the so-called improvement bill, workplace relations minister Kevin Andrews has written to building and construction industry employees, employers and employer groups on three separate occasions. On each occasion the minister urged employers not to enter into enterprise agreements with unions. The minister stressed that those employers who entered into such agreements ran the risk of being excluded from federal government construction projects as they may contravene the national code of practice. The national code of practice goes some way to investigating safety in the building industry. However, Mr Andrews' intent did not surround compliance with workplace safety. It was about threatening employers away from union agreements.

On one hand, we have a government minister crying foul about the coercive union movement, hell bent on anarchy, whilst threatening employers with exclusion from future contracts. This is outrageous. This is hypocrisy at its most blatant. This legislation is beyond outrageous; it is dangerous. It puts at risk those most vulnerable in a high-risk industry.

Young workers in the building and construction industry rely on the guidance and support of more experienced workers to ensure that their workplace is safe. Young workers rely on their more experienced colleagues to speak up about unsafe practices. By restricting rights to collectively bargain on a worksite, this government has restricted the rights of young workers to a safe working environment. By placing the onus of proof on young workers, this government has sought to silence young workers.

The federal government had an opportunity to increase safety in the building and construction industry. They had an opportunity to punish those employers who willingly and knowingly placed workers' lives at risk. But like their colleagues here in the opposition who had an opportunity to support industrial manslaughter legislation, the federal government continues to show its disregard for working people in this country.

This legislation, the precursor for WorkChoices, punishes those 17,000 workers here in the ACT, with no justification, no legitimate reason for doing so. It strips them of fundamental rights to organise and places restrictions on their ability to defend workplace safety.

Today we have an opportunity. The opposition has the opportunity to redeem itself. We all have the opportunity to give a clear message to the federal government and those

17,000 workers about what we believe is fair and right. With that, I urge you all to support this motion.

DR FOSKEY (Molonglo) (5.40): The ACT Greens will support Mr Gentleman's motion. In responding to it, I am going to call upon the work of my federal colleague Greens senator Kerry Nettle. On 22 June 2005, Senator Nettle moved a motion of disallowance against the federal government's guidelines in relation to the exercise of compliance powers in the building and construction industry, made under section 88AGA of the Workplace Relations Act 1996. These guidelines were the regulations relating to the Building and Construction Industry Improvement Act, which came into effect around 9 March, I believe, when the Building and Construction Industry Improvement Bill was first tabled.

It is interesting to note that these regulations put the bill into effect even though the legislation was not passed until September. Senator Nettle moved her motion of disallowance in conjunction with ALP senator Gavin Marshall. The regulations were an attempt to remove hard-won rights and liberties for building and construction workers. Their right to silence, their freedom of speech, their right to privacy, their right to strike and their right to be treated as innocent until proven guilty were all undermined or removed by these regulations and the practices of the building industry task force.

The New South Wales Council of Civil Liberties president, Cameron Murphy, said of the regulations:

> … new coercive powers have no parallel in democratic societies. Construction workers have been deprived of fundamental civil liberties which we all take for granted.

Why was the federal government singling out one particular group of workers? Because the federal government wanted to begin its industrial relations attack by striking the strongest union first. So it attacked a union with a history of showing solidarity with other workers and groups of workers who, through their solidarity, have ensured that support for progressive trade unionism in their workplace is strong. Just like the government's attack on waterfront workers in the Maritime Union of Australia, these regulations are an attempt to break the back of a trade union that plays a crucial role in defending all workers' conditions in the struggle for basic rights.

These regulations that Senator Nettle sought to dismiss increased the coercive powers of the Howard government's industrial police force, the building industry task force—a task force that ruthlessly pursues the government's agenda of destroying building unions across the country. These regulations enable the building industry task force to force any construction worker to answer questions. Refusal to answer questions, that is, the removal of the right to silence, for example, about what was said at a stop-work meeting, can result in a worker receiving fines of up to $3,300 for a first offence, double for a second offence or imprisonment for up to six months.

For hundreds of years the right to silence has been the bedrock of civil rights. It is recognised in the Magna Carta, which can be viewed in its original form across from the Senate chamber in the Members Hall. That is not to say that the coalition reads it very

often. The right to silence grew out of people's struggle to free themselves from the prerogative of kings and the authoritarian power of the monarchy.

We should not be surprised that the government has given even more powers to the building industry task force. The Cole royal commission, which recommended the establishment of the task force, was unable to show any real or substantiated problems in the construction industry. Evidence by the task force in the Senate estimates hearing on 3 June showed that only one prosecution had been initiated by the task force as a result of evidence given to the royal commission and that the task force was not investigating any other issues before the royal commission.

An amount of $66 million of taxpayers' money was spent for one prosecution that, at the time of the disallowance, was yet to be proven. That is the extent to which this government is willing to throw good money after bad when pursuing the CFMEU and construction and building workers. The result of the royal commission was proof, if ever it were needed, that the royal commission was a sham and the building industry task force that came out of it a police force whose sole role is to pursue the government's ideological crusade against construction workers.

Why did the government want to give new powers to the building industry task force? It all related to the Building and Construction Industry Improvement Act, passed on 12 September 2005. Mr Gentleman has already detailed concerns about that act. I do not want to repeat that. I want to give the opposition time to speak to this motion. I endorse everything that Mr Gentleman said and especially thank him for allowing me not to have to say it.

On average, one building construction worker is killed every week in New South Wales. A young building worker, Mark Gallace, recently suffocated on a worksite in Chipping Norton in the western suburbs of Sydney. He was working for SACO Builders Pty Ltd. He was a young man of 24, the only son of Italian migrants who came to this country 30 years ago. He was engaged to be married in August. The reception had already been booked. The 900 people at his funeral would have preferred to have gone to his wedding. The Building and Construction Improvement Act means that, if workers gather together on the site to grieve and remember their workmate, to have a minute's silence for workers like Mark Gallace, the union would be penalised.

Worst of all, this legislation came into effect a number of months before it was passed. This was another attack on fundamental civil rights and an attempt to intimidate the CFMEU and other construction unions into not protesting against these specific laws and these guidelines and perhaps the greater industrial relations battle.

The Attorney-General, Philip Ruddock, has said a number of times, "We don't intend to make criminal laws retrospectively." It appears that this is not a steadfast principle when the government wants to make laws designed to attack one group of people in this community—in this case, construction and building workers. We all know that it is easy to point to and pillory construction and building workers; it has been done for a long time, since the Builders Labourers Federation was effectively banned a decade or two ago.

Mr Mulcahy: For thuggery.

DR FOSKEY: We will hear all about it soon. The reason the government wanted the regulations enforced so quickly was that it could set the building industry task force to work sooner, forcing building workers to give evidence about stop-work meetings and other union activities so that they could be prosecuted retrospectively under the government's construction act that could not be passed until the government had its Senate majority. Now, with all the industrial relations changes taking place, I wonder what effect this diluted right to protest has had on construction workers. Has it prevented them joining the campaign against WorkChoices? I guess, with their limited ability to speak up, we may never know.

In closing, I thank Mr Gentleman for bringing forward this motion. I hope that he and other members of the Assembly who are supporting this motion can give us some ideas as to how we can counteract the negative impact that these regulations and this act is having on ACT citizens and what we can learn from this to help us fight the broader industrial relations reform that is planned by the federal government.

MR MULCAHY (Molonglo) (5.49): I can forgive Dr Foskey for not having much knowledge of the history of the building industry in Australia and for assuming that all these measures that are being spoken about are simply to stop people demonstrating against the federal government's industrial reform program. I am afraid I do not accept that somebody with a background such as Mr Gentleman's could be quite so naive in relation to all of the elements that brought this legislation into the commonwealth parliament.

Mr Hargreaves: He did not work for the tobacco industry.

MR MULCAHY: I am not sure what that has got to do with building sites, apart from smokos. We are all aware of the findings of the Cole royal commission into the building and construction industry. Commissioner Cole stated that it was universally accepted by governments, by employers and by unions that OH&S is of fundamental importance to the industry. Statistics show that people working in the industry are more than twice as likely to be killed at work than the Australian all-industries average and that the economic cost of workplace accidents to workers, employers and the community is estimated to be more than $30 billion each year.

It was for this very reason that, on 12 September, the Building and Construction Industry Improvement Act was given royal assent. The act incorporates key elements of the Australian government's response to the Cole royal commission's report. Those elements include establishing an office of the Australian Building and Construction Commissioner. It has provisions for dealing with unlawful industrial action, including coercion in relation to certified agreement negotiations. It also deals with the establishment of the Federal Safety Commissioner to oversee an accreditation scheme that contractors undertaking Australian government-funded work will be required to observe. These are the things that we have been hearing for the last 30 minutes or 20 minutes—that industrial safety is the paramount concern of my colleagues opposite and the Greens—but here are measures designed to deal with this that are being howled down.

I suspect that what this is all about is particularly clause 2 (d) of Mr Gentleman's motion where he talks about his horror at the ABCC being able to enforce a penalty against people who do not attend for questioning, answer questions or obstruct an investigation. How can you get up here and say that you are against giving them the powers to demand people cooperate and at the same time express the supposed concern that the federal government's measures are all about making workplaces dangerous, about ignoring deaths in workplaces? They have declared that this is one of the key motivations in this particular set of measures.

The promotion of injury prevention and best OH&S practice is clearly a key priority of the federal government. They have certainly declared that they are committed to improving workplace safety, as a client. They have developed a national occupational health and safety strategy and have encouraged its adoption by all Australian governments—state governments and territory governments—and peak employer and employee bodies. Unlike some of those opposite, they have favoured a position of prevention rather than simply relying on punishment after the event. There have been a host of different approaches taken in different states, but certainly the initiatives shown in these measures are commendable.

I cringe when I hear these isolated cases being wheeled out of tragic loss of life on building sites, not because I am unsympathetic or not dismayed by the consequence to young people from workplace injury—one death in any workplace is one too many; no person with any sense of decency could take heart from that—but I am galled when I hear people like Sharan Burrow who, last month on the ABC *Lateline* program, was filmed at an ACTU campaign meeting saying, "I need a mum or dad of someone who has been seriously injured or killed; that would be fantastic."

This is the sort of stuff that comes out from our friends in the trade union movement as they exploit someone's misery and tragedy so that they can run their campaign because they feel under threat by the reforms that are being put forward by this government that is committed to improving workplace safety. It demonstrates the complete disregard for workers' wellbeing, by taking advantage of family tragedies.

I have to ask the question: what does it say about the trade union movement's concerns for workers and their families when a senior official in a responsible position gets up there and says to families that have suffered loss and tragedy, maybe the loss of a breadwinner, that it would be fantastic for her campaign, in her words, "if we could find somebody we could wheel out on television"? What a shameful reflection on her values and the conduct of the ACTU!

I take no warmth from that. No support would I give Mr Gentleman or members opposite for condoning that sort of conduct, because we ought to be working to ensure that there is no loss of life on Australia's building sites. If people in this chamber believe that the only solution is to shift all the blame onto one party, then how can we ever seek to improve workplace conditions?

There are many people in this chamber who have first-hand knowledge of how the industrial movement operates, and there are people here who understand what has gone on in the building unions. Do not tell me that people in the labour movement have not

been equally appalled by some of the thuggery that they have witnessed. The BLF might be gone, but there are people who still carry those logos and allegiances and conduct themselves in the same way.

Can I say in relation to the comment about the big end of town: I condemn the big end of town that have done some of these deals over the years. It was as much complicity on the part of employers in Melbourne as it was the BLF that led to the Norm Gallagher era where there was tyranny on Melbourne building sites. I lived in that state at that time. Do not tell me that these people who are simply out there concerned about the wellbeing of workers are being unfairly treated as a consequence of this horrendous royal commission that uncovered all sorts of thuggery.

We know that people were intimidated and were frightened to give evidence, and we saw those marches in Melbourne when leaders of the building and construction industry stood out there in Bourke Street and defied the parliament, tried to intimidate the commissioners and conducted themselves in a way that I do not think the decent people in the trade union movement would want to be part of, because most people in the trade union, in my experience, have generally had the interests of their members at heart. But we have a rogue element there. They are alive and well in the building industry, and it is hoped that these measures will curb some of that activity.

The fact is that safety concerns are paramount. The Federal Safety Commissioner will use the government's massive purchasing power to try to impact on the way in which organisations administer their safety provisions.

The building industry task force brought fascinating revelations. It was interesting to read in the *Sun Herald* on 5 December last year an article entitled "Rort city":

> Safety is now used by the unions as the major industrial relations weapon to achieve their goals.

The task force report talked about the task force frequently receiving complaints whereby industrial issues were dishonestly expressed as OH&S concerns. It found that this abuse of OH&S legislation was a major limitation to the industry's efficiency. This conclusion is consistent with the final report of the royal commission, which found many instances where safety issues were used as an excuse for creating industrial unrest. If you talk to people, when they are being quite frank with you, who have had dealings in this particular section of industry, you know full well all the games and all the tactics that are employed.

There has been in the past a significant lack of uniformity between commonwealth, state and territory jurisdictions, which has led to problems in the area of OH&S. Genuine measures to improve the performance of workplaces in terms of OH&S will not find obstruction on this side of the chamber. But where we see the squawking from union officials, who have engaged in thuggery and who are now being brought somewhat under a measure of control, where the performance they have had in the past has been unearthed, as it was in the Cole royal commission, then it is not unreasonable that measures be taken—and all members ought to be supporting them—to create workplaces where people do not go to work fearful of intimidation by hired union hacks. The opposition's position on this motion is fairly clear.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting. The motion for the adjournment of the Assembly was put.

Adjournment
Nguyen Tuong Van

MS MacDONALD (Brindabella) (6.00): Time, as we know, is running out for Van Nguyen. His execution has been scheduled for 6.00 am on Friday, 2 December, in just 10 days. Van, who is only 25 years old, could be killed, all for a stupid mistake he made when he was just 22.

I would like to state right here and now that I am not condoning what Van did. Yes, he certainly should receive punishment for the trafficking of drugs. But the question is: should he have to pay with his life? When he was first arrested, Van was only 22. He comes from a tightly knit Vietnamese family and, as a twin, would do anything for his brother. He was in a vulnerable position, a position that others took advantage of for their own gain.

Last week we successfully passed an anti-death penalty motion. I am proud to say that it was an historic moment for the Assembly, with all 17 members officially recording their abhorrence of the use of the death penalty in any circumstance. During the debate on Mr Mulcahy's motion this morning, I noted that Mr Seselja used my motion and the subsequent media event as an example of the ACT government's supposed personal vendetta against the Howard government.

I would like to remind members that I have been supportive of the actions of Mr Howard and, in fact, the foreign minister, Alexander Downer, in this instance. They have been vocal in their support for Van Nguyen and have pursued numerous avenues in an attempt to save Van from execution. However, to be taken seriously, it is important to remain consistent. Unfortunately, Mr Howard, Mr Downer and other Liberal politicians have not been consistent in their opposition to the death penalty.

For years after Australia acceded to the second optional protocol to the International Covenant on Civil and Political Rights in 1990, the federal government more or less advanced the spirit of the protocol by maintaining a principled opposition to the use of the death penalty. However, recent comments from prominent Australian politicians have demonstrated a shift away from these commitments, with many refusing to condemn the death penalty for terrorists and dictators. That is what is of concern.

How can Singapore take Mr Howard and Mr Downer seriously when they have made comments in support of the death penalty in other circumstances? On more than one occasion, the Prime Minister has stated that he would not protest the death penalty under Indonesian law for the Bali bombers. In March 2003, on US television, the Prime Minister further stated that everybody would welcome the death penalty for Osama Bin Laden, a statement supported by the foreign minister, Alexander Downer.

This selective opposition not only is hypocritical but also completely undermines any principled opposition our country was once recognised for. Effectively, Mr Howard is

telling Singapore that the life of an Australian is more valuable than the life of a non-Australian. That is why Mr Stanhope and I were critical of the Prime Minister, not, as suggested by the opposition, just for the sake of being critical or to score cheap political points.

That said, I am pleased that there is bipartisan support in this place against the use of the death penalty in any circumstance, and we have all recorded our support for Van. As all members officially recorded their support of my motion, I can only assume that there will not be any selective opposition in this place, only complete principled opposition. In light of that, I would like to inform all members that a vigil involving the lighting of 3,000 candles of hope for Van will be held at Federation Mall next Wednesday, 30 November.

Amnesty International is currently organising some speakers for the event and at this stage expects the formal part of the evening to begin at 7.00 pm, with the lighting of the candles to commence at approximately 7.30 pm. This will be a very sombre, dignified and moving event and the candles will be arranged in the shape of the amnesty logo. I urge all members to attend this event and encourage their staff, if possible, to help set up prior to the event and clean up after the event.

We may feel helpless sometimes but this is a practical way we can help Amnesty International, which in turn will help Van Nguyen. Bede Carmody from Amnesty International sent out an email today with the details. If anybody requires further information, they can contact my office.

Intergovernmental relations

MRS DUNNE (Ginninderra) (6.05): Mr Speaker, without reflecting on the vote this morning, I would like to go back to some of the issues raised by Mr Mulcahy and touch on some of the issues that I would have liked to have raised, but there was a move to gag and Mr Mulcahy decided that discretion was the better part of valour.

The histrionics of this morning and the behaviour of the Chief Minister say something about him, I am not quite sure what, apart from the fact he is very thin skinned and does not respond very well to any sort of criticism. I need to put a couple of issues on the record. Mr Mulcahy spoke this morning, quite rightly, about the failure of this government to engage cooperatively with the federal government on a range of issues, to the detriment of the people of the ACT.

I would like to touch on the national training agreement that this government was brought kicking and screaming to sign several years late. This government would not sign up to he last national training agreement and there was no increase in funds, except CPI, which robbed young people in the ACT of training places. On a number of occasions in this place and elsewhere in the run-up to the signing of the national training agreement in about September the minister for training spent a lot of time bagging the commonwealth.

That is the standard approach in everything that this government does. When it comes to signing up to commonwealth-state agreements, the government spends a whole lot of time bagging the commonwealth, instead on attempting to get a better deal for the ACT.

That has been a failure of this government, whether it has been with the SAAP agreement, the commonwealth-state housing agreement, the commonwealth-state Medicare agreement or the national training agreement.

I want to touch also on the issue of whaling. The Chief Minister was in high dudgeon on that. He was a bit like Captain Nemo, really; the downfall of Captain Nemo was extreme pride. In a sense, there has been a little inconsistency here, but what happened on this occasion is that the Chief Minister did go out and make a national splash, or attempt to make a national splash, in spouting off about whaling and saying that the commonwealth minister should do more to stop the Japanese whaling.

The Chief Minister put out a press release. He put out a national statement with all his state Labor counterparts, all of them bagging Ian Campbell for not doing enough. But when Senator Campbell asked the Chief Minister to do one simple thing to show that he was prepared to do something and to help the campaign by spreading the word, not just to the Japanese government, but to institutions, municipalities and regional governments across Japan, no, the Chief Minister could not do it.

What was the argument he used? It was that Nara is a landlocked city so it does not have any interest in whaling. I wonder whether it is the case that in that landlocked city no-one eats whale meat. I suspect that it is part of the diet of the people of Nara. That is why the Chief Minister should have done the simple thing, the courteous thing, of supporting the commonwealth minister for the environment. He is the ACT Minister for the Environment.

The Chief Minister could not help himself; he had to naysay because the commonwealth minister for the environment said, "Could you please do this as this would help our case?" The Chief Minister could not possibly bring himself to do anything to support the commonwealth minister. It is interesting that one of the staff members of the commonwealth minister said to me, "He can get out on the international stage on absolutely anything but when we asked him to do this simple thing he could not do it." It is all about picking and choosing the causes. Let us be consistent. I agree with Ms MacDonald that we need to be consistent on these things. If you want to take to the national stage, by all means do it in a measured way, but do not forget the people at home. At the same time, if you are going to take to the national stage, do it consistently.

Mr Stanhope was asked to take a national and international approach on whaling and he would not do it because Ian Campbell asked him to do it, but plenty of other places could do it. Maybe it is because Mr Stanhope does not understand the brutality and the gruesomeness of whaling. I grew up next door to a whaling town and I know how difficult it can be.

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

Industrial relations

MR GENTLEMAN (Brindabella) (6.10): Yesterday, the Senate Employment, Workplace Relations and Education Legislation Committee handed down its report on the provisions of the Workplace Relations Amendment (Work Choices) Bill 2005. The committee received over 5,500 submissions. It heard from 105 witnesses who appeared

over the five days of the inquiry. At least there was an inquiry, be it only five days. So short was the inquiry that neither government nor opposition senators were able to address all the submissions received, but that would not have concerned the federal government, which saw fit to describe these submissions as merely spam because they were received electronically as opposed to citizens participating in a democratic society. But I digress.

The committee did hear from 105 of those 5,500 who wished to participate. One such witness was Mr John Hart, chief executive officer of Restaurant and Catering Australia and a wholehearted supporter of the amendments proposed by the federal government. Why does Mr Hart support these amendments? I quote Mr Hart from the committee *Hansard*:

> In short, restaurants, cafes and caterers cannot afford to continue to sustain increases of the magnitude awarded by the Australian Industrial Relations Commission.

I commend Mr Hart for his honesty. He has triumphed where the federal government has failed. He stated quite clearly that WorkChoices is about reducing workers' pay. It is about further disadvantaging young workers, unskilled workers, and women in the workplace.

Mrs Burke said this afternoon that WorkChoices, along with the proposed welfare-to-work program, was about changing outdated systems. Mrs Burke must have been absent from the Assembly when I raised the recent use of a $6 weekly hire voucher for workers in place of wages—not even a DVD, Mr Speaker. She must not have heard me inform the Assembly that it was in the year 1900 that workers fought for the right to be paid in wages. Mrs Burke should have read the report handed down by her friends on the hill. I quote the government senators' report:

> … the objectives of the Work Choices Bill, foremost of which is ensuring Australia's future prosperity, are consistent with the trend and intent of previous Government policies.

Mrs Burke, it is about prosperity. I can think of nothing more preposterous than a video a week in place of a pay increase. I digress again.

There are those who have already prospered from the proposals: those agencies involved in the $55 million taxpayer-funded advertising campaign and perhaps the Business Council of Australia, which now has the opportunity to display its creativity with new television advertisements. There is one certainty: those already disadvantaged in the workplace have not and will not prosper.

But the government refuses to acknowledge that in the report, nor does it acknowledge the arguments raised by pensioner and disability advocacy groups. The submissions received by these groups highlight how carers in the human services sector are already poorly paid. They highlight that turnover is already a major concern for the sector and that the encouragement of a means to further reduce wages through AWAs would only serve to worsen the situation. Of greater concern is the abuse of the proposals as a means of lowering the wages and conditions of working people with disabilities. So much for prosperity!

The nurses association gave evidence on the decreasing enrolment in nursing degrees across the country. Their prediction is that by 2020 there will be 30,000 nursing vacancies. They raised concerns about the proposed legislation reducing the existing entitlements of overtime loading and shift penalties. If abused, this would mean a 25 per cent pay decrease for workers and nurses and would throw the nursing vacancy predictions out the window.

I was not shocked to read how supportive members of the federal government were of the legislation and I was not even shocked when Mrs Burke tried to justify the federal government's proposals, because nothing surprises me about the Liberal Party anymore.

Nguyen Tuong Van

DR FOSKEY (Molonglo) (6.14): I want to follow up on Ms MacDonald's concern about what is happening to Van Nguyen by putting the situation in a larger context. We are probably all aware that Van Nguyen is going to hang because he was found trafficking 396 grams of heroin, but we probably do not know about the links the Singapore government has with the very people who produce those drugs in Burma.

I will quote from a favoured source of mine, the *Sydney Morning Herald*. Connie Levett, who is their correspondent in Singapore, attended a meeting organised by Dr Chee Soon Juan, who is Singapore's leading opposition figure. About 100 people came along to a forum and vigil for Nguyen. I think that this shows that there are people in Singapore who are working with human rights activists here, people who oppose the death penalty and are just as concerned.

I want to put forward here some of the evidence that was produced. Connie Levett reported that Singapore's foreign minister has defended the decision to hang Nguyen by saying, "Due to the seriousness of the offence and the need to hold firm our national position against drug trafficking, we are unable to change our decision." She continued:

> Burma and Singapore have close economic relations. In Burma when you use a Visa credit card, the charge is made in Singapore dollars.
>
> Dr Chee challenged the government's right to assume the high moral ground. He cited the Singapore Government Investment Corporation's 1990s investment in the Myanmar Fund, controlled by Lo Hsing Han, one of Burma's most notorious drug lords, through his Asia World Company …
>
> The corporation, established in 1981 to manage Singapore's foreign reserves and with a portfolio of more than $US100 billion … describes itself as one of the world's largest fund management companies.
>
> "Lo Hsing Han, the entire narcotics world knows, is one of the biggest drug lords, producing and trafficking in opium—

from which heroin is derived, of which Nguyen Tuong Van has been convicted of trafficking 396 grams—

> … The Singapore Government refused to comment on the Myanmar Fund investment when the connection was first reported in 1997—

in Australia—

> by SBS; but when the then prime minister, Goh Chok Tong, was confronted during a US visit later that year he admitted the government had quietly liquidated its investment.
>
> "Singapore has hundreds of millions invested in Burma. The Myanmar Fund was just a very small portion of it," Dr Chee said. "Where has it gone, to other projects with Lo Hsing Han?" He called on the Government to state clearly that the Burmese military junta was not helping or turning a blind eye to drug trafficking.

The 100 people who met in Singapore were warned that police were probably videotaping the event, so it was a very brave move on their part. We also need to remember that the people who are getting jailed, as in Bali, or hanged, probably, as in Singapore, are just a very small part of the chain and that the people who profit and remain invisible while these people are paraded daily through our media are getting off lightly and indeed profiting.

Multicultural council

MR PRATT (Brindabella) (6.18): Mr Speaker, I rise this evening to talk about the attacks on the funding of the ACT Multicultural Council and the dire consequences thereof for the ACT multicultural landscape. We have heard over the last couple of days, confirmed today by the Chief Minister, that the government will be having a crack at their funding. That has come about on the back of four years of neglect in relation to how effective and how efficient the multicultural council has been. We have had damming reports by the Auditor-General on the workings of the multilateral council itself and the lousy relationship that exists between the multilateral council and the Office of Multicultural Affairs and, by extension, the government.

I feel for the Office of Multicultural Affairs and I feel for the minister. I understand the difficulties of making that relationship work. I think, frankly, that the multicultural council is dysfunctional. I think the minister feels that way, too. It is not easy for him. But I have to say that there has been stunning silence for some time now at the political leadership level of government here about what to do and how to fix the ACT Multicultural Council's woes. Secondly, there has clearly been a massive erosion of harmony within the multicultural council and between the council and those ethnic organisations that it is required and supposed to serve. That is clearly a consequence of divisive political behaviour.

I think that things have just got out of control in the last couple of years. I think also that some of the Chief Minister's inflammatory political statements on international issues have divided opinion and polarised opinion within the multicultural community. I have seen evidence of that within the multicultural council. That has not helped things either. What has the government done, firstly, to repair the bridges between government and the multicultural council and, secondly, to depoliticise the council and rebuild harmony? I do not think it has done much at all.

I take the point that the minister has done a lot in the last four or five months to talk to and build bridges with a range of ethnic communities, but the fact is that we have this council which has a very important role to play in the ACT multicultural landscape and it has to be made to work and needs to be fixed. I think the multicultural council has been marginalised and now, sadly, we have this process of defunding under way.

As I said before, I understand the difficulties the government has, but there are very significant organisational problems and we know that the council simply has not performed. Its energy and its performance have been focused totally on internal affairs, internal matters. Frankly speaking, the council has played only a minor role in anything constructive to do with multicultural affairs in the ACT for at least three years. Today, we had the Chief Minister, in answer to my question without notice seeking confirmation or denial that he has moved to cut funding, saying that it is essentially because of Mohamed Omari's rather extraordinary reports, perhaps questionable reports, about radical behaviour in the ACT that he is calling for a cut in funding. I wonder about that. He will not deny the concern that we have raised that it may be simply some sort of payback, because we know that Omari has been a major critic of Mr Stanhope.

Mr Omari's claims have to be tested and he will have to answer to the authorities rapidly as to the veracity of those very serious claims. Yes, he is at loggerheads with the government over the poor functioning of the council, but the answer is not to defund the council. I think that attacking one man by defunding an organisation is very poor leadership. I think that we need to have better leadership exercised by our Chief Minister in going in there and sorting out this council. Clearly, the existing committee needs to be looked at. How they build rapport with the rest of the ethnic communities is a major challenge. I do not decry the difficulty of that, but the Chief Minister will have to find that leadership. An act of bastardry of attacking funding simply because he is at loggerheads with one man is not the answer. We expect more of our Chief Minister.

Multicultural council

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (6.24): Mr Speaker, I need to address some of the points that Mr Pratt has made because I think he is slightly off track. I welcome his understanding of the dysfunctionality of the council. I have to challenge his comments about us providing leadership. Such is not the case. We have provided leadership but not put it under public spotlight. I will take some time now to explain to the house some of the things that we have been putting in place and then some of the reasons behind the decision may be a bit clearer.

Firstly, we need to understand the entity itself. It is a democratically elected council of independent organisations and individuals in the community. It has no relationship in its governance or its structure to the government. We cannot march in there and say, "Fix this or else." We do have a responsibility, however, to the multicultural community and, indeed, the rest of the taxpayers to make sure that the money we give to that council is used properly.

My pronouncement to the multicultural council, and this conversation preceded the Chief Minister's announcement of the last couple of days by a number of months, was that, in my opinion, it was not delivering to the people in the multicultural community

and it certainly was not delivering on the requirements of the grant, that is, to equip the council and some other minor administrative issues. I said to the council that I had a concern that the council did not have the confidence of the community it purports to serve and that if it did not, and if that were proven to be so, and if the council did not deliver on the deliverables that we put in the contracts, I would defund it. We acknowledged that governments of both persuasions have never articulated adequately enough exactly what they wanted out of that council for the money. I took it on board to do just that. We did that.

Come March, we will evaluate whether their deliveries have been okay and whether they have the confidence of their community. Make no mistake about it, Mr Speaker: if the contracts are not delivered on and I have strong evidence that the council does not enjoy the confidence of people, I shall defund it, but I will not remove that funding from the multicultural community. What I will do for a period is project fund. We will invite applications for funding from within the multicultural community generally to deliver the projects that these people normally would be charged to deliver.

I have already had approaches from a number of communities wanting to create a rival organisation or umbrella group. I have counselled against that, saying that we need to rejuvenate this one. I would like to pay credit to the work of Albert Flask, who is a member of the executive of the council. Albert is particularly relevant; he is particularly in touch with his community. That council has been the subject of internal strife for some time. Some people within that council have been pushing their own barrows of self-aggrandisement under the incorrect guise of belonging to the Liberal group or the Labor group. The politics that have been played out there have nothing to do with the party political things played out here. There have been individuals in there who have been strutting their own stuff for self-aggrandisement, and that council must deal with them itself.

Just by way of indicating that we do know the seriousness of this matter, I have had six multicultural forums in recent months and I have seen hundreds of people. In the last one, I saw people from nine different communities from Europe. Normally, we talk about a range of issues, but the whole 2½ hours was taken up by nine communities and 30 people complaining about the management of the council, asking me to do something about it.

I have had discussions with a whole range of people on how they can fix their problem. Make no mistake, Mr Speaker, I am responsible to the taxpayer and I am responsible to the multicultural community and I will not allow the taxpayer to fund a dysfunctional organisation when other parts of the multicultural community can deliver for the multicultural communities better than that. But let us hope that they do rejuvenate themselves by March. I wish them the very best of luck and I would like to continue that relationship, but I am involved very heavily, Mr Speaker.

MR SPEAKER: The minister's time has expired.

Mrs Freda Trowbridge

MR MULCAHY (Molonglo) (6.29): Earlier this afternoon I attended the funeral of a long-term Canberra resident, Mrs Freda Trowbridge. Mrs Trowbridge moved to

Canberra in 1945 and was active in her community and active with the Red Cross organisation and a host of other organisations. She would have been married 60 years tomorrow but, sadly, passed away last Saturday. She had a marvellous life, having reached 88 years of age and having lived in this city in an era when it was vastly smaller in population and at an early stage of development.

Mrs Trowbridge was a stalwart of the Liberal Party. I appreciated her strong support in the last ACT election; she even appeared in my television advertising. She was a wonderful grandmother and mother to her children, and a person who deserved a great deal of respect. I would like to pay my respects to her and place that on the record today.

Question resolved in the affirmative.

The Assembly adjourned at 6.30 pm.