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FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

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14 DECEMBER

2005

Wednesday, 14 December 2005

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

Annual Reports (Government Agencies) Amendment Bill 2005

Mr Smyth, pursuant to notice, presented the bill and its explanatory statement.

Title read by Acting Clerk.

MR SMYTH (Brindabella—Leader of the Opposition) (10.33): I move:

> That this bill be agreed to in principle.

This is a very straightforward bill, but the issue it tackles is a profound one. The bill goes to the heart of the democratic system in the ACT, that is, the right of the people, by their parliament, to review the expenditure of the executive. As it stands today, it is possible for a government agency in certain circumstances to not be required to produce an annual report.

How is that possible, you ask, Mr Speaker? All that needs to occur is for that agency to be abolished before the end of the financial year. It does not matter whether it is a large agency with a budget of hundreds of millions or a small agency with a budget of a few hundred thousand. If it is abolished before the end of the financial year it is not obliged to report. Imagine how that could be abused!

How is it that this flaw in the Annual Reports (Government Agencies) Act 2004 came to be identified? Therein lies a tale. In September this year, as I was eagerly awaiting the arrival of the traditional box-load of annual reports, one of my staff reminded me that I must not forget to look carefully at the Chief Minister's report to see how the Office of Special Adviser, Council of Australian Governments and Intergovernmental Relations fared in the 2004-05 year.

You will, of course, remember, Mr Speaker, the Office of Special Adviser. For the benefit of seeing the Chief Minister's reaction to this, I shall run briefly through the sorry saga that is now known as the Tonkin affair. The Office of Special Adviser was a scheme cooked up by the Chief Minister to rid himself of Mr Tonkin, the then head of the Chief Minister's Department, with whom he did not "see eye to eye"—never mind that, in the Chief Minister's words, "Mr Tonkin is a very senior, very experienced and extremely good public servant."

Instead of doing what a normal person would do, such as demanding Mr Tonkin's resignation or sack him, the Chief Minister created the world's smallest government department, the Office of Special Adviser, to house Mr Tonkin until his contract expired. Despite being the head of the world's smallest department, Mr Tonkin continued to draw his annual salary of some $309,000.

What was Mr Tonkin and the grandly named Office of Special Adviser doing? We know from the 2003-04 Chief Minister's Department annual report that, once he had finished on the bushfire inquiry, he "remained on secondment working on national security issues". In annual report hearings it was alleged by the government that this would produce some direct benefit for the ACT. How Mr Tonkin's work on the North West Shelf is of direct benefit to the landlocked Canberra region is debatable.

What was also clear in these hearings was that the government had had no contact with Mr Tonkin; he had provided them with no reports or feedback; and they had a very foggy idea of what it was they were paying him $1,100 a day to do. The only hint of accountability was the half-page in the annual report. Even so, accountability was thin on the ground with the OSA. Let me remind members of the findings of the Auditor-General:

> The role and functions of the Office were not well documented, and since April 2004 there is only a tenuous connection to the outputs of the Chief Minister's Department.
>
> Accountability arrangements were unclear.
>
> The Special Adviser's Annual Report for 2003-04 did not fully meet the requirements of the Annual Reports Act or the Annual Reports Directions.
>
> The funding of the OSA, while legal, may not be justified on merit on its own nor reflect good public management.
>
> The situation, if continued, increases the risk for inappropriate uses of authority.

Given this background, imagine my concerns when I opened the 2004-05 Chief Minister's annual report to find no reference at all to the OSA. Surely, given that the OSA existed from 1 July 2004 to 30 April 2005, some 10 months of the financial year, it would be required to report. But, no, there was nothing.

In further advice to me the Auditor-General explained:

> In essence there is no obligation to report under the Act, because at the end of the financial year there was no person employed as Chief Executive of the OSA … imposed with an obligation to report. ... It follows that if no obligation to report exists under the Act, then Section 1.4 of the Chief Minister's Annual … Directions … does not apply to the OSA.

However, it is not only the embarrassment of the OSA that can avoid scrutiny. As the auditor goes on to say:

> … it seems to me that the current reporting arrangements under the Act and Directions leave a gap in accountability to the Legislative Assembly and the community in situations where an administrative unit is abolished or the appointment of a Chief Executive is ended during the course of the financial year.

The independent auditor feels there is a gap in accountability, and that is what this bill seeks to close today. It is the belief of the auditor that members should feel obliged to correct the gap, which this bill will do.

It is a simple bill, another masterful piece of drafting from the parliamentary counsel's office that ensures that, if an agency operates for any part of the financial year, they must provide a report. Where an abolished agency has not made arrangements to prepare a report, the responsibility for preparing the unit's annual report rests with the chief executive of the administrative unit responsible for administering the act. At the moment that means the chief executive of the Chief Minister's Department would carry that responsibility.

Before I commend the bill to the Assembly, I point out that in the 2004-05 year the Office of Special Adviser cost the ratepayers of the ACT $253,511. What did we get for that money? Perhaps the Chief Minister could enlighten us when he responds. I commend the bill to the Assembly.

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

Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2005

Mr Pratt, pursuant to notice, presented the bill.

Mr Stanhope: I just want some clarification. Short title: the redneck bill.

Title read by Acting Clerk.

MR PRATT (Brindabella) (10.40): I move:

> That this bill be agreed to in principle.

I will ignore the Chief Minister's comments about this being a supposedly redneck bill, but let the record show that that is what the Chief Minister thinks of any decent safety measure that might be put in place. Let us have the record show that that is how the Chief Minister views sensible bills in this place.

MR SPEAKER: Order! You need to come to your bill.

Members interjecting—

MR SPEAKER: Order, everybody! Interjections are disorderly and there is no point in responding to them because that is equally disorderly, Mr Pratt. Come to the matter that is before the chamber.

MR PRATT: Thank you, Mr Speaker. I am sure the community will treat with disdain that comment by the Chief Minister.

Today I table the Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2005.

Mr Stanhope: Otherwise known as the redneck bill.

MR PRATT: It seeks to enhance community safety, which the Chief Minister would otherwise ignore and label this as a redneck bill because he does not give a damn about enhancing community safety in the ACT. He is much more concerned about defaulting to his ridiculous human rights position first, at the expense of community safety. We know your track record well, Mr Stanhope.

The purpose of this bill is to amend the act to allow for random drug testing to be conducted alongside or independent of random breath testing. This bill brings us in line with other states that have already introduced and have been using similar legislation to target, with high levels of success, drug-driving.

Mr Hargreaves: Rubbish.

MR PRATT: Expert opinion throughout the country is deeply concerned about the level of drug taking by drivers. I know you are not, Mr Hargreaves, but the broader Australian community is. The concern is that drug taking and driving in fact is beginning to eclipse drink-driving. The Victorian experience demonstrates this.

Mr Stanhope: National service would fix this.

Mr Hargreaves: The success of the Victorian model!

MR PRATT: We know that the Chief Minister's and Mr Hargreaves's heads are so firmly inserted in the sand that they have got no idea at all what the Victorian experience has been. I would closely question whether the reported increases in road rage behaviour as well as increasingly reckless speeding and burnouts are because of the taking of methamphetamines.

Mr Hargreaves: How about Sudafed?

MR PRATT: We know that Mr Hargreaves and the Chief Minister do not give a damn about trying to arrest the level of burnout and hoon driving in the ACT. We know that by their demonstrated behaviour, by their failure to equip our police force with the instruments that they need to ensure that these reckless behaviours do not occur. We know that they do not give a damn. We know that the Chief Minister has failed and that Mr Hargreaves does not give a toss about ensuring that our police are either properly resourced or given the legal instruments to ensure that hoon driving, burnouts and drug-driving do not occur.

It is clear from statistics that these and similar drugs are dramatically on the increase in society. So it is logical that reckless driving must also be increasing. Reckless and hoon driving, in the ACT particularly, is an issue of increasing concern, reported by constituents and frustrated police more than ever before. With the climbing road death toll in the ACT and the reports in the media of court cases where drivers in the ACT and

nearby Queanbeyan were shown to have been significantly impaired by drugs, this legislation is urgently needed.

Mr Hargreaves: What stats? No stats!

MR PRATT: Bark on, Mr Hargreaves. Do not care one millimetre about the broader protection of the ACT community, will you? We know your track record.

An investigation was undertaken in New South Wales, Western Australia and Victoria of a significant case load of people killed in road accidents. Twenty-five per cent had been found to have drugs other than alcohol in their systems.

Mr Hargreaves: Sudafed.

MR PRATT: Mainly cannabis and stimulants, for example, methamphetamines, were identified in those particular cases. Perhaps this will floor Mr Hargreaves and he might shut up and listen: a smaller, less reliable case load examined in Queensland earlier than 2001 found 40 per cent were cannabis affected. These findings are startling. Take note, Mr Hargreaves; take note, Chief Minister. Let us see a bit more responsibility from you people on enhancing community safety. The full understanding of the depth of the drug habit in society would seem to be well underestimated and certainly well underestimated by this mob.

In Victoria we have seen surprising results on roadside drug testing of drivers. Five times as many drivers have been found to be drug affected as those found to be over the limit for drinking. Take note, gentlemen: five times as many people were found to be over the limit for drug-driving than drink-driving.

New research conducted by insurance company AAMI shows that 10 per cent of ACT motorists believe that using recreational drugs does not affect their driving ability and that 12 per cent of Canberra drivers have admitted that taking to the roads after using drugs such as marijuana, cocaine or ecstasy is okay. Take note of that. Measure the community attitude against this sort of behaviour but also, gentlemen, measure the research on the attitudes of a reckless minority in the ACT. Rather than sit here pooh-poohing the legislation that is needed to arrest these concerns, take it on yourself to show some responsibility for introducing laws and instruments that will better protect your community, the community that you are supposed to be here to govern.

These trials and testings would seem to indicate a number of things: firstly, a surprising number of people drive drug affected. Secondly, based on comparative statistics, the incidence of drink-driving has clearly reduced, underscoring the vital importance of roadside testing as a strategy. RBTs have clearly impacted in a very positive way on the Australian and the ACT landscapes. The incidence of drink-driving is coming down because a culture has been developed that if you drink and drive you have got a damn good chance of being arrested and of having your car and your licence taken away from you. Why would you not apply the same logic to tackling the drug-driving problem that is clearly becoming an issue across the ACT and the Australian landscapes?

Earlier this year, AAMI found widespread support for random drug testing of drivers through research conducted as part of its annual crash index. Nationally, 90 per cent of

people agreed that there should be random drug testing of drivers. While this government has got its head firmly inserted in the sand, it is clearly in a minority position. Ninety per cent of Australian people agree, as per the AAMI annual crash index assessment, that there should be random drug testing of drivers. The community fully understands what this problem is. You do not; the community does. It would certainly make sense for the government to support the introduction of this legislation in the ACT.

With 10 per cent of ACT motorists under the impression that it is okay to use recreational drugs and drive, the government should not waste any more time in delaying random roadside drug testing. That is more than ample reason to support the introduction of this legislation in the ACT. We know that currently, under the territory's Road Transport (Alcohol and Drugs) Act 1977, it is an offence to drive under the influence of a substance specified in the act or related regulations or under any other substance that may affect a person's driving. So much for Mr Stanhope's statement about so-called redneck legislation!

We already have legislation in place which makes it an offence for a person to drive while drug affected. How well are you in touch with your instruments of power, Chief Minister? However, unless there is reason to believe that someone is driving under the influence of drugs, there can be no random testing; there is nothing to allow the setting up of random roadside drug-testing units to be used alongside or independent of random breath-testing units for alcohol. This bill allows for such random drug testing to occur.

A number of accident investigations in the ACT have clearly shown that drivers have often been affected by drugs at the time of their accident. In one case a male driver who died in a head-on collision in July this year on Long Gully Road was shown to have four times the lethal dose of ecstasy in his system. Does that pull you up, minister? I do not think it does, does it?

Mr Stanhope: On a point of order: I am concerned that the member is discussing matters that I am not aware of. I do not know whether or not there is any legal action in relation to the matter that the member raises.

Mr Stefaniak: It is in the newspaper.

Mr Smyth: It is in the newspaper. He is reading from a newspaper article.

Mr Stanhope: That is not definitive of the issue I raise, which is that the member is discussing a car accident that occurred in July of this year. I am concerned that there may be outstanding legal matters in relation to that action. I urge some caution and a ruling on the raising in this place of matters on which there is quite possibly outstanding legal action.

MR SPEAKER: I do not know of any legal action pending. In any event, some caution about these matters should be exercised. If there is some legal action pending or coronial inquests pending, then one ought exercise caution about going to the issues.

MR PRATT: Thank you, Mr Speaker. On the point of order: may I stress that the information that I have quoted from here is already information in the public domain. It has been in the papers. I know the Chief Minister would like to try to gag these examples

being put out, as they clearly underscore the failures of his government to protect the community, but I do stress that these are in fact issues which are in the public domain.

In another case, in June 2003, a pillion passenger on a motorbike in Theodore died after the rider had drunk alcohol and smoked cannabis and lost control of the bike. That represents two lives that might—I stress "might"—have been saved if they had been randomly drug tested at some stage in their life or had been deterred from drug-driving because they knew there was a chance that they could be tested, as is the case for drink-driving.

Evidence strongly suggests that many people socialise now using drugs rather than alcohol. As regrettable as that is and as disappointing as that is to those of us who have grown up perhaps in different circumstances, it would appear to be a fact that too many people now socialise and use recreational drugs. They do this because they believe that they will be less likely to be picked up for drug-driving than drink-driving as there is no random testing regime to act as a deterrent to this illegal behaviour. So the culture is there.

Young people who tend to take risks—and most young people think they are bullet proof—know that they stand a chance of being picked up through random breath testing. This is another redneck instrument, by the way, that we have—one of these terribly draconian measures. The Chief Minister wrestles with it at night and cannot sleep, but clearly, if random breath testing is working, then why would not random drug testing work as well? And why would that be any more supposedly draconian?

Mr Stanhope: This is really sloppy.

MR PRATT: The only thing sloppy around here, minister, is your management of your portfolio. The New South Wales Bureau of Crime statistics and research and the National Drug and Alcohol Research Centre survey found that people said they would be less likely to drive under the influence if they ran the risk of random drug testing. A study of cannabis users in Sydney and Newcastle found that 78 per cent had driven within an hour of smoking drugs and that 27 per cent admitted to driving under the influence of cannabis at least once a week.

Therefore, I am proposing that random drug testing be introduced into the ACT as the ACT is certainly not immune from this problem. The anecdotal and the factual information that we glean from across the Australian landscape would indicate trends that exist in the ACT. Not only would it be a sensible and responsible initiative to introduce a random drug-testing regime, making ACT roads safer, but random roadside drug testing would have a significant general impact on the growing trend of drug taking amongst our young people anyway. By simply having RDT, that is, random drug testing, in place, we would see exactly the same influence, I put to you, that random breath testing has had in this country over the last 25 years.

Random breath testing across the nation has certainly affected the way people behave. It has made people think twice about the amount of drinking that they undertake. Why would not a regime in place, well established, which indicates drug testing is in place to catch those who behave recklessly, affect the culture of our young people?

Our police and urban services minister has argued that his government will not consider introducing drug-driving legislation in the ACT because in Victoria there were some teething problems where some individuals were said to have falsely tested positive to drugs. However, these problems were dealt with. The benefits of having a random drug-testing regime in Victoria have now certainly outweighed any problems that occurred during the earlier stages of the trial that was undertaken; hence Victoria has now decided to extend the drug-testing regime beyond the initial trial, which was hailed a success.

Five to six months ago, there were nine cases of unlawful drug-testing charges laid. Undoubtedly there were. There were nine mistakes made where people were, unfortunately, falsely charged allegedly for having taken drugs. Those particular cases illustrated some weaknesses in the system which the Victorian government and those running the trial ironed out.

What they have indeed found since is that, with the running of the trial, two things have happened. They have already begun to notice a decrease in drug-driving. Secondly, they have found, by undertaking random drug testing, an incredible number of people driving drug affected. Regardless of the problems that they had to iron out some five or six months ago, the government in Victoria has determined that the trial now be formally mobilised into a program that is of great benefit to that state and to the community safety policy of that state.

The legislation in other jurisdictions is now working towards keeping drug-affected and dangerous drivers off the streets, thereby effectively reducing the chance that these drivers now have to be involved in or cause an accident. Therefore, John Hargreaves's arguments against introducing such legislation in the ACT are simply not logical. I am sure the families of those who have tragically lost loved ones in the ACT as a result of drug-driving would be keen to see such a deterrent brought into play, but we know of course that that will not affect Mr Hargreaves's thinking.

If this minister—and the Chief Minister pooh-poohs this legislation—is serious about reducing the death toll, if this minister is serious about helping to reduce the number of road accidents in the ACT, if this minister is serious about tackling the growing drug problem, which in many ways has overtaken alcohol in this community, he will encourage his government to support this bill. But do not hold your breath, because the track record of this minister and this Chief Minister is that you keep your heads firmly inserted in the sand, take no notice of sensible policy in any other state and do not give a damn about enhancing community safety.

I call upon this government to pass this legislation or at least to steal it, re-badge it and bring it back as soon as possible after Christmas.

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

Limitation Amendment Bill 2005

Debate resumed from 21 September 2005, on motion by **Mr Stefaniak**:

That this bill be agreed to in principle.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.01): The government is happy to support this bill. I have circulated an amendment, which I propose to move at the detail stage, which simply extends the range of potential litigants to be covered by the limitation period in Mr Stefaniak's bill to incorporate all classes of litigants.

I think we are all aware of the basis of the legislation. Mr Stefaniak, in introducing the bill, outlined the potential for pressure or disturbance to be caused, particularly to bushfire victims, as a result of amendments that were made in 2003. I think we would all recall at that time the nature of the debate that was in engaged by the ACT government, the community and indeed all governments around Australia about the difficulties that were being experienced at the time in relation to insurance and insurance premiums. This government and other governments responded to certain of the recommendations of the IP report, as a consequence of which there were amendments to the Limitation Act 1985 to reduce the period of time in which actions could be commenced. Those provisions were passed by the Assembly and commenced in 2003.

Obviously, all of the issues in relation to the Civil Law (Wrongs) Act and around the steps that the ACT government took to deal with problems around the availability of insurance for particular activities, and indeed the pressure that there was on premiums at the time, have resulted in major tort law reform around Australia and in the ACT. The ACT took a slightly different approach to these issues—in some respects a significantly different approach—to that taken by other jurisdictions.

We have monitored, and continue to monitor, very closely the operation of the legislative scheme that we put into place. Indeed, we continue to compare and monitor the responses of other jurisdictions. In that regard, departmental officers meet regularly with stakeholders to review aspects of the scheme and the performance of the scheme. We have throughout that process been concerned, of course, to identify and then to avoid the diminution of the legitimate right of people to just and timely compensation where they have suffered damage.

It was in that context that the government continues to examine a range of proposals to ensure that claims are brought as early as possible, which, of course, is one of the mechanisms that was put in place in response to the IP recommendations of how to retain the cost of actions and through that to impact on the cost of premiums and the availability of insurance, which is, of course, what the legislation that we are discussing today is intended to do.

One of the issues that has been of some focus in relation to the change of the law, and is of course the focus of the debate today, is that which relates to the provisions dealing with limitations in relation to actions that arose prior to the commencement of the 2003 amendments. At that time, as I have said, the government brought forward as part of a package of reforms, as part of the tort law reform program, that the ACT could vary the time in which a person could commence a civil action. That, of course, reflects the fact that issues in relation to which an action should be commenced are very much a

procedural matter, and not something of particular substance. That was the basis on which we proceeded in 2003 and, of course, that was reflected in the advice that I received at the time.

We have examined those particular issues in the context of the bill that Mr Stefaniak has introduced, and it may be the case that the earlier view—that the amendments that were made in 2003 might apply to actions that might have been able to have been commenced before the legislation was introduced—is perhaps somewhat marginal as to its effectiveness in terms of whether or not it was really within the power of the Assembly to do that. By that I mean that the diminution of time occasioned by the provisions in relation to an action that arose before the commencement of the amendment act could, or might have been argued to, amount to an acquisition of property. On that view, of course, if that were the case, any reduction of time would have been considered to have been substantive rather than procedural—not, as I earlier indicated and as we believed, that the matters were procedural rather than substantive.

In that context, and in the context of the particular issues that one can acknowledge, without making any judgment about the likelihood of success of any action that is taken, or has been commenced, in relation to damage or loss that was suffered as a result of the bushfire—and I make no comment on that; I am aware that certain actions have commenced and I make no comment on whether or not the government has a view or is of the view that the actions will or will not be successful; those are now matters for the courts—in supporting Mr Stefaniak's amendment and in proposing an amendment, I am not suggesting the government's position is that there is a cause of action that would ultimately be successful.

But I certainly accept the point, the position that Mr Stefaniak has put in his presentation speech, accepting the level of trauma and the extent of the loss which people have suffered. I have no issue with anybody that suffered loss and believes that it is a loss in relation to which they believe there is an extant action. I have no desire to see them lose the ability or the capacity to take action to seek to enforce what they believe to be a right in relation to that loss by the passage of time in the context of all of the issues that they have had to deal with over the last three years—acknowledging that, under the amendments that were passed, time, of course, is now running particularly fast.

The amendment that I will move will, as I said, extend this to all people in the same position as those people that suffered loss as a result of the bushfire, rather than picking out a single class of potential litigant. We accept what Mr Stefaniak says—we accept the force of his argument and his position—and are happy to do that, but it seems to us that in that circumstance there probably is not a justification for excluding other potential litigants from access, essentially, to the same opportunity. So I just foreshadow that in the detail stage I will move an amendment to simply extend the class of potential litigant to whom the amendment will apply to all potential litigants who are in exactly the same position as those who would seek to pursue an action as result of bushfire loss.

In conclusion: the government supports Mr Stefaniak's proposed bill but we will have an amendment which will broaden to all potential litigants the class of litigants to whom the provision applies.

DR FOSKEY (Molonglo) (11.10): On its surface, Mr Stefaniak's proposed changes to the ACT's Limitation Act is an admirable gesture that would ease the burden felt by people who suffered personal injury as a result of the terrible fires of January 2003. If this bill is to pass into law, and it seems it will in a somewhat amended form, they would not have to bear the additional burden of not knowing whether they are risking financial, and possibly emotional, disaster by bringing a legal action to recover compensatory damages.

I believe that these people should have a right to wait for the coronial inquiry to shed some more light on the events surrounding the fires before making their decision as to whether to sue for damages. I think they should have at least 12 months after that inquiry hands down its findings to decide whether to bring such an action.

I say that Mr Stefaniak's bill is an admirable gesture on its surface. I also think that it is in large measure an admirable gesture below the surface too. Time is running out under section 16A and 16B of the Limitation Act and it is unlikely that the coronial report will have been completed and made public before the present limitation period expires.

I am assuming that everyone in the Assembly thinks that this bill is a good idea and I am glad that the government has come up with its own amendment to address the problem identified by Mr Stefaniak. But, given this bipartisan support, why shouldn't this bill be a generic solution to the problem of long-running coronials or other worthwhile exceptions to the statute of limitations. Section 36 of the Limitation Act provides that the court can extend the period within which a person can bring an action from damages. But at present it does not apply to section 16B, personal injury claims. Perhaps section 36 of the Limitation Act should be amended to make it clear that in certain circumstances it does apply to these personal injury claims and that people have at least 12 months following the public release of a coronial report to bring such actions.

This is not the first time the coronial inquiry has taken more than 2½ years to make its findings and it probably will not be the last. Given that coronial inquiries are as much designed to investigate systemic problems as personal responsibilities, it is not necessarily a bad thing. But innocent people should not suffer as a result by losing their right to seek compensation while waiting for the coroner's report to be made public.

Heaven forbid, but some future government could even use this fact to its own advantage and withhold a report until the limitation period had expired. If such a suggestion of the brutal misuse of executive power may have been inexcusable only a few years ago, it certainly is not today in light of the abandonment of accountability and moral decency by the current federal government from the moment that it gained control of both houses of parliament. If anyone doubted the desirability of minority government before, the shameful events occurring up on the hill must surely put those doubts to rest. It is evidence in our country that absolute power can indeed corrupt absolutely, even though in these days of public relations masquerading as popular media the sad thing is that people might not notice that.

Mr Corbell interjected in Mr Stefaniak's presentation speech, "This is a stunt." Well, yes and no. The content of the presentation speech made it clear that the opposition will

wring every bit of political capital they can out of this issue. But, if this is a stunt, it is a stunt that perhaps the government brought on itself by not dealing with this issue sooner.

Let us pause for a moment and wonder what might have happened if the Liberals had been in power in January 2003. Would they have acted any differently? Would we have seen Brendan Smyth exercise extraordinary intuitive powers in the days leading up to the disaster by contradicting the advice of his most senior advisers and immediately declaring a state of emergency? Would this have been sufficient to save Canberra from the fire front? I do not know. The coroner's report should shed some light on this matter. But I do not give much credence to the argument that the opposition would have acted very differently if they had been in power.

While the Chief Minister's statements in the immediate aftermath of the fires accepting total responsibility for the carnage were laudable for their intent, they were perhaps a bit naive and certainly distracting. The doctrine of vicarious liability can only go so far, and I do not want to point fingers of blame for what happened back then. I am not qualified to do so and the events were too tragic for gratuitous grandstanding. But I do think that it is obvious that things could have been handled better and I await with interest the coroner's report.

If there was inexcusable incompetence of negligence on the part of any public official or institution, that needs to be identified, not to heap blame on any particular person—the personal burden they must bear would be enough for any person to carry—but to ensure that such behaviour is identified and prevented from happening again. And, of course, a finding of gross negligence would open the way for personal injury compensation cases. If this is the finding of the coroner, I urge the government, whichever government is in power at the time, to ease the burden of those who suffered injuries in the fires by smoothing the path for them to receive just compensation. It is reassuring that the government does accept the need for this amendment.

As I said, I am not interested in playing the blame game, but I do want to do what I can to ensure that mistakes that were made will never happen again. For one thing, I will certainly fight hard to ensure that highly flammable rows of mature pine trees are not allowed to grow hard up against residential suburbs ever again. Indeed, as people know, I have fought hard to make sure that they do not grow up in large quantities anywhere in our territory again. By the way, I do believe that steps have been taken since the fires which will make it more unlikely that a similar situation will occur again. While we cannot stop bushfires, I do believe that we now have many of the mechanisms in place to reduce the amount of damage that they will inflict on our city. Even though this resolve and these measures spring from hindsight, that is what we should be seeking now. The wisdom of hindsight is no less valuable for having grown out of tragedy. In fact, the wisdom of hindsight is essential.

I will be supporting this amendment, and probably the government's amendment, though I do want to register here my concern when amendments are lobbed on us less than an hour before we debate them. I, and I am sure the opposition, like to have a chance to have a really good look at things. I know it will go through, and I think in this case that is probably okay. But it is not always going to be okay. The issue of majority governments having the ability to put through any legislation without proper scrutiny from other

members in this Assembly is a real concern. I am just glad that in this case we are not talking about really controversial stuff.

We need this amendment to ensure justice and peace of mind for those people who suffered and continue to suffer from the events of January 2003. When I say that we should move on and try to put these events behind us, I am not saying that we should forget them, and I am not belittling the suffering that many people experienced. With the wisdom of hindsight, it is becoming very clear that the coronial system in the ACT needs overhauling. While there is probably not enough demand—and thank goodness for that—for a separate coroner's court, perhaps the time has come to look at identifying and training a few dedicated magistrates in coronial affairs and arranging their responsibilities so that they can focus solely on their coronial duties when the need arises.

I thank Mr Stefaniak for having drawn our attention to this problem and I thank the government for taking his legislation seriously. I urge both the opposition and the government to continue to focus on positive, constructive measures rather than nasty, gratuitous, and ultimately counterproductive, posturings.

MR STEFANIAK (Ginninderra) (11.20), in reply: I thank members for their comments in this debate. As I indicated in my speech when I introduced the bill—I will not go over too much old ground—it is a fair bill, and I say at the outset that I think the government amendments are very fair amendments as well. There are no guarantees that a lot of people will avail themselves of the opportunity to take the actions that they will now be able to take, especially given that a number have already taken action within the present three-year limitation period. But it does give people some options, and is therefore something that bushfire victims are very keen to see happen. I certainly think it is very important for the government to see that the rights of all citizens affected by the bushfires are adequately protected by our laws, and that their rights are fully recognised, and it is good to see the government doing that here today.

Initially, it was my intention with the bill to not affect any other classes of victims. I specifically did have it just as a single class. I am very mindful of such arguments like the floodgate arguments and that. However, the normal intention of any act of parliament, unless it is retrospective—and retrospective acts are things that are very rarely, and indeed should only be very, very rarely, used—is that an act of parliament runs from the time it is enacted and receives the assent and, if anything has arisen before that act, the existing law at the time should apply.

Quite clearly, that was the intent of the Civil Law (Wrongs) Bill: that people who had causes of action that related to prior to the bill coming into force should have their rights preserved. That is a normal fundamental principle of Australian law. So, effectively, the government's amendment is doing just that, and that does probably enable a number of other people in our community to get an extension of time, effectively a six-year period, in which they would be able to take action. That is a fair thing and that is why I am very happy that this bill has caused that issue to be looked at and fixed up. That is a very important point in terms of fairness and our law.

My bill, of course, is a result of the lengthy process of the coronial inquiry, which is not finished and we really do not have any idea when it is going to finish. That was the

catalyst for this. I note with interest what Dr Foskey said: why not have some sort of bill which could take into account the fact that we might have some long-running coronials? Hopefully, we will have very few long-running coronials, but there have been some in the past and she raises a valid point there, which in discussions I had with her office I encouraged her to perhaps look at further. Thankfully, they are very few, but that is, too, probably a reasonable point if we are going to get into situations where coronials go for a long time. I can think of a couple within the last 10 years where that would apply.

Whilst it is a simple amendment—being a lawyer, it does not cause me any great concern and it looks fine by me—I take Dr Foskey's point, too, and I would encourage the government, especially when they have got due warning of what is occurring, to get amendments to people in good time. To have got an amendment like this even 24 hours beforehand would have been obviously very helpful, especially to Dr Foskey, and even perhaps to me, because when I got it I had a quick look and I note that the Limitation Act in the red folders there is actually updated up to 1999. Someone might like to attend to that, because part of the amendment actually seeks to omit subsections 16B (3) to 16B (6) to make the system actually work. Unfortunately, those sections are not in the act there, so I just make that point so that that could be updated as well.

Dr Foskey said she would like to see us and the government more regularly do things like this, and I think it is great when we all can work together here. Unfortunately, I suppose, normally this place is a fairly adversarial place, and obviously that is going to continue. But I do think it is good and I am very happy with the way everyone in this Assembly—the government, the Greens and us—have worked together on this issue. There have been a couple of false starts, but this bill will now become law. It will enable fairness to apply, not only to bushfire victims but to anyone who before September 2003 might have a cause of action. That is a very good result, it is a fair result, it is a good result in terms of good legal process and I think it is something that will be welcomed generally by everyone affected in the territory, as, indeed, I think it has been welcomed by everyone here in this house. I thank members for their constructive approach to this issue. A number of people will benefit as a result, not necessarily by taking action before the court but by at least having that option, which I think is right and proper.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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

Proposed new clause 3A.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.26): I move amendment No 1 circulated in my name, which seeks to insert a new clause 3A *[see schedule 1 at page 4882]*.

I also table a supplementary explanatory statement to the amendment. As has been indicated, section 16B of the Limitation Act establishes the limitations period, the period

in which an action for damages must be commenced for most causes of action for damages for personal injury in relation to an adult. Amendment 1 seeks to omit subsections 16B (3) to 16B (6) of the Limitation Act 1985. These subsections were added by amendments that came into force on 9 September 2003. While the amendments did not abrogate a right of action, the amendments reduced the time in which a person had to commence an action where that action arose before 9 September 2003.

The effect of this particular amendment is to omit the 2003 amendments to the effect, as Mr Stefaniak indicated, that the provision only applies to causes of action that arose on or after 9 September 2003. To the extent that the 2003 legislation shortened the limitation period in relation to a cause of action arising prior to the commencement of amendments, this part of the 2003 amendments was essentially ineffective in any event. But Mr Stefaniak quite rightly draws attention to the inherent, or potential, unfairness of that arrangement in relation to the effect that it had on a potentially pre-existing cause of action, and I support the comments that Mr Stefaniak made in relation to that.

In relation to the late circulation of the amendment, I confess I had simply assumed that my office had circulated the amendment. So I apologise to members for that; I do genuinely apologise. It was an oversight on my part. I simply thought that it was a function that my office would have concluded, and I regret that that did not occur. So I apologise to you for that.

MR STEFANIAK (Ginninderra) (11.28): The opposition, of course, will be supporting this. I note the attorney's comments in relation to the late circulation, and certainly accept his apology there and I agree with the comments he has made in relation to his proposed amendment.

Proposed new clause 3A agreed to.

Clause 4.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.29): We oppose the clause. As a result of the amendments, clause 4 of Mr Stefaniak's bill is no longer appropriate. This does not change the import or the effect of Mr Stefaniak's intent at all. It is simply a procedural matter in relation to the drafting and the status of the bill to reflect the operation of the amendments that I have moved.

MR STEFANIAK (Ginninderra) (11.29): The opposition supports the removal of clause 4. It is covered by the attorney's amendments Nos 1 and 3.

DR FOSKEY (Molonglo) (11.30): I have to say that, because of the lack of time, I cannot comment on the merits of the Attorney-General's legal arguments in favour of his amendments. I am also mindful of the floodgates argument that could apply in this case and I can only hope that we do not see a spate of personal injury matters in the courts from before September 2003.

On the whole I do accept these amendments, but I do feel a little bit concerned that my office has not been able to give them the attention that I believe they deserve, so in a sense I am sort of flying a kite in that acceptance.

MR SPEAKER: I acknowledge and welcome the presence in the gallery of former MLA Mrs Cross.

Clause 4 negatived.

Proposed new clauses 5 and 6.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.31): I move amendment No 3 circulated in my name, which seeks to insert new clauses 5 and 6 *[see schedule 1 at page 4882]*.

Section 30B of the Limitation Act establishes a limitation period for causes of action for damages for personal injury in the provision of a health service to a child. My amendment No 3 seeks to omit subsections 30B (6) and 30B (7). These subsections were added to the Limitation Act 1985 by amendments that came into force on 9 September 2003. While the amendments did not abrogate the rights that pre-existed, essentially, I think, in a shorthand fashion, the effect of this amendment is to omit the 2003 amendments, to the effect that the provision only applies to causes of action that arose on or after 9 September 2003. In other words, these particular provisions apply in relation to actions for personal injury for the provision of health services to a child. That is the difference essentially in effect between this and the earlier amendment that I moved.

MR STEFANIAK (Ginninderra) (11.32): Again, the opposition will be supporting this. It effectively supplants the old clause 4, which is now negated, and basically covers people who have a cause of action which relates to something that occurred prior to 9 September 2003. Obviously, everyone affected by personal injuries in the bushfire, that period being from 18 January to about 28 or 29 January, is well and truly covered now. It also has an expiry date because, obviously, after a period of time it will become irrelevant, and that will be some time after 9 September 2009 I would imagine. Accordingly, we support the new clauses.

Proposed new clauses 5 and 6 agreed to.

Title agreed to.

Bill, as amended, agreed to.

Workers' entitlements

MR GENTLEMAN (Brindabella) (11.34): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) that the recent "WorkChoices" changes announced by the federal government are designed to reduce workers' entitlements particularly in relation to:

(i) family friendly provisions;

(ii) annual, long service and public holiday leave;

(iii) rest and meal breaks;

(iv) leave loading; and

(v) penalty rates; and

(b) these changes will:

(i) prevent fair employee representation on workplace issues and undermine collective bargaining rights;

(ii) remove the roles of industrial organisations within workplace relations;

(iii) require secret ballots;

(iv) pose a threat to workplace safety; and

(v) remove the protection of unfair dismissal laws for workers; and

(2) calls on the federal government to admit the harmonious workplace relationship developed between employees, unions and employers have resulted in a productive economy, and retain workplace laws in their current form.

Two months is a long time in politics. Two months can mean the difference between a gut feeling and a fundamental truth and it was almost two months ago that I gave notice of my intention to move a motion regarding WorkChoices. It was on 18 October, to be precise, and I will admit that at the time, unlike Mr Mulcahy, who apparently received ongoing advice from his mates on the hill, I, like the majority of Australians, was still having to decipher Minister Andrews's media releases to know what we here in the ACT were faced with. So it was a lot of gut feeling that led to this notice of motion, but it is with fact that I rose to move this motion today.

As I have stated, two months is a long time. Given the length of time, I think it appropriate to take the Assembly through a guided tour of the last two months and some key events. I will start with just one week before 18 October, 12 October, which was the day the Senate agreed to send any industrial relations amendments to an inquiry. On the same day, 12 October, here in the ACT the *Canberra Times* reported on the concerns of local and regional Anglican and Catholic clergy over the impact of WorkChoices on poor, low-income workers. The clergy claimed that low-income workers "could not bargain and simply could not get another job".

Six days later, on the same day I gave notice of this motion, Queensland papers reported that in survey results more than 80 per cent indicated some sort of dismay at or opposition to the proposed IR changes. On that same day, Western Australian papers reported on the comments of an ex-commissioner, who called the then proposed changes regressive and destructive, claiming they mimicked the worst aspects of the US labour market.

On 2 November, Kevin Andrews introduced the long-awaited WorkChoices bill in the federal House of Representatives. He probably needed some assistance in carrying the bill into the house, given the 657 pages of the bill and the accompanying 565 pages of explanatory notes. On 14 November, we saw the start of the Senate inquiry into WorkChoices. Over the five days of hearings, senators heard from such wonderful worker advocates—and please note my sarcasm—as John Hart of Restaurant and Catering Australia. Mr Hart's honesty about his members' intention to use WorkChoices as a means of reducing wages and entitlements was a breath of fresh air—nothing hidden in their agenda.

The committee had received some 202 formal submissions and, in a sign of things to come, an additional 5,400 brief submissions. I say a sign of things to come because it was on 15 November that half a million workers and their families took to the streets in protest at WorkChoices. Some 5,000 Canberrans met at the Canberra racecourse, and I and my colleagues in the ACT government were proud to be in attendance.

On 28 November, Barnaby Joyce, the Christmas goose, received a petition with 85,189 signatures calling on him to cross the floor and vote against WorkChoices. Then on 7 December, despite ongoing community outrage and against the calls from religious groups, parents groups, community organisations and hundreds of thousands of workers, the Senate passed WorkChoices. What a ride—a ride that ended with a thud!

There are some in the opposition who would think that we should accept this legislation; some, with open arms. There are some in the opposition who would have us think that workers' concerns are nothing but a furphy. Well, I say, "Get your head out of the sand and smell the resentment." This motion reflects the community's fears about their future. This motion understands that the federal government's WorkChoices changes, now legislated, are designed to reduce ACT workers' entitlements. It recognises that these changes will have a devastating impact on the relationship between employees and employers. It will further reduce the rights of union members. It will put profit and so-called productivity before workers' safety.

I do not mind being right; in fact, I actually enjoy it. But I sincerely wish that in this motion I were wrong. I do not enjoy having foresight two months ago about WorkChoices and its intent, nor the effects it will have on ACT working families. And it is families who will suffer from WorkChoices. Gone is any semblance of protecting family-friendly provisions. And what is in its place? Are we to believe the federal government that individual contracts will provide a better means for families to live and work? I think not. And I am supported in my assertion by the finding of the federal government's own Department of Employment and Workplace Relations. DEWR's report found that, out of all individual contracts, AWAs, 92 per cent do not provide paid maternity leave, 95 per cent do not provide paid paternity leave and 96 per cent do not provide unpaid purchased leave, such as extra leave during school holidays. The only widely-available family-friendly provisions in the individual contracts are for bereavement leave, and even then it was in only 49 per cent of these secret contracts.

I met with Sex Discrimination Commissioner Pru Goward during this timeline. She has warned the federal government that, in threatening collective agreements that provide for the overwhelming majority of paid parental leave, the government is likely to face an

even further drop in the national birth rate. So not only will we see the reduction in family-friendly provisions; we will see a reduction in family size.

But the federal government are not content to reduce family-friendly provisions. No. They have now legislated away the rights of all workers to seek compensation should they be unfairly dismissed. The estimated cost of having to fight an unfair dismissal in the common courts is $30,000—$30,000 for an employee to try to keep his job in an unfair termination. I think it is a disgrace that there now is no real penalty for employers, to discourage unfair termination. The federal government might be excused for ignoring my opinion or the myriad opinion polls that show Australia's distrust and fear of WorkChoices, though they do this at their own peril. But they cannot be excused for ignoring the overwhelming evidence to the inquiry into WorkChoices that was in clear opposition to these changes. I quote from the submission of Katrina Milbourne, a Canberra registered nurse:

> Many people are dependent on their employment to meet living costs such as mortgage repayments. I believe that under the proposed legislative changes the potential risk will exist for some workplaces to become places where people are fearful of their future employment, where they are too worried to raise legitimate concerns, and where they are stressed about the future of their family income. In such circumstances I believe that employees will place the need for an income over family needs.

The need for income over family needs: when you work in a sector, as Ms Milbourne does, that is reliant on penalty rates, the loss of such entitlements will mean a substantial loss of income. In most cases, workers, the men and women who provide care for our loved ones in the aged care sector, will be forced to either take on an additional job or extend their hours of work. This means time away from their children. This means fewer breaks and increased risk of injury at work. This means a reduction in the care that they provide, simply because they are overworked, stressed or dealing with injuries. Workers will have to choose between income and safety, and for many low-paid workers income will always win.

It is for this reason that WorkChoices will jeopardise the safety of Canberra's 160,000 private sector workers and commonwealth government workers. It will force them to choose between providing for their families or refusing to work long hours. It will place workers in highly stressful situations with having to negotiate away their entitlements. It will force workers to compete, not only on productivity levels but on the lowest cost. For industries like transport and construction, already identified as high risk, this will mean more hours for less pay. Those additional hours will mean more workplace injuries and more families having to clean up the mess left by greedy employers. Gone are the protections for meal and rest breaks. Again, I wish to express my grave concern in industries like transport and construction, where breaks are about safety and should not be up for negotiation.

Gone is the right to leave loading as a right of permanent employment. It, too, is negotiable. Heaven forbid that you work in a restaurant or for a catering company, because "negotiable" actually spells "deserted", as I am sure Mrs Dunne is aware. There is no worker choice in WorkChoices. WorkChoices will prevent the choice of union members to have their union representative present at a dispute. Proudly, the federal

government has boasted about the death of the closed shop. Well, now it will boast the death of freedom of association and the rights that this entitles.

The federal government's paranoia about union members has led it to introduce secret ballots for industrial action. Clearly, the federal government has taken a leaf out of the United States book of IR, where secret ballots are used not to provide employees with privacy of choice but, rather, to give employers more time to intimidate workers. There is no hiding the ideological agenda of the federal government. I equate this to the quest of Gollum in *Lord of the Rings*, in search of his precious.

First, the federal government experimented with the waterfront—and, like Gollum, they failed miserably. The federal government achieved little but to galvanise the union movement into action, into community engagement. The second experiment was on construction and building workers. Gollum learnt from his first attempt not to get overexcited. The federal government learnt not to let employers do the dirty work. So they set up a royal commission—and what did it return? Very little. To their credit, unlike Gollum, the federal government, particularly the Prime Minister, had patience. They waited until they could use and abuse majority. In fact, Prime Minister Howard has waited since the early eighties when he was then Treasurer.

I think they got a little greedy. They could not limit their Gollum-like fingers to construction and building industries. They wanted to spread their precious to all workers. Well, Gollum met his end as a result of his blind desire for his precious. And, similarly, I believe that WorkChoices will be the undoing of the federal government. It will be their undoing because this legislation will do a number of things. Firstly, like the waterfront dispute, this point in our industrial relations history will prove to be a time of unification of the union movement and the broader community. Already, we have seen this with the national day of action, with online petitions by thousands of men and women pledging to continue the fight up until the next federal election.

Secondly, these changes will force good employers to adopt bad practice in order to compete. Should one employer offer substandard AWAs, and in doing so reduce the flow-on cost to customers, the competing good employer will have to do the same, simply to ensure ongoing employment. Thirdly, and despite all of Mrs Burke's claims, this legislation will have a negative impact on workers and their families.

It has been two months since I gave notice of this motion. But we will not have to wait another two months to see how appalling employers will choose to use these changes. In Monday's media there were reports of 36 tradesmen being sacked from a construction site at Lake Cowal goldmine. Their offence? They asked for holidays over the Christmas period. It stands to reason that a government that would wish to abolish the notion of the weekend would allow under their legislation workers to be sacked for asking for holidays at Christmas.

All I have spoken about this morning relates to the losses for those already in the work force. But I believe that the greatest abuse of government is not WorkChoices alone. WorkChoices cannot be seen in isolation; it has to be seen next to its sinister cousin, the welfare to work bill. By forcing welfare recipients onto substandard AWAs, we will see the growth of the working poor. These new or returned members to the work force will have to survive on lesser conditions of employment than is the current standard. The

sectors where they find employment, usually jobs with a lower skill base, will be forced to bring their conditions of employment down to compete. But, should they try to exercise the right to choose, to politely decline substandard employment conditions, they will lose any form of government financial assistance for eight weeks.

WorkChoices and welfare to work are not about choices. They are not about flexibility, about workers exploring their options. These changes are designed to crush the collective, to reduce workers' rights and entitlements, and to reduce the options available to the unemployed. They will jeopardise worker safety and they will jeopardise family life.

Though the bill is now an act, my determination to see this legislation overturned has not wavered, and I call on the federal government to scrap their WorkChoices act, and, while they are doing that, to scrap the welfare to work changes.

MR MULCAHY (Molonglo) (11.49): Mr Speaker, these motions from the Legislative Assembly branch of UnionsACT are indeed repetitive and tiresome. We have had the same old mantra, the same old scaremongering, that we have heard in this place, sadly, on many occasions before. We heard it all before in 1996 when, according to Labor, the sky was going to fall. Labor were predicting disaster then, but all of their predictions have been proven to be embarrassingly wrong.

I had a barbecue last night, something that apparently we are not going to be allowed to have anymore. The world is still continuing sensibly, although there has been a mad scramble by union officials in the last few days to file award changes. Talk about being asleep at the wheel. They have sat around, collected their generous salaries and benefits, and suddenly they are saying, "My God, our position is suddenly being challenged and we will have to do some work." I am afraid they have left their run way too late.

The sad bit about this whole debate is the absolute nonsense that has been trotted out in it; not sensible, constructive changes, but scaremongering, trying to frighten people into believing that suddenly we are going to have a whole lot of increases in industrial injury and deaths and the family barbecue will end. People are being frightened by being told that they are going to lose everything they have got.

Twelve months from now I will be keen to see Mr Gentleman stand up here and explain to us what the impact has been of those 12 months. He is going to be very embarrassed. The same sort of rot was trotted out in 1996. A fellow by the name of Kim Beazley said then:

> The Workplace Relations and Other Legislation Amendment Bill strikes at the heart of the desire by all Australians for a fair as well as a productive society. If we pass this bill into law, we will return the workplace to the battleground it used to be …

I know that Mr Beazley's father was an eloquent speaker; I remember hearing him at times. But Mr Beazley is no chip off the old block and his predictions about the industrial relations environment have been, sadly for him, proven completely wrong.

I think that Stephen Smith, a rising star up on the hill, one of the few up there who are generally pretty sensible, has learnt from some of the errors of his prediction in 1995. He said in the House of Representatives on 17 October 1995:

> The Howard model is quite simple. It is all about lower wages; it is about worse conditions; it is about a massive rise in industrial disputation; it is about the abolition of safety nets; and it is about pushing down or abolishing minimum standards. As a worker, you may have lots of doubts about the things you might lose, but you can be absolutely sure of one thing: John Howard will reduce your living standards.

How wrong he was proven. Wouldn't you think, after making all these wild assumptions, that they would be treading more warily now, that they would be saying, "Gee, we got it wrong there. This is all on the record and we have been made to look pretty foolish. Australia has prospered like it never has before in history, and we are still going to trot out the same scare"? Senator Mark Bishop said then:

> The bill before the Senate will result in lower wages and conditions in a range of industries.

The quotes go on and on. Senator Kim Carr said then:

> … we see this bill as being obnoxious, insidious and fundamentally hostile to the interests of working people in this country.

That is the sort of parlance that Mr Gentleman has trotted out time and again as we have discussed this legislation which, in fact, is not even before this Assembly. Senator Chris Evans said:

> It systematically dismantles any protection against the power of the employer in the relationship by undermining collective bargaining, restricting the rights and roles of trade unions—

that is what it is all about, looking after union officials—

> emasculating the role of the Industrial Relations Commission and shrouding the agreement process in secrecy.

That is the sort of panic that was instilled in Labor representatives in their fairly futile attempt to alarm the people of Australia about industrial reform. I cannot speak on this matter without referencing our home-grown senator, Kate Lundy. What did she have to say in the Senate on 6 November 1996? She said:

> … what the bill really means is much lower pay without extra jobs.

Senator Lundy was proven wrong. In another speech she said:

> If there is one signal that is patently clear in this particular bill it is the fact that this government is all about breaking the trade unions and destroying their ability to collectively bargain on behalf of the people they represent.

Mr Speaker, there are only two conclusions that you can take from Labor's arguments. The first is that the position they had then was totally wrong, as it is today. The second is that the real agenda is to try to protect the role of union officials. That comes as no surprise because my friends opposite have a great deal of debt to the union movement.

On the first point, I would remind Mr Gentleman and his Labor colleagues of how wrong they were in those predictions. The fact is that the Howard government's workplace reforms since 1996 have helped deliver higher wages, higher productivity, more jobs, and lower interest rates. How much have those lower interest rates helped ordinary people in Canberra buy homes? Young couples can afford now to buy homes, but did not have a chance of doing it under Labor, because the interest rates have come down and they know that they have jobs and they know their kids can get jobs due to the economic sense of the Howard government's reforms.

The disaster that was predicted has never come about. We have never had it so good in this place and we are looking forward to boom times as we go forward, thanks to the changes that are being made in a host of different areas by the commonwealth government. We now have something equitable in the tax arrangements through the goods and services tax, which has captured much of the expenditure that was missing out on attention as regards contributions to commonwealth tax collections.

Ultimately, the best protection for workers and the best guarantee for job security and higher wages is a strong economic position. A modern workplace relations system is an essential component of that. We had a heavily regulated workplace relations system in the 1980s and it failed to protect one million Australians from being thrown onto the unemployment scrap heap. What are the union officials all about? Are their jobs so critical, are their positions as highly paid union officials sitting on war chests that have been collected over the years more important than ensuring that the people they purport to represent are in fact employed, that their kids can get jobs, that they can afford to own their own home, and that they can have manageable interest rates? Those are the things that I think they ought to be all about.

Members opposite purport to represent the plight of ordinary working Australians, as they often trot out, but where are they when they look back at what has been achieved? Since March 1996, 1.7 million jobs have been created: 900,000 of those have been full time and 800,000 have been part time. In contrast, between March 1989 and March 1996 only 107,000 jobs were created, of which 188,000 were full time and 519,000 were part time. Those statistics tell you volumes. Unemployment is presently at about five per cent across Australia. In Canberra, it is down to three per cent. For the past 12 months it has been consistently at 30-year lows. When Kim Beazley was employment minister, unemployment reached a post-war peak of 10.9 per cent.

They might just sound like statistics, but they are not just statistics to the people affected. Talk to people who went through the period of Labor, those who were in small business and who were being crunched because of the interest rate situation, often losing their home, going through ruination or seeing their own children not being able to get part-time jobs to support themselves, and compare that with the situation today, where the biggest problem that people are complaining to me about is that they just cannot get people for their businesses. I hear it around Canberra all the time. It is because things are

so good, things are prosperous, and they will continue to be as long as we continue to reform our economic system and ensure that Australia is a competitive country.

Being competitive does not mean trying to undercut the average Indian worker or Chinese worker. It means doing things in a better and more clever way to ensure that we are economically prosperous. I was watching a documentary the other night about Finland and the changes made in that country in the 1990s to make it competitive and strong as an economic entity, given its massive European neighbours and all that goes with those industries that are in those European countries. The program showed how countries do need to improve their efficiencies and their way of doing business if they are to survive. That has been achieved there. I do not necessarily embrace everything that was done in that country, but the program certainly illustrated the point that if you want to survive economically in this world you have to be constantly modifying the way in which you do business.

The fundamental that we hear about from those opposite is wages growth. Mr Gentleman talks about wages growth versus family needs. Real wages have increased by nearly 15 per cent since 1996. They went up 1.26 per cent over 13 years of Labor. Those are the figures; let us not pretend that anything else is the case. What did the current leader of the Labor Party federally do? During the accord, the policy of the ALP and the ACTU was to hold wage growth and reduce the minimum wage. I will talk a little bit later today about that period. Whilst that was one direction of the trade union movement, the violence and tyranny that were inflicted on some businesses were also a feature of that period in Australia, one of which I have very strong and vivid recollections which are very relevant to today, particularly this day, some 20 years after those matters were addressed so vigorously in the Victorian Supreme Court in the Dollar Sweets case.

But what did Mr Beazley say recently—this is not old stuff that I am trotting out; this was on 1 April 2005—in a speech to the sustaining prosperity conference? I am sure that Dr Foskey will be interested in what he had to say there. He said:

> We achieved 13 years of wage restraint under the Accord. The wage share of GDP came down from 60.1 per cent when we took office to the lowest it had been since 1968. We left office with the wage share of GDP at 55.3 per cent.

There we had the leader of the Labor Party, the hero of the labour movement, saying how they managed to grind down people's wages when they were in power. That was not some right wing, Liberal, hardline industrial warhorse talking. It was Kim Beazley. In fact, the minimum wage declined by around five per cent in real terms between 1983 and 1996.

Turning to industrial disputes, we were told in all those predictions that there was going to be mayhem. In fact, under the coalition government industrial disputes have consistently remained at the lowest levels for strikes since records were first kept in 1913, before World War I, which is extraordinary. That is the track record. It is interesting to see what the fallen hero of Labor, Mark Latham, had to say in his diaries. There are some gems in there. In particular, he criticised Sharan Burrow and Greg Combet for their influence over Labor MPs. One of the problems for this Assembly is that it seems that the group which has to be listened to is UnionsACT, the ordinary folk of Canberra. What did Mr Latham say about that. He said:

> If they want people like me to take unionism seriously, they need to give us better Senators and stop sending their rejects to Canberra.

How true those words were. Latham went on to say:

> No wonder union membership is in free fall. People work hard, pay their union dues and then watch union officials spend all day playing internal Labor Party factional politics …. the average union worker could not give two hoots whether their union sends delegates to the Labor Party conference.

He said:

> … they hate the idea of people being owners, not just workers. If people are becoming self-reliant they don't need to waste their money on the union fees that fund long lunches and piss-ups—

to use his term—

> in Sussex Street.

Latham also said:

> I'm not opposed to unionism per se, just the idea of six union secretaries sitting around a Chinese restaurant table planning the future for everyone else.

This is the sort of nonsense that even Mr Latham, last year's hero, managed to identify. So I say to Mr Gentleman that one can see why they do not have any credibility, one can see why they are struggling with less than 20 per cent membership in this territory. He must ask himself why so many people in this territory—an area where there has been a strong Labor vote, I do not deny that—are writing off the trade unions that operate in this town with such enthusiasm. I would be asking myself a serious question on that. I would say, "We have lost the plot, we have lost our relevance to people."

Of course, he cannot afford to say that because, since 1995-96, the Labor Party has collected $47 million in so-called union donations, but they are not really union donations. It is a bit like talking about governments having money. They do not have money. The governments take money from the community. It is the community's funds that governments spend. The unions do not have money per se. The unions take money off ordinary people. They go around the work forces doing so. They are particularly prevalent with regard to young persons. They nail the people who are 18 and say that they had better join up to the union, they are expected to, and then they take their money and hand it over to my friends opposite and federally.

That is what funds Labor's activities. So there is a high level of indebtedness. Mr Gentleman's union—I believe that he was a TWU person—handed over $2.782 million. Its donation sits alongside those of illustrious groups such as the CFMEU, which gave nearly $5 million, the shoppies at $6.8 million, the LHMWU at $5.7 million, and on it goes.

Mr Speaker, in the time I have remaining, I must say that the prediction of gloom and doom has little basis. It did not have any basis in 1995-96. It will not have any basis going forward. We will see some changes in Canberra. We will see young people who had previously struggled to get into the work force being given a chance, the same young people that the territory government refuses to hire. They are the people that I think will most benefit from the changes the Howard government has introduced.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (12.04): I rise to speak to this excellent motion from Mr Gentleman which identifies a number of problems with the WorkChoices legislation unfortunately passed by the federal government last week, rammed through the federal parliament in an arrogant last-minute frenzy.

In a year of welfare-to-work proposals, terrorism legislation and countless examples of the federal government misusing its majority in the Senate, this legislation sticks out as the one that could have the most negative long-term impact on the fabric of Australian society. Never before has a government attempted to so undermine the Australian notion of a fair go for all.

Mr Gentleman made brief mention of the response from church and community groups to the WorkChoices bill. I think it is important to elaborate on this point, particularly given that Mr Gentleman's motion rightly points out that the changes are designed to reduce workers' entitlements to family-friendly working conditions. An incredible number of church leaders from a cross-section of denominations have damned these reforms.

Peter Jensen, Anglican Archbishop of Sydney, has raised concerns about the ability of workers to share time for children, families and relationships once the changes are adopted. Recently, Jim Mein, moderator for the Uniting Church in Australia, New South Wales synod, wrote to the Chief Minister, the Minister for Industrial Relations, and the Premier and Minister for Industrial Relations in New South Wales, regarding WorkChoices. In his letter, he confirmed that the New South Wales synod had rejected the general directions of the proposed changes; in particular, the increased use of individual contracts, the abolition of unfair dismissal provisions and the use of the Australian Fair Pay Commission.

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

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

Perhaps one of the most surprising critics of these changes was Cardinal George Pell, a confidant of the Howard government, who expressed concerns that these changes will result in the decline of the minimum wage. The local Catholic bishop, Pat Power, joined Cardinal Pell in questioning the reforms. He rightly asked whether the new laws target the most vulnerable people.

The Brotherhood of St Laurence's executive director, Tony Nicholson, suggested when launching Anti-Poverty Week earlier this year that up to 1.5 million Australians already living under the poverty line were at risk of being left behind by the federal government's industrial relations reforms. He suggested that already far too many have been left behind by the modern economy, despite the unprecedented prosperity many have enjoyed.

The Salvation Army rightly pointed out that the reform's exploitation of the disadvantaged meant that these changes could only be described as unethical. A Salvos spokesman, Mr Dalziel, said:

> People such as the homeless, those who have suffered abuse and young people with a poor education would not be able to bargain for decent wages and conditions.

The highly respected Australian Catholic Commission for Employment Relations, an agency of the Australian Catholic Bishops Conference, examined the proposed changes within the context of the body of Catholic social teaching and the church's collective and diverse experience as an employer. As the Minister for Workplace Relations, Kevin Andrews, is a prominent Catholic, he would be expected to pay particular attention to these comments. In a letter to the minister, the organisation's executive officer, John Ryan, said:

> A fundamental principle of Catholic Social Teaching is that work affirms, enhances and expresses the dignity of those who undertake it. The church's teaching on work does not permit the worker to be treated as a commodity in the marketplace. A worker should be able to establish and maintain a family and provide for its future security.

In his letter, Mr Ryan questioned the minister as to the reasons for pushing through many of these changes, particularly why the government wants to take minimum wage setting away from the Australian Industrial Relations Commission, what empirical evidence the government has to support the need to exempt workers from unfair dismissal laws, and what savings provisions will be available for award employees in a situation where the current award standard is greater than the proposed legislative standards. ACCER's briefing paper goes into even greater detail, systematically examining the government's proposed changes and applying laudable Catholic teachings such as social justice, the nature and dignity of humanity and work.

This is an unprecedented level of opposition. Here we have religious and community groups of virtually all persuasions speaking out against these reforms. Even those leaders close to Minister Andrews are opposed to the reforms. However, it has not been just church and community groups that have been questioning the need for changes. The Sensis small business survey for November found that only three of every 10 Australian small businesses believed the changes would have a positive impact on business. Ten per cent thought the changes would have a negative impact and the majority believed that the changes would make no impact at all. Further, 70 per cent of those surveyed thought that the current system was fine and did not need any change at all.

After 1,200 pages of legislation and explanatory material, guillotined debate, the slashing of workers' rights, $55 million of taxpayers' funds being spent on advertising and a total

failure to consult with anyone apart from the Australian Chamber of Commerce and Industry and apparently Mr Mulcahy, all in the name of helping small business, that very part of the community believes the changes will make no impact at all.

Mr Gentleman also made mention of the ridiculously short—five-day—hearing into the WorkChoices legislation, a hearing that, despite being kept to such a minute amount of inquiry, still resulted in 337 amendments being made to the bill. It is not a great leap forward to guess that had the inquiry had more time to consider the WorkChoices bill it probably would have recommended that the whole thing be scrapped.

The ACT Minister for Industrial Relations joined every other state and territory minister in appearing before that committee—an extraordinary display of unity amongst state and territory ministers, the like of which experienced Democrats senator Andrew Murray commented he had never seen before in his time as a senator—to condemn the WorkChoices legislation.

Minister Gallagher pointed out the negative impact that these changes will have in the ACT, changes which will come into effect from commencement in the territory. The ACT has the highest female work force participation rate in the country, of which we are particularly proud. However, one of the most worrying aspects of these reforms is the impact that they will have on working women.

A clear driver of these reforms is John Howard's ideological obsession with placing people on individual contracts. Recent studies show that only some eight per cent of the AWAs registered to date have provision for paid maternity leave, that women on AWAs earn on average $5.10 an hour less than men, and that women covered by collective agreements have an hourly wage rate 11 per cent above women on registered individual contracts. Research also suggests that secret contracts offer less flexibility for work-family balance and provide less job satisfaction. Ms Gallagher emphasised to the inquiry how such research showed that the basic principles behind WorkChoices were flawed.

A joint submission by 151 academics to the Senate inquiry into WorkChoices stated:

> Individual contracts such as AWAs represent a weakening of the bargaining power of employees and those with little bargaining power have difficulty in integrating work and family responsibilities. This applies particularly to women in part-time and casual work, and adversely affects equal pay.

A report prepared by Dr Barbara Pocock for the Victorian government on the impact of WorkChoices on working families concluded that AWAs on the whole are not family friendly and their promotion by the federal government is a retrograde step for workers and their families. Women, part-time and casual workers fare especially badly under AWAs. Dr Pocock's research showed that only 12 per cent of the AWAs registered between 1995 and 2000 had any work and family provisions, only 25 per cent had family or carers leave and only eight per cent had paid paternity leave. To make matters worse, some 58 per cent of the workers on AWAs are denied long service leave and the majority of AWAs lack penalty rates.

Further, the federal government's recently released document entitled "Work and family—the importance of workplace flexibility in promoting balance between work and

family" admits that 84 per cent of the federal certified agreements contain at least one family-friendly or flexible-hours provision, with half containing two. These agreements covered 94 per cent of all employees under federal certified agreements. In short, the current system is slowly addressing the need for family-friendly provisions in the workplace agreements. A dramatic shift to secret individual agreements not only is not necessary but also will have a detrimental effect.

Ms Gallagher also emphasised to the committee that the ACT was very much a small business jurisdiction. With the vast majority of our workers in businesses of less than 100 employees, the federal government has effectively stripped ACT workers of their rights to unfair dismissal action.

Mr Speaker, the ACT government will closely monitor the impact of WorkChoices and will do what it can to mitigate its effect in the ACT. I believe that Mr Gentleman's work and family select committee will be a particularly valuable tool in shining a light on the darkest parts of the labour market where unscrupulous employers, and we have ample example of that across the chamber, are most likely to take advantage of Howard's deregulated and employer controlled labour market.

DR FOSKEY (Molonglo) (12.14): I certainly support Mr Gentleman's motion. I would like to express some disappointment in this debate, for there are several points that the Labor Party is yet to pick up. There are many reasons that the Labor Party is opposed to the restructuring of employment regulation. Whilst some of them may be based, as Mr Mulcahy has predictably said, on the presumed self-interest of Labor politicians and union officials, it is a facile interpretation of the labour movement to presume that this self-interest is the underlying reason for the very strong resistance to the federal government's WorkChoices legislation.

Any fair-minded and intelligent observer would acknowledge that there are real concerns with the consequences of an entirely bendable work employment environment—and we know who will get to do the bending of this workplace environment—and that those people most likely to suffer damaging consequences from these changes will be those with the least bargaining power, with the lowest level of education and with the least resources of affluence or community organisations behind them.

In that context, I believe that it serves Australia well that the Australian Labor Party, perhaps because it had no choice, has spoken out strongly against this legislation and has made a public commitment to unpick much of this new regime should it ever regain power. I think it assists Australian democracy enormously if the ALP does have a discernible identity and if it can be seen to be standing up for a set of values for a view of a kind of Australia that it would like to support. If actions do indeed speak louder than words, and they do, then never have we witnessed such a Tweedledum and tweedledumber performance by a Labor opposition which seems to be falling over itself to make itself indistinguishable from the government that purportedly it is in opposition to. The ALP has chosen industrial relations to make a stand, and in this the Greens do support it.

That leads us to the more frightening and antidemocratic component of that raft of legislation which we have seen brought in and passed by two houses in which the coalition has a majority—17 pieces of legislation. One of the last to go through was the

so-called welfare-to-work legislation, which I would more realistically name welfare-to-poverty legislation, which will intersect with the industrial relations regime to condemn the most sick and the most vulnerable in our society to poorly paid and meaningless employment when they are lucky and intermittent benefits when they are not.

Mr Gentleman has not moved a motion in relation to which I can closely argue the impact of this shameful legislation. Nonetheless, the point must be made that this package is not about providing work for people and that the welfare-to-work legislation has a strong link with WorkChoices and the ALP has failed to fight the so-called welfare-to-work package.

I am pleased that Mr Gentleman did refer to it in his last sentence and I am pleased that he thinks that if and when—for this reason alone we would prefer it to be when—the ALP takes power in the federal government, it will roll back the so-called WorkChoices legislation and then it might look at rolling back the welfare-to-work legislation. I hope so.

Without a doubt, there are an extraordinary number of single parents and disability pensioners who would love to be employed, but many of them do not have the education and many of them are not acceptable to employers who in many labour markets do have a lot of choice, although Mr Mulcahy did, rightly, point out that there are certainly scarcities of some skills. But these are not the people who are going to provide those skills. They do not have the resilience and they do not have the capacity to pick up employment. They do not have the finance, the money to pay for the expensive childcare that is expected, that is required.

The welfare-to-work proposal—I always need to say "sic" after that—is not about giving work to people. It is about shifting people off the disability support pensions and single parent pensions that were put in place as a safety net in an earlier, perhaps more enlightened, time. The federal government's own costings have demonstrated that it is more about saving money for the government.

Under the new regime, people who no longer qualify for a pension will be $150 a week worse off if they try to retrain to make themselves job ready. People barely capable of 15 hours a week of employment, or even those deemed liable to be employable for 15 hours a week after two years of assistance, will find themselves living on $200 a week rather than $240 a week.

Mr Mulcahy: On a point of order, Mr Speaker: standing order 58 requires the member not to digress from the subject matter under question. We are not debating the welfare-to-work arrangements. We are debating a motion from Mr Gentleman that deals with the WorkChoices changes announced by the federal government.

MR SPEAKER: Mr Gentleman referred to the welfare-to-work legislation in his speech and also drew a connection, I think, with the possible effects on poverty arising from the WorkChoices legislation. This is a wide-ranging debate and, now that it has been mentioned by at least one member without challenge, I think that other members ought to be able to contribute at that level as well.

DR FOSKEY: I would be interested to hear Mr Mulcahy, now that it has been declared a legitimate part of the debate, respond to it at another time. The people who have introduced this regime have no idea what it is like to live on $200 a week. Yet the presumption is that, by requiring pensioners to work at night, with split shifts, without penalty rates on weekends, their quality of life will be improved. Tell me, Mr Mulcahy, how this is not related to the industrial relations legislation. No, do not tell me.

If not or if they do not gain employment and then do not satisfy the work test—in the American tradition, which we are adopting, it is three strikes and you are out—there will be no income for eight weeks. Making people homeless and causing them to rely on charities to eat hardly qualifies as welfare to work. So it is all about the deserving and the undeserving poor. The government has abandoned the communitarian tradition of looking out for those in difficulties and it has done what it can to separate the individual from his or her community.

The frightening thing here is that the Labor Party has not made any public commitment at the federal level to unpick the extraordinary inequities of this scheme. It has been prepared to buy the philosophical underpinning. Maybe that is because the welfare-to-work provisions will affect fewer people than the industrial relations legislation. It does not seem right to fight unfair legislation only when it affects a large percentage of the population. We should fight all unfair legislation, no matter who it affects.

Finally, as I am running out of time, I am happy to stand up here and talk about this subject but it does concern me that week after week on private members' business days we do end up debating these things. I would like to hear more about how the Labor Party backbenchers plan to push their government towards the mitigation of the effects of legislation such as WorkChoices. I was very glad to hear Mr Hargreaves say that his government would try to mitigate the effects of WorkChoices. It also does have a responsibility to mitigate the effects of the so-called welfare-to-work program. I would like to be debating those things we can effect here rather than just conducting a territory Labor versus Liberals on the hill battle in this house. The same goes for the opposition members defending their people up on the hill, rather than speaking as an opposition in this house.

MRS BURKE (Molonglo) (12.24): Mr Speaker, there is a raft of stuff that I could talk about today. I do not know how Mr Gentleman can stand in this place as chair of a select committee looking into this matter and, with all honesty, be able to say that he will be able to give an impartial report as chair. I await that. I think it is a disgrace that this matter is before a select committee. I will be on the public record time and again in saying that. There is no problem with debating this issue in this place, but to have the audacity to have a select committee is an absolutely disgraceful use of the taxpayers' money.

Mr Corbell: I take a point of order, Mr Speaker. I think that Mrs Burke is reflecting on a vote of the Assembly. The Assembly has decided to establish a select committee on working families.

MR SPEAKER: I think that that is a fair point.

Mr Corbell: It is quite inappropriate for Mrs Burke to suggest that it is a disgrace as she is, in effect, reflecting on the vote of the Assembly.

MRS BURKE: Speaking to the point of order, Mr Speaker, I was simply making the comment that I think that it is inappropriate. I understand your ruling and I will take note of it. There are currently six different workplace relation systems in Australia, with thousands of federal and state awards. This system is a product of a compromise over many years. That is the problem that we are dealing with. We are dealing with age-old legislation. We are dealing with age-old systems. We are dealing with a raft of things across this country that need to be simplified so that both employers and employees can have a better working relationship.

We need an industrial relations system that is responsive to the needs of employers and employees and is relevant to the 21st century. The current system, as I have said, was designed in the 1900s to solve the industrial problems of the 1890s. It was predicated on the idea that industrial relations is based on conflict and disputation. To quote Kevin Andrews on his launch of the second briefing, I believe, to the house on the hill, "A nation of 20 million people on the edge of the world's most dynamic region cannot afford to sleepwalk through the 21st century with a workplace relations system mired in the thinking of the 19th century."

Mr Speaker, let us see what the doomsayers are scaring the community with. They are saying that the legislation is a pact with the devil, that it is the devil's pact with business, that it is a poisonous plan to shaft workers and that it is the biggest attack on workers' rights for 100 years. It has been described as vandalism of workers' rights by Janet Giles from Unions SA

Mr Mulcahy: Scaremongering.

MRS BURKE: Scaremongering, as my colleague Mr Mulcahy says quite rightly. Here is a good one: workers will be enslaved. "This is not liberating workplaces. It is enslaving workplaces, with employers having the whip hand over bonded labour." That was Brian Boyd's contribution on 26 May.

Mr Mulcahy: Don't forget the family barbecue.

MRS BURKE: The family barbecue was another one. Life will never be the same again. Christmases will never be the same again.

Mr Gentleman: They aren't, are they?

MRS BURKE: Mr Gentleman, wake up. People have worked on Christmas Day since Adam was a boy. For goodness sake! Mr Speaker, I am very disappointed too that we do stand in this place as a matter of fact to debate federal legislation. I am concerned and wonder what we can do as an ACT Assembly against what is federal legislation.

Mr Mulcahy: Wasting our time.

MRS BURKE: It is an absolute waste of time. Let us look at why I believe Mr Gentleman and the Stanhope government are very much out of step. Today, we may have heard Mr Gentleman's presentation speech on the select committee report; I am not sure. It is disappointing that he is not keeping step. Let us look at what people around the country are saying about the national system. They are saying that a single national system of workplace relations will remove the red tape and duplication caused by overlapping state and federal systems. Obviously, that is not what the ACT government want. They do not want simplification. They want to keep the waters muddy so that nobody knows what anybody else is doing. That suits their cause perfectly.

Under the new federal system, workplaces will no longer have to deal with the problem of overlapping obligations imposed by state awards and regulations. It is terrible to make things easier! How dare the federal government do that! What an audacious move on their part to make things better for employers and employees! Disgraceful! Let us look at what Neville Wran said. Mr Wran said that there should be a referendum to extend the industrial powers of the federal parliament, arguing that it was ludicrous that the federal government did not have the power, for example, to set minimum national wage rates or conditions affecting female workers. How interesting was that? That was good, wasn't it?

Steve Bracks has said that the Victorian ALP supports, in principle, the concept of a single national system of industrial relations and always has as it can deliver benefits—benefits—to both employees and employers by creating a uniform national framework for dispute resolution and the application of minimum employment standards that can be more easily complied with and enforced. How very strange! And so it goes on.

Mr Speaker, it has been argued in this place ad nauseam and no doubt—I think that you have alluded to this—we will hear more of it over the next two to three years or whatever.

MR SPEAKER: Only two, I think.

MRS BURKE: Is that right? Okay, you have a crystal ball as well. Mr Speaker, I think that the scaremongering about the reduction of protections in the new system is a first-class furphy. There is no obligation to enter into a new agreement under the new system. I think we need to note, and Mr Gentleman should note, that conditions which will exist in awards can also exist in agreements. I will say that again.

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

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice

Emergency Services Authority—internal audit

MR SMYTH: My question is to the Minister for Police and Emergency Services. The Emergency Services Authority was established on 1 July 2004. Minister, why did the

authority not have any internal audit capability as at the end of the 2004-05 financial year?

MR HARGREAVES: I think it does.

MR SMYTH: I have a supplementary question, Mr Speaker, as he obviously has not read the Auditor-General's report. Minister, by not having the capacity to conduct internal audits, was the commissioner in breach of section 31 (2) (c) of the Financial Management Act, which requires chief executives to have adequate controls in place?

MR HARGREAVES: I do not think so.

Multicultural affairs

MS MacDONALD: Mr Speaker, my question, through you, is to Mr Hargreaves in his capacity as Minister for Disability, Housing and Community Services. Can you please advise the Assembly of recent developments in multicultural affairs in the ACT?

Mrs Dunne: Wasn't the Chief Minister asked and didn't he answer this yesterday?

MR HARGREAVES: I thank Mrs Dunne for the comments. I thank Ms MacDonald very much for the question. I have said many times inside and outside this chamber that I believe Canberra to be the most successful multicultural community in the world.

Mr Pratt: Ooh!

MR HARGREAVES: I note Mr Pratt said, "Ooh" in a negative sense. I hope the community out there heard likewise.

We have over 200 multicultural, multi-faith organisations, which provide thousands of Canberrans with opportunities to maintain and celebrate their cultural heritage and to share this with the wider community. We have more than 80 different cultural groups represented throughout the city. We pride ourselves on our harmonious, inclusive and truly diverse community and are committed to seeing this community grow and prosper.

The Stanhope government is proud to represent such a diverse and committed community. We believe in the rights of all people to be heard and are committed to that great Australian philosophy of giving everyone a fair go. We were the first jurisdiction in Australia to have a bill of rights, and the last developed country not to have a national one. When we enacted the Human Rights Act, we entrenched the principles of a fair go, equality, diversity and inclusiveness.

Our social plan recognises the right of everyone to participate in and contribute to the Canberra community, to have the opportunity to reach their full potential and to be respected. It is with these principles in mind that I initiated six multicultural forums throughout the year that culminated in my inaugural ministerial multicultural summit on Saturday. I initiated these forums and summit to widen my circle of advice and, therefore, help develop more representative policies on multiculturalism.

I am pleased to report that almost 400 people from our multicultural communities took the opportunity to attend the summit and take on the responsibility of guiding and informing government policy. We were privileged to have respected speakers from interstate to guide discussion, including Mr Neville Roach AO, former chairman of the Council for a Multicultural Australia and chairman and CEO of Fujitsu Australia; Dr Hurriyet Babacan, associate director of the Centre for Multicultural and Community Development, University of the Sunshine Coast; Ms Voula Messimeri-Kianidis, chair-elect of the Federation of Ethnic Communities Councils of Australia, known as FECCA; and Mr Stefan Romaniew, executive director of the Australian Federation of Ethnic Schools Association.

Issues including the future of multicultural affairs, community participation in multicultural affairs and seniors and youth in multicultural Canberra were discussed. We also had a special presentation from the Human Rights and Discrimination Commissioner, Dr Helen Watchirs, on the new terrorism laws. Interactive workshops were held in the afternoon session that discussed migrants and refugees, the value of language and linguistic skills for the ACT, and fostering multiculturalism. There was also much discussion on the setbacks that Australian multiculturalism has suffered with the rank politicising of race by the federal government.

The day was a great success. All acknowledged that we have a very successful multicultural community and that Canberrans embrace and respect people from different cultural and linguistic backgrounds. However, we also heard that there are still barriers that exist to full participation in our society by members of our multicultural community, including barriers to education and employment. There was an acknowledgment of the fear of losing unique traditions, cultures and languages in younger generations. There was a level of passion and dedication that was inspiring and a commitment from the communities and individuals to further the success of our multicultural community.

The information gathered from the ministerial forums, the summit and written submissions will inform a strategic approach in the form of a new policy that will provide guidance for government and the community to address the identified issues over the next three years.

It is my intention to continue my direct engagement with the communities to ensure that everyone has a voice to government. I also believe that the new Theo Notaras multicultural centre, which houses six peak bodies and 23 multicultural community organisations, will give multicultural groups the resources they need to continue to foster tolerance and openness in what is already one of the most tolerant cities in Australia.

Canberra owes a great debt to its multicultural leaders, and the ACT government is pleased to be able to provide this facility to help them in their essential work. I note, for the record, that the member purporting to be the shadow minister was there for the best part of 45 minutes for the whole day.

Emergency Services Authority—expenditure

MR PRATT: I will seek to make a personal explanation under standing order 46 on the last comment, Mr Speaker.

My question is to the minister for emergency services. The Auditor-General's report No 7 of 2005, tabled yesterday, shows that the ESA's employee expenses were $45.099 million, $3.242 million under the reported budget of $48.413 million. Minister, why did your department desperately require Treasurer's advances for 2004-05 totalling $5.499 million, apparently to pay for overtime and other related administrative expenses, when the ESA has clearly come in under budget for employee expenditure?

MR HARGREAVES: Mr Pratt, essentially, is saying to me, "Master, how is it so?" I say, Mr Speaker, "Grasshopper, it is like this." The Chief Minister or the Treasurer, I forget which, has come into this chamber—

Mrs Dunne: I take a point of order, Mr Speaker. You have ruled regularly and consistently that members should address other members by their names.

MR SPEAKER: I think that there was some theatre in that. I do not think that he was referring to the individual in any sense. I think that it was an attempt at theatrics. This is not a place of amusement, members, so let's get on with the response to the question.

MR HARGREAVES: It is indeed not a place of amusement, Mr Speaker, and I apologise to the house for not bringing my Baygon with me.

MR SPEAKER: Now!

MR HARGREAVES: All right, I withdraw that, Mr Speaker. Given the shake of your head, I unreservedly withdraw that. In this place those opposite—one at a time, like ducks in a shooting gallery—have asked this government for the details of the Treasurer's advance. They have asked that question interminably—

Mr Pratt: And you have never answered it.

MR HARGREAVES: Mr Pratt continues to attempt to mislead the community. He ought to be quiet for a second. He might learn something, possibly for the first time in his life.

What has happened with regard to that Treasurer's advance is that the Chief Minister or the Treasurer—possibly both; I am not sure—has given that chapter and verse. It is something that has to be tabled in this place and that was duly done. It has been raised in estimates committee hearings and it has been raised at annual report hearings. The only thing I can think of that prevents Mr Pratt and his colleagues from understanding or interpreting what was said is that they are deficient in their reading skills. I do not know how many times people have stood up in this chamber and put it down. I am sure, absolutely certain, that the details of that Treasurer's advance have been put to this chamber again and again.

Mr Speaker, through you, I invite the so-called shadow minister to go back and look at a number of documents: the TA details tabled in the Assembly, the numerous reports in *Hansard* of this Assembly and the transcripts of every committee meeting at which members opposite have raised the subject.

MR PRATT: Gee, thanks, minister! I have a supplementary question, Mr Speaker. Minister, looking at the AG's report and getting back to the point, are these discrepancies and budget overruns a result of poor controls and lack of internal audit function?

MR HARGREAVES: Mr Speaker, what I will do for those opposite yet again—

Mr Pratt: Is answer the question.

MR HARGREAVES: Are you finished yet? Have you finished making a goose of yourself? Good.

MR SPEAKER: Order! Just come to the question.

MR HARGREAVES: Mr Speaker, for the edification of those opposite, I will get yet another breakdown of the Treasurer's advance for that and bring it to the Assembly.

Mr Smyth: Why did you ask for money that you did not need, or didn't you know?

MR SPEAKER: Order, Mr Smyth!

Mr Pratt: What about the internal audit report?

MR SPEAKER: And Mr Pratt! You have had your chance at asking a question and the minister is going to respond to it.

MR HARGREAVES: Mr Speaker, the real question that Mr Pratt is asking is: is the ESA responsibly discharging its responsibilities vis-a-vis its expenditure? I can say this much: I have every confidence that the ESA's management will function within the context of all financial management legislation. I am quite confident of that and I have every confidence that they have.

Mr Speaker, it is a shame that Mr Pratt—who is, I have to tell you, with the exception of one or two people that he has stoked up personally, roundly detested by that group of people because he continues to denigrate them—denigrates the volunteers, denigrates the firefighters and denigrates the ambulance officers. He denigrates those people administering them. He does not give those people an opportunity to form their department full time.

Mr Pratt: Is that the best diversion you have against answering?

MR HARGREAVES: All he does, Mr Speaker, is sit in here and interject, interject and interject.

Mr Pratt: Is that the best diversion you have against answering?

MR HARGREAVES: An examination of the tape will show the depths to which this man will go.

MR SPEAKER: Come to the subject matter.

MR HARGREAVES: Mr Speaker, his question goes to whether we have confidence in the financial management of the ESA. I will not put up with his snide comments about their lacking ability. I have every confidence in the ESA and it is about time that that person across the chamber started to instil confidence in our firefighters, in our Rural Fire Service, in our SES, in our ambulance officers and in the people who support them, because without the support of this place their job is doubly difficult.

As I said, I will bring here yet again the constitution of the Treasurer's advance. I put on the record of this place that I am heartily sick and tired of the attacks that this member of the opposition makes on the good men and women who fight fires, clear up after storms, and go out in the middle of the night to try to stop people from dying from heart attacks. They are superb human beings and this bloke is not fit to walk in their shadows.

Suicide prevention

MR SESELJA: My question is to the Minister for Health. Minister, the suicide prevention strategy was released by the ACT Department of Health in November 2005. In a draft of the strategy it was proposed to "expand life skills programs that focus on resilience building for apprentices and trainees throughout the ACT". In the final report that recommendation was changed to "explore options for building on life skills programs … for apprentices and trainees throughout the ACT".

Minister, why has the government watered down this recommendation? Is it because of a lessened commitment to the expansion of life skills programs for apprentices and trainees or is it due to budgetary constraints?

MR CORBELL: The government has not watered down the recommendation. The government's record speaks for itself. Only last week I had the pleasure of attending a graduation ceremony for the OzHelp Foundation. OzHelp receives over a quarter of a million dollars from ACT Health, and therefore from the ACT government, to provide dedicated support, training and information to mostly young men, but also young women, working in the construction industry.

This is a group of young people who traditionally are not identified as a high priority in terms of mental health and life skills development, but through the work of organisations such as the Construction, Forestry, Mining and Energy Union, the Master Builders Association of the ACT and a range of other construction companies in Canberra, OzHelp Foundation has put together a comprehensive program that provides life skills and helps to build resilience and the capacity to manage crises. The government supports this program very significantly with over a quarter of a million dollars alone just for that program.

I think that demonstrates the government's commitment to investing in this area. There has certainly been no watering down of our commitment in relation to building life skills for young people.

MR SESELJA: I ask a supplementary question. Minister, why was the exploratory work that is recommended in the final report not done as part of the research associated with preparing the report?

MR CORBELL: I am not familiar with that level of detail in the report. I would need to take the question on notice.

Water agreement

MRS DUNNE: Mr Speaker, my question is to the Minister for the Environment. Minister, I refer to the memoranda of understanding relating to cross-border water agreements to be signed by the ACT, New South Wales and commonwealth governments. I refer also to the comment made by one of your spokeswomen last week that providing a secure water supply to the ACT will always be the government's primary goal and to your own comment about the danger of relinquishing or whittling away the ACT's paramount right to water, over which it has been given sovereign control by the commonwealth. What are the terms and conditions of these memoranda of understanding, specifically as they relate to what you tell us is the ACT's paramount right to sovereign control? Will you table the terms of the memoranda of understanding?

MR STANHOPE: This is certainly a very topical and important question. One of the most important questions relevant to the future of Canberra as a sustainable city is our access to a sustainable water supply. I think there is essentially no more fundamental an issue in terms of the capacity of the city to grow and prosper and be sustainable. It is probably fair to say that there were three major reasons for the establishment of Canberra in this place, one of which was, of course, geographic. There was a squabble between Sydney and Melbourne as to where the national capital might be best located so as not to detract from their significance as major cities. Also of concern at the time were issues around security and the adequacy or sustainability of a water supply for a national capital.

To the extent that the ACT has a paramount right to water, it is a right that vests in Canberra as the national capital. This is the national capital and it was in recognition of that that land was acquired from New South Wales and along with it sovereignty, essentially, in the broad sense of the word, to water within adjacent catchments. It is in that context that we can claim sovereignty to water rights identified by the commonwealth as necessary to ensure the future of Australia's national capital—Canberra.

The agreements will be executed shortly. When they have been executed they will, of course, be made public. At this stage they have not been made public. I am writing today to the commonwealth minister for territories, Mr Jim Lloyd, in relation to the involvement of the commonwealth. I am also writing today to Mr Frank Sartor, the relevant New South Wales minister, outlining the position—that the ACT government and cabinet have reached a preparedness to execute a cross-border water agreement and a cross-border settlement agreement.

In the context of that and as part of the negotiations, which continued until as recently as last Friday, there are some matters that were agreed between New South Wales and the ACT—in other words, between Mr Sartor and me—that are relevant to the basis on which the ACT government has agreed to enter into the memoranda. I need to confirm those in writing with Mr Sartor, which I am doing today. Essentially they go to issues of interpretation or understanding in relation to the basis on which settlement may—and I

say "may"—occur in the region and the basis on which, subject to that, the ACT would be prepared to provide water. As I have explained on many occasions—an explanation that more often than not has fallen on deaf ears—these are framework agreements which set out the circumstances that need to be satisfied before decisions can be made as to whether or not the ACT will provide water to New South Wales. These are very significant issues for us.

Through the spatial plan, we have developed for the ACT a very rigorous, essentially settlement, hierarchy—a sequence under which we will develop the ACT. It is very important, in the context of the spatial plan, that it be reciprocated by a similar rigorous objective sequence of proposed or agreed development which measures, with the spatial plan, the work the ACT has done. One of the issues we have been negotiating that led to the delay in the ACT's signing off was the basis on which New South Wales would approach planning decisions in relation to settlement within the region. These are issues we need some firm understanding on.

The ACT cannot just, willy-nilly, scatter water, which is a most rare and valuable resource, around the region because a couple of politicians across the border and the mayor of a local council are fairly determined to seek some personal advantage or think that, now that we have done the hard work—taken the hard yards—and secured a water supply at significant cost to the ACT ratepayer, it is all right to come in and start bludging off the people of the ACT for this hard-earned and hard-protected resource.

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

MRS DUNNE: I ask a supplementary question. Given that, according to Actew's own documentation, the ACT uses only 6 per cent of the water available to it with the remaining 94 per cent being used downstream by irrigators, free of charge—and I suppose that is sprinkling it willy-nilly—why have you not apparently previously exercised your paramount right to the sovereign control of ACT water?

MR STANHOPE: We do. That is an absolutely absurd question. At no stage have we done anything other than that. As utilisers of water and as respecters of the environment we have been rigorous in our use of water. If the Liberal Party were in power we know that the day after the last election, if it had won, it would have commenced work on the construction of Tennent Dam. It was the proud boast of Mr Smyth and Mrs Dunne on the very day of the election that construction was to commence.

I remember all those things most vividly. I remember the slogan, "Vote as if your life depends on it". How could we ever forget that slogan? Before the election I remember Mrs Dunne going around the electorate stating, "If a Liberal government is elected we will adopt Anthony Blaker's approach to the retrofitting of every house in the ACT." She then did the costings, which came out at $840 million, and all of a sudden it is a policy on which the Liberal Party has gone very soft.

MR SPEAKER: Order! The member will come to the subject matter of the question.

MR STANHOPE: It is relevant to the question of water and to the decision that has been taken. I remember the $840 million promise from which the Liberal Party has not yet resiled. I guess that is in Mr Mulcahy's alternative budget.

Mr Mulcahy: Point of order: Mr Speaker, you already indicated to the Chief Minister that he was straying from the question and you asked him to resume. He completely disregarded your ruling so I raise the issue of relevance.

MR SPEAKER: Order! I asked the Chief Minister to come to the subject matter of the question. I am sure he is going to do so.

MR STANHOPE: I will. I was dealing with the subject matter of water, the Tennent Dam and the way in which we protect our sovereign rights. The Tennent Dam, of course, is at the heart of the approach to be taken by the Liberal Party. It was going to commence construction at a cost of $250 million after it had expended $840 million on retrofitting every house in the ACT with solar cells. On top of that Tennent Dam takes us up to just over the $1 billion mark in two promises, one on energy and one on water. So we have a cool $1 billion worth of promises. Of course, that does not take into account the $140 million in capital funds that were to be used to employ more nurses and doctors at the hospital.

Mrs Dunne: Point of order: Mr Speaker, my question was about the government's approach to the paramount right to water and not a foray through Liberal Party policies, which I am quite happy to debate at any time. Will the minister answer the question?

MR SPEAKER: Order! The question was about the exercise of sovereign rights over water in the ACT.

MR STANHOPE: That is relevant to Tennent Dam. The government has been rigorous, objective, hard headed and sensible in the exercise of sovereign rights for Tennent Dam. We would not have done as the coat-tuggers opposite would have done. I have another great example. People across the border use our designated, hard-earned and hard-paid-for water. At the heart of the debate is the fact—and I think this is an issue for growing frustration and of embarrassment to some people across the border—that over the last three years ACT ratepayers, through Actew, put up around $60 million.

That $60 million is ACT ratepayer money that the denizens of Queanbeyan, or at least the mayor of Queanbeyan, think for some reason it is okay for ACT ratepayers to put up. This is where the coat-tugging analogy comes in. It is okay for ACT ratepayers to put up $60 million but, on the basis of a bit of pressure from across the border, the Liberal Party approach is: just cave in. Do not worry about the scarcity and the value of water. Do not worry about the fact that ACT ratepayers, through Actew and this government, secured that resource and supply of water in a most intelligent way without having to build Tennent Dam, on which the Liberals were going to start construction on 18 October last year—after, of course, they had spent $840 million retrofitting every house in the ACT.

It is interesting to note that these promises are still on the book and I presume they are in Mr Mulcahy's alternative budget. If Mr Mulcahy were honest and he were to have any credibility at all that $1 billion would be in his alternative budget.

Mr Stefaniak: He is not that—

MR STANHOPE: Mr Stefaniak is quite right; he does not have any credibility.

Taxation—GST agreement

MR MULCAHY: My question is to the Chief Minister. On 25 March 2005, you accused the federal Treasurer of threatening to, one, rip up the intergovernmental agreement on GST, two, raise the GST to 15 per cent or higher and, three, keep the extra revenue from the GST for himself. Chief Minister, when do you expect those three things will happen?

MR STANHOPE: I certainly do not accept as a fact, or a statement of something that I might have said, something that Mr Mulcahy or any member of the Liberal Party puts in my mouth. I am more than happy to take the question on notice and provide an answer in due course.

MR MULCAHY: I have a supplementary question, Mr Speaker. Chief Minister, in what way do you believe your intemperate rhetoric contributed to a useful outcome on the elimination of inefficient territory taxes?

MR STANHOPE: In relation to intemperate announcements in relation to budget issues—I think that is the focus of the question—let me go back to the $840 million promised before the last election, just on the retrofitting of every house in Canberra with solar-powered units. I would like a full discussion on temperate—

Mr Mulcahy: I raise a point of order—

MR SPEAKER: Order, minister! I think you should come to the subject matter of the question, tempting though it might be to stray into other areas.

Mr Mulcahy: Would you like me to put it on notice? Is that easier?

MR STANHOPE: The question was about the GST. If I could relate the $840 million to the receipt of GST payments, or their non-receipt, maybe I could—

Opposition members interjecting—

MR STANHOPE: I think the way to approach this question, so as not to transgress, is to look at the $840 million promise that the Liberal Party made in relation to solar units and the $250 million that was promised for the construction of the Tennent Dam as and from 18 October 2004 and to compare that with our GST receipts.

Mr Mulcahy: I raise a point of order, Mr Speaker. Your rulings are being constantly defied by the Chief Minister. I think you have made it very clear what is expected and he is disregarding your ruling. I ask you to direct him back to the question.

MR SPEAKER: I think he was going to talk about how—

MR STANHOPE: The GST—I was, if I had not been interrupted. If I had not been deliberately interrupted by the shadow Treasurer because he was embarrassed—

Mr Mulcahy: I'm not embarrassed.

MR STANHOPE: at the shallowness and the opaque nature of his question and the fact that he as shadow Treasurer has absolutely no intention of reflecting the promises—

Opposition members interjecting—

MR STANHOPE: which are still on the paper, are still on the table, from before the last election. We note, for instance—

Opposition members interjecting—

MR SPEAKER: Order! I think it is about time we came to the subject matter of the question—and the opposition ceased interjecting. Mr Smyth, I am tempted to warn you. I am not sure whether you can contain yourself once I do, so I just issue that interim warning.

MR STANHOPE: It is obvious that the opposition do not want to hear the answer, but, as I have just noted from a paper, our GST receipts in the last year were in the order of $750 million. The question went to the attitude I have taken to the GST, to our GST receipts, statements that I have made in relation to that and the attitude of the commonwealth to those receipts. I think it is relevant, in the context of total receipts of about $750 million, to think about some of the decisions that might have been made, and some of the promises. In the comments that I made, I was referring to the sorts of promises and initiatives one might have pursued, and pursued appropriately in relation to some knowledge around the extent of our GST receipts—somewhere in the order of $750 million. In the context of that, one, of course, is entitled to compare the ACT government's approach to the ACT opposition's approach, the approach that Mr Mulcahy brings to this subject.

We know about the alternative budget, which the shadow Treasurer has to date neglected or refrained from preparing. He has refrained from preparing it because, if he were to be honest, he knows he would have to go back to promises that remain on the table from his own colleagues, which have not been taken off the table—and amongst those there is more than an entire year's GST receipts in a single promise made by the Liberal Party prior to the last election in relation to the establishment by the ACT of a bank to provide essentially upfront loans—

Opposition members interjecting—

MR STANHOPE: No, this is on the record. I can produce it, if you like. This is on the record; this is a Liberal Party promise from the last election, which is on the table, and it is costed at $840 million—more than an entire year's receipts of GST. Mr Mulcahy, you can disown it. But the difficulty you have in disowning it, of course, is that the promise was made by somebody in your little push-for-leadership group—and, of course, we know that you are not going to do anything to upset anybody in your little push-for-leadership group—and, indeed, as I understand it, the aspirant for the deputy leadership. We cannot have the dream team fighting before they actually realise the dream. We cannot have the to-be deputy leader being chastised and essentially undercut by the would-be leader before they get there.

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

Quamby Youth Centre

MRS BURKE: My question through you, Mr Speaker, is to the Minister for Children, Youth and Family Support, redirected to the Chief Minister. According to the 2005-06 capital works program progress report, in the year to September only $72,000 has been spent on the $4.5 million Quamby upgrade. What plans do you have for the expenditure of the outstanding $3.288 million that was allocated for the upgrade of Quamby under the government's capital works program?

MR STANHOPE: I will need to take some advice on the detail of the progress on the Quamby upgrade. I do not know where the project is in terms of contracts let or tenders called. It is not unusual, of course, in any capital works program, for there to be some slippage into another year. It represents the difficulty that all governments face in any capital works program, be it small or large. There is a whole range of factors that can impact to prevent a government maintaining a program of expenditure in the normal course of events.

One could take by way of example the Gungahlin Drive extension. The fact that a community group instituted legal action that delayed the matter for in the order of 18 months was way beyond the control of the government. One could propose the same question that you ask about Quamby in relation to the Gungahlin Drive extension. What we did in that circumstance was simply to roll the funds into the next financial year, which is what we do, which is what the Liberal Party did in government and which is what every government in Australia does in any capital project where there is a delay, for whatever reason.

The project, as far as I am aware, is continuing. I am not aware that there is any particular, untoward or undue delay in its completion. I am more than happy to get the details of exactly and precisely where the project is and provide those details to members. I will have to take some advice on the extent that there have been delays that will extend it beyond this financial year. I certainly do not have that particular detailed information available to me today.

MRS BURKE: Chief Minister, you may also wish to take this on notice: what effect will the failure to spend the allocated funding on the upgrade have on the health and safety of the young people in Quamby before the new youth detention centre is built in 2008?

MR STANHOPE: I will take that on notice. I am not aware of any particular issue. No particular issue has been brought to my attention. As the minister responsible today, I am not as well briefed as the minister would be. I am not aware of any particular issue about the health or safety of any individual. That is, of course, the highest priority of the territory in relation to all who are detained, whether it be at Quamby, the Belconnen Remand Centre or elsewhere in the ACT. Uppermost in our thinking at all times is their safety and wellbeing. I am not aware of a particular issue in relation to any of the people currently detained at Quamby, but I will certainly seek confirmation of that position.

ACTPLA—development proposals

DR FOSKEY: My question is to the Minister for Planning and is in regard to community engagement. Minister, in response to a previous question in October, you advised us that it was the Assembly, through legislation, that determined the degree of consultation required in development applications.

However, in November, in your response to a question taken on notice during the annual reports public hearing of the planning and environment committee, you argued that ACTPLA's community engagement officer is not expected to anticipate community concerns regarding development proposals and that that responsibility, if it falls anywhere, falls to community councils. Furthermore, we were advised that ACTPLA does not provide extra information about proposed development, such as diagrams on site or at shopping centres, because there is no statutory requirement to do so.

Can you please advise the Assembly if ACTPLA is expected to pick up the government's community engagement aspirations, as espoused in the community engagement manual, or is it only expected to meet statutory consultation requirements?

MR CORBELL: I thank Dr Foskey for the question. There are a couple of issues that need to be addressed here. There are essentially two types of community engagement that the ACT Planning and Land Authority is required to undertake. One is in accordance simply with government policy. The other is in accordance with formal statutory processes, as outlined in the land act.

If I may elaborate on the latter, in relation to a development proposal that has been formally lodged for assessment and potential approval by the planning authority, the planning authority is required to comply with the letter of the act as to who is advised, who is allowed to comment, what standing they have in relation to their comments and whether or not the people who have made comments or objections are entitled to seek review of a decision subsequently made by the authority if they are unhappy with it. That is the statutory process that ACTPLA must undertake.

But there are, of course, other processes that the planning authority also undertakes in relation to non-statutory processes. A good example of that is in relation to the Molonglo Valley. At the moment the planning authority is doing a detailed assessment of the suitability of the Molonglo Valley for urban development. At this stage there is no statutory requirement around that. There is no formal requirement in legislation to go out and consult in relation to the development of concept planning for the Molonglo Valley.

The planning authority in that instance has done a detailed letterbox drop. It has letterboxed every house in Weston Creek, providing residents with an update on what is happening in the Molonglo Valley. It has letterboxed a number of suburbs in west Belconnen. Again, those suburbs are most adjacent to potential development in the Molonglo Valley. It has held community information meetings. It has held staffed and unstaffed displays at shopping centres. It has conducted a range of one-on-one interviews and public consultation sessions. It has conducted its own planning sessions with community members. That is an example of the sort of work the planning authority does in relation to non-statutory activity.

I think when Dr Foskey asks this question, she has to be familiar with what are the formal requirements under the law for the assessment of, say, a development application and what are the policy requirements of the government around consultation on broader policy issues. That is what the planning authority does. I believe they engage very effectively and very broadly on a range of issues. There will always be someone who disagrees with that. Usually that disagreement comes about because they do not like the development proposal, so the immediate response is to say, "I was not consulted." That is not an argument. The argument should be about the quality of the proposal itself, the merits of the proposal itself and whether or not it stacks up. That is what the argument should be about.

I know that some people say that but, quite frankly, ACTPLA has a very comprehensive consultation process in relation to policy, such as that for the Molonglo Valley. Ultimately they are responsible for ensuring that, when a formal proposal comes forward, say, in the context of a development application, they use the land act and the requirements of the land act clearly and completely in advising those parties who should be formally notified of particular proposals.

DR FOSKEY: I ask a supplementary question. Can the Minister assure the Assembly that that policy requirement for community engagement will still apply after the introduction of the new reformed planning system and that major and contentious developments will be brought to the attention of local communities?

MR CORBELL: Yes, I can. Large-scale, complex development proposals will still need to be considered through a formal process of development assessment. As the government has outlined in its consultation process on planning system reform, we are proposing that development assessment will essentially fall into five tracks: merit; code; prohibited; impact and exempt. Those five tracks will specify the circumstances in which a development proposal should be considered and whether or not public notification and third party appeal are available, depending on the nature of the development.

So, yes, depending on the development, there will still be clear opportunities for the public to comment and to potentially object. In particular, that will be the case in relation to impact and merit of assessable projects, less so in relation to code and obviously not applicable in relation to prohibited or exempt track assessment.

Education—university admission index

MS PORTER: Mr Speaker, my question, through you, is to the Chief Minister. I note that today's *Canberra Times* provides details of the top performing ACT year 12 students in the university admission index. Could you update the Assembly on these results?

MR STANHOPE: I certainly thank Ms Porter for her question and the consuming, deep interest she shows in education in the ACT as the chair of the Standing Committee on Education, Training and Young People.

I take the opportunity today to acknowledge the absolutely fantastic results that were achieved by ACT students this year. The ACT certainly leads Australia in educational

outcomes. The results, which have been published today, reveal, again, the quality of schooling and schooling outputs in the ACT. The highlight, which we have seen referred to in today's *Canberra Times* of those results, is absolutely fantastic.

In that context, it is appropriate that I congratulate the ACT's leading student for 2005, Megan Nash. I congratulate Megan, as I am sure all members do. I am sure all members wish to join me in congratulating Megan Nash.

Members: Hear, hear!

MR STANHOPE: She graduated from Lake Ginninderra college with a university admission index score of 100—a perfect score. It is an absolutely amazing achievement by Megan Nash. On behalf of the government and, I am sure, all members, I extend our congratulations to Megan for that absolutely fantastic score. She is the top student in the ACT, with a perfect score of 100.

UAI scores are used to rank students hoping to gain entry to universities in the ACT and New South Wales. All students in the ACT, as we are probably all aware, will receive their certificates at graduation ceremonies, the majority of which are being held over the next day or so. In that respect, Megan and her peers in this year's year 12 who have achieved quite wonderful scores that rank the ACT, again, as the leading educational jurisdiction in Australia are fantastic ambassadors for the ACT school system.

The non-government system would excuse me for making the point that, in this case, in 2005, Megan Nash is an absolutely fantastic ambassador most particularly for the government school system. I have to say with great regret—and I do not want to politicise these fantastic achievements by our students—that as recently as just yesterday we had the Liberal Party massed to launch, yet again, another assault on government schooling, curriculum and teachers particularly within the government system in the ACT. This is something that we have become used to in the Assembly.

Something that the community is very aware of is the ideological position of the opposition, expressed constantly by Mrs Dunne, on our schools. I recall in the last month or two Mrs Dunne, on behalf of the Liberal Party, saying, "We all know the issue is not one for the affluent. The affluent will simply buy a proper education, which is there to be bought by the affluent." These were the words of Mrs Dunne in the last month or so in the context of her continued denigration of the government system. In Mrs Dunne's words, one needed to understand that a proper education could be bought in the ACT; that a proper education, in any other circumstance, would not be achievable by anybody.

She went on then in the most patronising and denigrating way to say, "The poor, of course, don't have that opportunity; they don't have the opportunity to achieve a proper education because in the ACT the only way of achieving a proper education is to buy it." They were the very words that Mrs Dunne used on 20 September this year.

In that context and in the context of the assault on government schools in this turgid debate on values, it is interesting to reflect on today's *Canberra Times* and the words of Megan Nash about her schooling. As reported today, Megan said:

> I know there was controversy earlier this year—

I wonder whom she was referring to—

> with people saying public schools didn't teach you … values, but I think you learn a wider range of values because you are exposed to a broader range of people. At Lake Ginninderra College there is a really good spread of people.

It is interesting, is it not, that we have our leading students at our government colleges being forced to defend their college and defend the values that they are exposed to in their particular schools. "I know there was controversy earlier this year". I wonder whom Megan was referring to. I wonder who sparked that controversy. I wonder why that controversy was sparked. Our young people are awake to it. So is the rest of the community.

MR SPEAKER: The minister's time has expired.

Crime—victims' assistance

MR STEFANIAK: My question is to the Attorney-General. The only 24-hour, seven-day a week provider of services to victims of crime, the Victims of Crime Assistance League, or VOCAL, struggles to exist on the very small amount of funding it receives from government, notwithstanding its volunteer base. I understand that recently a conference entitled "Peaceful co-existence—victims' rights in a human rights framework" was held by the Victims of Crime Coordinator and the Office of Human Rights. Could you tell us how much that cost and what practical results for victims of crime came from this forum, if any?

MR STANHOPE: I am afraid I could not help the shadow attorney on what it cost. I do not know. I will seek advice on that. I am happy to take that question on notice. Since I am taking the question on notice, I am happy to provide the Assembly with greater details of the conference. I am aware of the conference. I was very aware that it was being conducted.

There is an agile debate conducted on victims and human rights. It is conducted in the context of the claim put about by some that one of the fallacies or weaknesses of a commitment to human rights is that human rights, to the extent that they are extended to a perpetrator of a crime, a criminal, in some way denigrate or derogate from the rights of a victim of crime. When one subjects that proposition to some analysis, it can be seen to be singularly flawed.

The fact that one group of people has a human right does not limit the possibility or the prospect that another group of people, who may in some way have association with that group with whom one is arguing, discussing or acknowledging the existence of a right, may have a right; in some way, that detracts from the rights of others. It simply does not. The notion of human rights is not that we choose in whom we invest human rights. We invest human rights in humans. We invest those human rights in humans, whether the human is a criminal or whether the human is the victim or somebody who has suffered at the hands of a criminal.

There are different sets of rights. In many respects, those rights are fundamental and inalienable. Because we acknowledge that a perpetrator has certain rights, say, to a fair

trial, the fact that we, as a nation, respect and reinforce that a criminal has a right to a fair trial does not in any way denigrate, derogate from, reduce, limit or demean the rights which are invested in the victims of that alleged criminal's behaviour or activity.

To suggest, as the argument goes, which is the subtext to the question which the shadow attorney asks, that, because our Human Rights Act acknowledges the right to a fair trial and all that means and because we acknowledge the rights of some, we are in some way limiting or showing less respect for the rights of a person who may have been the victim of that particular criminal activity—that is the subtext, and it is a subtext that I reject absolutely—does not mean, in relation to others who may have some association or who may have suffered at the hands of those in whom we recognise rights, that we in any way diminish those rights. That is the whole point of human rights.

They are inalienable; they invest in each of us; they invest in the best of us; and they invest in the worst of us. That is the importance of recognising our Human Rights Act. We will never have any significant occasion in our lives to be forced to argue that a human right that we have has in some way been derogated from or infringed. Human rights are not something that those of us who are men, those of us who are white men and those of us who are middle aged, professionals, with a decent income, heterosexual, married and do not have a significant physical, mental or other disability worry about.

Human rights are for people on the edge; human rights are for people who struggle; human rights are for those who have a history of discrimination; human rights are for those people at the edges of our societies in the main, such as criminals and those that suffer at the hands of criminals. We have a whole range of human rights to ensure that we respect and recognise that. It is summed up nicely by: "There but for the grace of God go many of us." There is a lottery in life in terms of whether or not we are born with significant facts around our birth, our reality or our existence which have traditionally led to discrimination.

MR SPEAKER: The minister's time has expired.

MR STEFANIAK: I have a supplementary question. Attorney, why wasn't the Victims of Crime Assistance League consulted about the conference or given a leading role, instead of just being given quite belatedly, several days beforehand, an invitation by the Victims of Crime Coordinator to attend the conference, a conference incidentally that was held on the same day as the AGM of VOCAL?

MR STANHOPE: I do not accept those sorts of allegations. I do not know the basis on which the shadow attorney justifies his allegations. They are the sorts of allegations that it is very easy to come in here and throw around without any thought or need to substantiate them in any significant or serious way. To the extent that VOCAL have some concerns, I am more than happy to have those investigated. But I do take with a grain of salt this sort of bland, spray-it-around accusation against, once again, public servants, the suggestion that you cannot trust the public servants, that they are ignorant of other people's rights and sensitivities, and that they do not take into account other people's needs, programs, availability or interest in a particular thing.

It is just so easy to make the throwaway remark or come in here and make this serious allegation around an apparent total lack of care, interest or sensitivity on the part of

public officials, which is what they are after all, isn't it? The Liberal Party have as a credo that, if you can gain some apparent advantage out of kicking a public servant, you should not hesitate to do it.

Mr Stefaniak: No, maybe just get them to do their jobs properly.

MR STANHOPE: This is another example of it.

Mr Stefaniak: Don't you care about victims?

MR STANHOPE: You have come in here with an unsubstantiated allegation, thrown it around, laid it on the table, being completely insensitive, not taking into account the needs of the community, not consulting, basically saying that they pulled on a conference on the day VOCAL were having their AGM so that they would not even be involved, despite the fact that it was all about them—

Mr Stefaniak: Lift your game.

Mrs Burke: Mr Speaker, I take a point of order under standing order 118 (a). The Chief Minister has been advised by you several times—

MR SPEAKER: I thought for a moment that you were going to complain about Mr Stefaniak interjecting.

Mrs Burke: Maybe that as well, but it really is to the point now where the Chief Minister has overruled your ruling several times. I request you to ask him to come to the point of the question.

MR SPEAKER: I think that he was addressing the point of the question. It was about the reasons behind invitations being sent or not sent to significant people.

MR STANHOPE: I will conclude on the point that I think that it is always regrettable but it is now so predictable that you do not need to substantiate your allegations. Whenever the allegation involves a complaint or a criticism of a public servant, do not worry about substantiating it. Do not worry about the hurt that you do to the individual at whom the allegation is directed. Just put the boot in, because they are only public servants. As far as Mr Mulcahy is concerned, they do not deserve pay rises. Mr Mulcahy does not think that any public servant in the ACT deserves a pay rise, despite the fact that he has $1 billion in his books of unmet election promises. Here we have Mr Stefaniak joining him. If they are public servants, just boot them, just kick them. Who cares about public servants? The Liberal Party in the ACT certainly does not.

ANU Medical School

MR GENTLEMAN: Could the Minister for Health please update the Assembly on the progress of the establishment of the ANU Medical School at both Calvary and Canberra hospitals?

MR CORBELL: I am very pleased to provide the Assembly with some advice on progress with the new medical school facilities at the Canberra and Calvary public

hospitals. I do so in the context that this is one of those infrastructure projects that the Liberal Party were going to do. They were going to do it, they were committed to it, but they never spent any money on it, they never invested in the budget to make it happen. They were happy to take credit maybe for the idea but not to go ahead and do it. In contrast, this government has gone on and is doing it.

Over the past week, I have been very pleased to be able to inspect the progress with the construction of the ANU Medical School building at the Canberra Hospital campus, which is quite well advanced and is on track to be completed in March of next year. I also had the pleasure of helping commence work on the refurbishment of facilities for the new medical school at the Calvary campus.

The Canberra Hospital campus will accommodate the headquarters of the Canberra clinical school of the ANU Medical School. There will be a new health library for all ACT Health employees and health science students, tutorial rooms, a lecture theatre that will seat about 120 people, and teaching areas. Canberra Hospital will be the principal teaching hospital for the ANU Medical School and this new building will be a focal point for its activities. It complements the recent developments in medical education that the government has been supporting already at Canberra Hospital.

The faculty will include the Canberra clinical school and a rural and community clinical school which, between them, will supervise the activities of students in their third and fourth years. It is particularly pleasing that the construction is on time and the building is expected to be open for the student intake next year, as I have already indicated. The facility will cost approximately $12.1 million and is coming in on budget.

What is really important about this facility is not just that we are teaching our own doctors but that we are providing facilities for teaching our doctors, which will mean that they will be more likely to stay in Canberra, that we will grow our own medical work force. That will mean that we will be able to address some of the significant shortages we now face concerning general practitioners, medical specialists and clinicians in the primary and acute care areas of our health system. We know that doctors are more likely to stay where they train. Plans for the ANU Medical School had been on the drawing board for some time and it is very pleasing to see this project well and truly under way.

Equally, the refurbishment of one of the existing buildings at Calvary Hospital—in fact, the complete gutting and refurbishment of that building—will accommodate medical students who will be on site at that campus from February of next year. Calvary has designated an area within their existing building that will become the Calvary annexe of the ANU Medical School. This internal refurbishment is due to be completed by March of next year.

ACT taxpayers, through the ACT government, are investing in this very important facility by providing $1.75 million towards the refurbishment of this building. Once finished, this building will include four problem-based learning and tutorial education rooms, a new and improved library with 12 computer stations, a students' common room, a kitchenette, and reception and administration areas. The first students are expected to arrive at Calvary in February to undertake part of their clinical placement.

The ANU Medical School is a very important initiative for Canberra, one this government is proud to support, because it will provide for training in the academic units of internal medicine, surgery, general practice and psychological medicine, as well as research activity. This investment by ACT taxpayers in the buildings at the Canberra and Calvary public hospitals will ensure that we are making the investment our community needs to make to build the work force for our health system for our future and to train in Canberra the doctors, specialists and clinicians that we will need into the future.

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

Mrs Burke: Mr Speaker, I think that I was on my feet before the Chief Minister. Under standing order 113A, I ask that I be allowed to ask another question.

MR SPEAKER: I had called the Chief Minister.

Supplementary answers to questions without notice

Quamby Youth Centre

MR STANHOPE: I would like to add to my answer to a question on Quamby that I received from Mrs Burke. In the first instance, I am very pleased that the shadow attorney, with the agreement of the minister, will be making an inspection of Quamby on Friday. I am very pleased that the shadow attorney has such a level of interest in what is going on at Quamby. I am advised that the facilities that Mr Stefaniak will inspect on Friday include the significant upgrade which has been undertaken, to which Mrs Burke referred in her question.

As of Friday, Mr Stefaniak will be in a better position than I to provide Mrs Burke with details of exactly how the $4 million worth of budgeted remedial works have progressed. I understand that they have progressed particularly well. I am a little out of date, but my advice is that the work is proceeding well and will be completed. The best I can say, Mrs Burke, is that, in relation to your interest in this matter, Mr Stefaniak will be full throttle on Friday. I am sure he would be more than happy to give you a briefing on all the work that has been done, how advanced it is and what a fantastic addition it is to Quamby. It is a very significant investment by this government in our young people. Some of the issues that we face at Quamby, of course, are a direct result of the fact that the previous government did not invest a cent in the facility in all the years that it was in government.

Hospital waiting lists

MR CORBELL: In question time yesterday, Mr Smyth asked me how many people were on the not ready for care list as at 30 September 2005. For the record, I restate that there were 4,652 people on the ACT elective surgery waiting list who were ready for care at 30 September 2005. At that same date there were a further 862 people on the waiting list who were classified as not ready for care.

To elaborate on what not ready for care is, people on the not ready for care list are people who, firstly, have their surgery staged, for example, people on the list for two cataract extractions. Rather than the eye operations being counted twice, the first eye operation is

put on the ready for care list and the second eye operation on the not ready for care list. As soon as the first eye has been operated on, the second eye operation is put on the ready for care list.

The second classification is of people who have sought a delay to their surgery due to social reasons. These include travel overseas, work commitments and carer commitments. The third classification is of people who are medically unfit for surgery. Given that a large number of the people on the elective surgery waiting list are older people, it is common that other complicating factors result in deferral of surgery.

Disability services—transport

MR HARGREAVES: Yesterday, Mrs Burke asked me a question about a decision to withdraw transport to group homes for people with a disability in the ACT? The answer is that there has been no decision to withdraw transport to group homes for people with a disability in the ACT.

Emergency Services Authority—expenditure

MR HARGREAVES: In answer to a question from Mr Pratt, I undertook to get further information relating particularly to the Treasurer's advance. I draw Mr Pratt's attention to the answer to his question No 500 of 23 August this year—it is in the *Hansard*—which details the Treasurer's advance of $5.449 million. Mr Pratt either has forgotten or has not read the answer to the question that he put on the notice paper. I would expect nothing else.

Further, I draw the Assembly's attention to Auditor-General's Report No 7 of 2005 at pages 52 and 53, but more particularly page 52. I would like to read into the *Hansard* four highlights of the Auditor-General's report that Mr Pratt and Mr Smyth neglected to put onto the record. They are:

> An unqualified audit opinion was provided to the Minister for Police and Emergency Services on 23 August 2005.
>
> The Authority's corporate governance framework is still developing.
>
> The Authority generally managed to budget as its net costs of services did not significantly exceed the amended budget.
>
> The budgeted operating surplus was not achieved due to capital injection funding not being fully drawn down because of the discontinuation of two major projects.

Page 53 of the report refers to the two particular projects, the Belconnen and west Belconnen joint emergency service centre projects. I believe that the Auditor-General has given the Emergency Services Authority a notably clean bill of health.

Personal explanations

MR MULCAHY (Molonglo): Mr Speaker, I seek to make a personal explanation pursuant to standing order 46.

MR SPEAKER: Go ahead.

MR MULCAHY: In reply to a question earlier today, the Chief Minister, I believe, questioned the veracity of the premise contained within my question that quoted statements he had made. I would like to table the media release to which I made reference to assist his memory. I seek leave to table the document.

Leave granted.

MR MULCAHY: I present the following paper:

> "Costello's secret plan to raise GST"—Media release by the Chief Minister, dated 25 March 2005.

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

MR SPEAKER: Go ahead, Mr Pratt.

MR PRATT: Today in question time the minister made the statement that I had spent 45 minutes at the multicultural summit last Saturday.

Mr Corbell: It was 47 minutes.

MR PRATT: Forty-seven minutes, was it, or was it 46? The fact is that, after attending the Arab and Australian Women's Friendship Association bazaar for a couple of hours last Saturday morning—

MR SPEAKER: How have you been misrepresented here, Mr Pratt?

MR PRATT: Mr Speaker, it was claimed that I had spent 45 minutes at the meeting, but I can prove to you that I spent 2½ hours at the particular venue. The minister claimed that I spent 45 minutes at the multicultural summit on Saturday afternoon. I arrived at 1.00 pm and I stayed there until about 3.30 pm. That is a total of about 2½ hours, not the 45 minutes claimed by the minister.

Paper

MR PRATT (Brindabella): I seek leave to table an explanatory memorandum for the random drug testing legislation tabled earlier today.

Leave granted.

MR PRATT: I present the following paper:

> Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2005—Explanatory statement.

Workers' entitlements

Debate resumed.

MR SPEAKER: Before I call on Mrs Burke to continue her remarks, I wish to say that at the conclusion of question time, Mrs Burke raised an issue under standing order 113A. Standing order 113A is fairly specific. It requires that all non-executive members have at least one question, and they did so.

Mrs Burke: On that ruling, Mr Speaker, if I may: that has been left wide open. It says "at least one". It does not say that you cannot ask more than one.

MR SPEAKER: Of course, but the Chief Minister asked for the call.

Mrs Burke: I believe that I was on my feet first.

MR SPEAKER: We will continue with the motion before the house.

MRS BURKE (Molonglo) (3.46): In the debate today on this motion much has been made of protections in the new system. Terms and conditions will not be abolished. Employees will be able to keep their conditions until they agree to new arrangements with their employer. There is no obligation to enter into a new agreement under the new system. Conditions that exist in awards will also exist in agreements. Agreements will now be able to run for up to five years, rather than the current maximum of three years.

There is much I could say about the standard for fair pay and conditions in Australia. What I will say is that, for the first time, the bill will introduce universal statutory minimum standards at the federal level. There has been much made about employees being forced into some situation they do not want to be in or in which they cannot negotiate. It will continue to be unlawful to force employees into new agreements. If a worker does not like what it is on offer, they can opt to stay under their current arrangements. That is interesting, and I know that people in this place will debate that strongly. A strong inspection service will exist to assist workers who believe they are not being paid their appropriate entitlements. So all this doom and gloom about how it is going to be the end of civilisation as we know it is absolutely wrong; it is a furphy.

Protections against unlawful termination, that is, termination for prohibited reason, will continue to apply for all employees. Prohibited reasons include: family responsibilities, union membership, discriminating on the grounds of race or gender, et cetera, and refusing to agree to an AWA. Unlawful termination cases have a reverse onus of proof. The onus is on the employer to prove that the termination was not for a prohibited, that is, a discriminatory reason.

The federal government has issued a raft of media releases setting out the facts, not the fiction, the scaremongering and the crystal ball gazing that we have heard in here today. I seek leave to table media releases.

Leave granted.

MS BURKE: I present the following papers:

> WorkChoices funding—Media releases by the Federal Minister for Employment and Workplace Relations, dated 2 November 2005—
> Agreement making.
> Australian Fair Pay Commission.
> Compliance.
> Unlawful termination.

What really is at the heart of this matter? It would not be anything to do with union membership by any chance, would it? I remember my colleague Mr Mulcahy saying that the ALP is hopelessly beholden to the trade union movement. Since 1995-96 trade unions have donated over $47 million to the ALP. I know that Mr Mulcahy referred to that previously. I will not go into that now and embarrass those opposite even further.

The union movement simply has no interest in helping small business. That is clear. Its campaign against workplace reform has been predicated on the idea that no employee can trust their employer and that all employers are heartless animals that cannot wait for the chance to exploit or sack members of their work force. I could go on and on. It really gets down to the fact that, deep down, union leaders know that their scare campaign based on evil bosses is not realistic and is not the reality of small business in the workplace. It is an absolute disgrace that we have yet another ridiculous motion on the notice paper and that again we have a select committee in progress that will do all of this work, and more.

MR SMYTH (Brindabella—Leader of the Opposition) (3.49): It is interesting that we have another motion to enable the prophets of doom opposite to revel in their belated condemnation of some very sensible workplace reforms that were passed by the Australian parliament the other day. The dilemma for those opposite is that, at the time of the lowest union membership since records were kept, we also have the lowest rate of disputation for something like 30 years. We have the lowest unemployment for something like 30 years. We have the strongest jobs growth in recent memory, with more growth to come—

Mr Stanhope: So why change the system? Ideology, is it?

MR SMYTH: That is your problem, Chief Minister. You do not listen to anybody. You have this bloated ego that must block your ears so that you cannot hear what people are saying. Why do you have to change? You have to change because the rest of the world is catching up, Chief Minister. You are happy to sit here, do nothing, not make decisions and twiddle your thumbs. While you are off on your social justice agenda, other jurisdictions around Australia are getting ahead of us.

Mr Stanhope: Which employers are calling for it?

MR SMYTH: We used to have the best budgetary position in the country. We do not any more.

MR SPEAKER: Order! Mr Smyth, resume your seat just for a moment. Cease interjecting, Chief Minister. Mr Smyth, direct your comments through the chair.

MR SMYTH: Certainly, Mr Speaker. We have been left behind. We used to have the best online services in the country. We were leading this country, if not the world. There is a beaut web site—I think it is in Sweden—that used to rank the ACT online e-government and e-commerce as one of the three best in the world. Since this lot have come to office, we have slipped off that list. We do not lead the world. That is the problem. If you do not continually improve, then you fall behind.

Mr Gentleman: I raise a point of order, Mr Speaker. I ask that you direct Mr Smyth to be relevant to the motion.

MR SPEAKER: Relevance, Mr Smyth.

MR SMYTH: Relevance! The Chief Minister asked why you have to make improvements. I am outlining why, if you do not make improvements, you fall behind. If the Chief Minister is happy for the ACT economy to fall behind, as it has under his government—

MR SPEAKER: Mr Smyth, be relevant, please. Whatever the Chief Minister raises by way of interjection does not give you the right to be irrelevant.

MR SMYTH: Mr Speaker, I am being entirely relevant. He asked why you would have workplace changes. I am just pointing out why there should be workplace changes.

MR SPEAKER: I will order you to sit down if you do not become relevant. Stick to the motion.

MR SMYTH: Since the first workplace relations reforms were put in place back in 1966, 1.7 million new jobs have been created. The prophets of doom said, "The Howard government has come to office. It is the end of the world as we know it." Today the budgetary position has been restored and Australia has one of the strongest economies in the world.

In 1996 the government made changes to employment services. The prophets of doom cried, "There will be more unemployed. This is a callous federal government." They were wrong again. There are less unemployed. They said that Mr Howard was never going to achieve what he wanted with the gun buyback. The gun buyback worked and the higher ed reforms worked. This morning those opposite spoke out about the GST—

MR SPEAKER: Mr Smyth—

MR SMYTH: I am responding to the debate this morning, Mr Speaker. This morning the same people who have been critical of workplace reform were critical of the GST reforms. Mr Gentleman referred to GST in his speech.

MR SPEAKER: I think it was Mr Mulcahy.

MR SMYTH: Maybe it was Mr Mulcahy.

MR SPEAKER: Do you disagree with him?

MR SMYTH: No. He is absolutely right. Those who said the GST would be a failure were wrong. Yet here we have yet another tirade, another Trojan horse: we cannot be proud of what we have done because there is not much to be proud of, so we will beat up the federal government.

They have got it wrong. There are 1.7 million new jobs and the lowest unemployment in almost 30 years. The fear was that workers' wages would be attacked. In the 13 years from 1983 to 1996 under a Labor government, when the Chief Minister was a senior adviser and chief of staff, wages growth for workers was 1.2 per cent in real terms. That is a real achievement, Chief Minister! You should be proud of that. In the 13 years of Labor government wages growth was 1.2 per cent. In the last nine years real wages growth has been 14.9 per cent. This has occurred at a time when union membership has died and we have had the lowest levels of industrial dispute since records were first kept in 1913. Between 60,000 and 100,000 new jobs will be created by these reforms. That is on top of the 1.7 million new jobs that have already been created.

We want opportunity for this country. The indicators of wellbeing in this country include having a job and having a roof over your head, but the motion we are debating here today rails against the 1.7 million new jobs and the expectation of a further 100,000 jobs. Those opposite should be ashamed of themselves.

The last time we had a debate of this nature, I think I called Mr Gentleman a parrot. The next day he came back with a superb parrot poster and said, "Look, aren't I superb?" The superb parrot has been plucked and is now Chicken Little. How often have we heard from Mr Gentleman, "The sky is falling, the sky is falling." The sky is not falling. The creation of 1.7 million jobs in the last 10 years means that the sky cannot fall because this government has got it right. These reforms are necessary to put us in a position to remain competitive with the rest of the world.

Paragraph (2) of the motion states:

> calls on the Federal Government to admit the harmonious workplace relationship developed between employees, unions and employers have resulted in a productive economy, and retain workplace laws in their current form.

It is the federal government's reforms from 1996 and since that have lead to harmonious workplace relationships. We know this because we have the lowest levels of industrial disputes since records were first kept in 1913. You are right, Mr Gentleman: the federal government's workplace reforms from 1996 and the decline in union membership have led to these harmonious relationships. Well done, Mr Gentleman. It is good of you to acknowledge at last that the Howard government has done well.

The motion says that "harmonious workplace relationships have developed between employees, unions and employers and have resulted in a more productive economy". Exactly. That is how we paid off Mr Stanhope's share of the Beazley $100 billion black hole. Mr Stanhope, as a chief of staff and an adviser, must have contributed too, because he was in favour of all the Labor Party policies between 1983 and 1996. I did not hear any objections. I did not hear him in civil libertarian mode say, "No, that's wrong." I did not hear the Chief Minister say, "Don't put Mabo into an early grave. Stop putting those

children into detention." They were Labor Party policies. The Chief Minister, the then chief adviser, was mute. They were the policies he worked for. He is hoist with his own petard.

When we talk about the reforms of the Howard government dating back to 1996, we really need to give credit where credit is due and think back to Paul Keating, who actually started some of these reforms in 1993. He understood that, without a strong economy in which people are employed, you cannot deliver productivity, bring down debt or deliver real wages growth to people. We should give credit to Paul Keating for starting this process.

Recently in England, at a speech to a conference of unionists, Tony Blair said that he would not be undoing the reforms of the Thatcher years because they had delivered jobs and growth. The stagnant English economy, which had been killed off by strident unionism, has been restored to a place where the English now have the best standards of living in the world. That is why the reform must go ahead, Chief Minister, so that we can continue to deliver more jobs, lowest unemployment, real wages growth and the lowest levels of industrial dispute since records were kept. That is why we should not be voting for this motion today.

I note that the motion was put on the notice paper on 18 October and that Mr Gentleman says he wants to retain workplace laws in their current form. The workplace laws have changed since this motion was listed. I wonder whether Mr Gentleman will amend the motion or whether he will congratulate the federal government for creating jobs, reducing debt and increasing real wages and for bringing about the lowest level of dispute, better productivity and a higher regard for Australia around the world.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (3.59): I want to say a couple of things. I thank Mr Smyth for pointing out where economic reform started in this country: under the Hawke-Keating government. It is a fair analysis to say that in fact today's economy in Australia has a lot to do with those fundamentals and the growing market in China, because we have a commodity-driven economy. Neither of those things is down to any genius within the Liberal Party.

The economy has waxed and waned. The Howard government came to power at an incredibly fortunate time. They have worked well the advantage of the Bob Hawke accord and the reforms that were introduced. Since that time, I wonder what it is that the Howard-Costello government has done. Members opposite chuck around generalisations like "it has been good management" and "it has been responsible". What did they do? You need a lot of luck in politics. There you go; they have certainly had it.

There are a couple of things that come up in this debate from time to time that ought to be mentioned. Some of the facile things that are said ought to be mentioned. We have laws. Most of the laws that we have in this country—virtually all of the laws, but most of the laws at least—are about the lowest common denominator; they are not for everybody. You guys do not need a lot of the laws that exist in this country because you are normal citizens that would live and let live anyway. The structure of the legal system,

the structure of legislation, is about covering all cases. A lot of it is targeted at the lowest common denominator.

The facile statements that if you object to this legislation you are painting all employers as bad and all employers as pernicious are not the case. Each of us knows of employers that have been poor employers at some time. We know of employers that have a bad record in treating their staff, and it has been necessary to have a framework to support those people that were impacted upon by those employers that have little respect for their employees.

The legislation that has recently been introduced lessens the protection and the conditions that are available to those vulnerable workers and leaves—not all employees, but the ones that really need it—a structure in place so that there will be a decent place for them to work; otherwise the employer would demonstrate their total irresponsibility and lack of consideration for their employees, treat them badly and end up in industrial disputation with them. It happens from time to time; it certainly does. Therefore our concern, and my concern, is not about the bulk of employers. Enlightened employers know that you get better productivity if you have a decent relationship with your employees. Most employers know that, but not all of them know that.

Mr Mulcahy: And there are rogue employees.

MR QUINLAN: Yes. From time to time there are very poor records, even in this town, Mr Mulcahy. That is our concern. Our concern is to ensure that there is protection for all, not just the majority. We know the majority are going to be okay.

The other thing I might say is that a number of employer organisations have said, "We do not need all those protections there because we look after our employees; otherwise we would lose them. We do not want to lose them in these times of full employment." There will not always be full employment. Despite all this great work that Howard and Costello have done, there will not always be full employment. If there happens to be a downturn in purchases, particularly by China, we will feel that; we will feel that keenly.

We need a process in place that lasts for all time. We need legislation for all seasons. We need legislation that will stand by the workers in good times and in bad. We need protections that will protect workers who work for good employers, and, unfortunately, we want legislation that protects workers who work for bad employers. We have to structure at the lowest common denominator to ensure that. That is the argument we are trying to put forward.

It is facile in the extreme to be saying, "Most employers are okay, so we will not have any protections. Most employers will look after their workers, so we will not have any legislative conditions." Not all employers are decent people; not all employees are decent people. There needs to be a balance, but we still have to look at, I am afraid, the lowest common denominator.

MR SESELJA (Molonglo) (4.05): My colleagues have put the case very forcefully but I would add a few things. I speak with a sense of deja vu. I remember doing something similar not long ago. There have been a few motions similar to this brought before this

place lately. Of course we will have the debate again and we will continue to have the debate as long as people want to put it up.

One of the differences this time has been, though, that I have not heard Karin MacDonald—I do not know whether she has spoken on this yet—quoting from the *Rerum novarum* as she did last time. I am not quite sure why the change, but I heard Mr Hargreaves earlier in the day quoting, if not church documents, then certainly church figures. It has been a bit of a common theme here.

I found it interesting that Mr Quinlan was able to keep a straight face when he said that the Howard government has been so fortunate to have been in these good economic times for the last 10 years. It could not be anything to do with the good economic record, with the economic reforms that they have had. Of course during these fortunate 10 years we have seen recessions in most of the other industrialised economies and no recession in this country. I guess it is the global economic conditions that have propped us up for the last 10 years. I suspect that the Treasurer was struggling to keep a straight face as he delivered those lines earlier.

I want to talk a little bit about terms and conditions under the federal government's workplace relations reforms. Some of the words in the motion are about how terms and conditions will essentially be lost. The Treasurer spoke about the fact that it is about the lowest common denominator. That is why there is a safety net; that is the purpose here. It is a fact that currently most people do not get award wages; most people get well above award wages, and that will continue, and above award conditions, and that will continue to be the case. But the safety net will continue for those who need it. That is the important point to be made here.

Employees will be able to keep their conditions until they agree to new arrangements with their employer. There is no obligation to enter into a new agreement under the new system. Conditions which will exist in awards can also exist in agreements which will now be able to run for up to five years rather than the current maximum of three. The bill will introduce universal statutory minimum standards for the first time at a federal level.

The Australian fair pay and conditions standard will contain the following minimum conditions: minimum and award classification wages; four weeks paid annual leave, with an additional week for shift workers, with the option for employees to cash out two weeks leave but only at the request of the employee; 52 weeks unpaid parental leave; 10 days paid personal and carers leave, including sick leave, for employees with more than 12 months service; plus two days of paid compassionate leave, plus an additional two days of unpaid carers leave per occasion will be available in emergency situations for employees who have used up their paid leave; and a maximum 38-hour working week. These are the safety net conditions that will underpin the new system.

What we have heard from the Labor Party consistently for the last 10 years on the issue of industrial relations, every time there has been a suggested change, has been that this is going to mean the end of us, this is going to be a terrible thing for workers, this is going to be a terrible thing for Australia. Mr Mulcahy earlier quoted from Kim Beazley in 1996 when some of the industrial relations reforms were going through. Senator Kim Carr said:

> … we see this bill as being obnoxious, insidious and fundamentally hostile to the interests of working people in this country. We see it as fundamentally opposed to the maintenance of living standards for working people in this country and as a device aimed at redistributing wealth and power towards people who are already extremely well positioned within our society.

That caused me to read closer Mr Gentleman's motion. Point (2) says:

> Calls on the Federal Government to admit the harmonious workplace relationship developed between employees, unions and employers have resulted in a productive economy, and retain workplace laws in their current form.

These are the workplace laws that the Labor Party said were obnoxious, insidious and fundamentally hostile to the interests of working people in this country. Ten years ago they were obnoxious, insidious and fundamentally hostile to the interests of working people, but today we have Mr Gentleman, the workers' champion, calling on the federal government to retain the workplace laws in their current form. They love them; they cannot get enough of them.

Previously the Chief Minister interjected, "Things are so good. Why would you change anything?" This is the John Hargreaves line from the last time we discussed this: "We have done everything that has to be done. We never have to make another change. We do not have to progress; we do not have to take things forward." Is that the attitude of this government to reform?

Economic reform is a continuing thing; industrial relations reform is a continuing thing. It has been happening, as was pointed out, since the 1980s and through the 1990s in this country in significant ways. It was embraced by Paul Keating; it has been embraced by the federal government; it is rejected by the current federal Labor opposition; and it is rejected by the government in the ACT.

I draw the Assembly's attention to the contradiction between the words of Mr Gentleman's motion and the words on the current industrial relations scheme that were put out at the time by the Labor opposition and by members of the union movement. They could not be believed then, and they cannot be believed now.

I want to touch quickly on another aspect of the motion. It talked about the workplace changes requiring secret ballots. I am still not quite sure—and I have not heard Mr Gentleman make the argument—as to what could be so wrong with secret ballots. What is going to be lost by having secret ballots?

Dr Foskey: Why don't we do it here?

MR SESELJA: Dr Foskey interjects, "Why don't we do it here?" There is a very good reason why we do it here. We are elected representatives. People need to know how we vote on any given thing. People do not need to know whether 12,400 workers voted one way and 8,200 the other way and know their names and their voting record; they are not elected representatives. There is a significant difference. That is why we do not do it here. But that is not an argument against doing it in the context of a workplace.

I have not heard Mr Gentleman put forward an argument. I call on him to put forward the argument in his closing remarks. I call on him to do it without reading it; come forward with the argument—

Mrs Burke: From the heart.

MR SESELJA: From the heart, tell us why the secret ballot is not a good thing. Who is it protecting? It protects against bullies. When there is a secret ballot it is very hard to force someone to vote a particular way, but when there is not a secret ballot it is somewhat easier; pressure can be put on. That is the reason behind pushing for secret ballots. I have not heard one single argument, one reasonable argument, put forward.

I heard Dr Foskey throw out an argument just then, which I do not think is a reasonable one. But I have not heard one reasonable argument as to why requiring a secret ballot would be a bad thing and why that would threaten workers. It simply threatens union officials; it simply threatens thugs who would seek to bully people into industrial action against their will.

I conclude by restating some of the key points. Since 1996, under this so-called insidious, obnoxious and fundamentally hostile system, we have seen 1.7 million new jobs; we have seen the lowest unemployment in almost 30 years; we have seen real wages growth of 14.9 per cent.

Mr Quinlan: It is all down to Paul Keating, for God's sake.

MR SESELJA: Under Paul Keating, real wages growth was 1.2 per cent in 13 years. It was 1.2 per cent under Hawke and Keating. We have seen the lowest levels of industrial disputes since records were kept in 1913.

This is the so-called insidious and obnoxious system. This is the same system which Mr Gentleman now says is so good that we need to retain it; this is the system which the Chief Minister says is so perfect that we do not have to change anything ever again because things are so good.

We need to keep changing things; we need to keep making improvements; we need to build on what has happened in the last few years; we need to build on the very strong economy we have in this country. Mr Gentleman will probably continue with motions such as this one in the coming years, but I am sure that his arguments will look weaker and weaker as the system is put in place and people enjoy higher wages and better conditions and continue to be able to go to barbecues and live a good way of life. Unemployment, I expect, will even drop in this time. I look forward to more motions like this where we can discuss, compare and contrast how the system is progressing in the current context.

MR GENTLEMAN (Brindabella) (4.15), in reply: I thank Mr Sesejla for his comments. This motion call on the federal government to admit that harmonious workplace relationships have developed between employees, unions and employers and have resulted in a productive economy. I start by challenging some of the opposition's furphies here this afternoon.

Mr Mulcahy says that young people will have more opportunity for work in the ACT under these new laws. I ask myself why Mr Mulcahy is so confident that WorkChoices will provide more jobs. There does not seem to be any job-creation projects in either the 600-odd-page bill or the 500-odd-page explanatory note. I think I know why. I think it is because Mr Mulcahy understands that WorkChoices allows employers to sack workers without fear of retribution. Employers can sack workers at Christmas because they asked for a holiday. That frees up a couple of jobs, does it not? Sacked for wanting a Christmas holiday! Heaven forbid if you asked for a pay rise!

When Mr Mulcahy talks about the violence and tyranny of yesteryear, we should remind the Assembly and the people of the ACT that the union movement has never used attack dogs and balaclavas; nor have they seen fit to train militia overseas for an overthrow based on increasing profits.

My favourite is the make-up of the Australian Labor Party. I am proud of my party's history and its links with this country's largest social movement, the union movement. And I am proud that at our party's ACT annual conference we had in attendance some 160 delegates. But that was a bit different to Mr Mulcahy's Liberal Party. I understand his shindig attracted about 64 people. He was lucky to get a third of ours. How is that for representation of your constituency! Do not worry, Mr Mulcahy, you will have lots of time to think on how lonely it is in the Liberal Party when you enjoy your paid holidays at Christmas, unlike those workers from the coalmine.

Mr Seselja said that employees will be able to keep their conditions until they trade them off. I ask him: how does that apply to these sacked miners? How will they be spending their Christmas?

As Mr Mulcahy reflects on my speech he should remember that not I alone nor the ACT government are the only ones raising concerns about WorkChoices. Remember those 500,000 workers who participated in the national day of action, the biggest worker action we have ever seen in the ACT; the religious groups who have voiced their concerns; the 5,400 submissions to the Senate inquiry; and the 85,189 people asking the Christmas goose to cross the floor.

Mr Smyth said that we now have the lowest rate of industrial action since 1913. I remind him, again, of the 500,000 workers on a day of national action.

Now to Mrs Burke's comments. She waxed lyrical about the desire of employers to work under a simpler system. Is this because she believes employers are too simple to understand the current system? Maybe it is because she has herself been a little confused in the past. But I digress.

As I said, this motion calls on the federal government to admit that harmonious workplace relationships have developed between employees, unions and employers and have resulted in a productive economy. I would like to think that I am clever in throwing the federal government's words back in their faces. But, alas, I am just being truthful.

Unlike the federal government, I have 151 academics to back up what I say about productivity. I quote from their submission to the Senate inquiry into WorkChoices:

> There's not a lot of evidence that individual contracts produce productivity ... the biggest gains for productivity still revolve around a system which is collective based.

Based on the collective relationship between workers, the unions and employers, we have prospered. That was reinforced by Mr Mulcahy earlier today.

We do not need to look too far to see the impact these types of changes will have on our economy, our productivity and, most importantly, our workers' rights and entitlements. In 1991 New Zealand, under a conservative government, introduced the New Zealand Employment Contract Act. This act abolished the century-old system of awards; it withdrew government endorsement of collective agreements. This is all sounding a little too familiar, is it not?

Here we are, nearly 15 years since that act came about, and what does New Zealand have to show for it? Workers in some industries experienced a 12 per cent fall in real wage terms over six years. New Zealand became a less equal society, with the gap between the haves and the have-nots widening. There was an overall reduction in real wages, in full-time work and flatter productivity. Clearly, the experiment failed, in economic terms, in social terms, in long-term prosperity. To earn decent wages and to work under decent conditions New Zealand's youth migrate to Australia because our system works.

The federal government's argument about productivity is, first and foremost, a furphy. We have seen it in New Zealand and we have heard it from the academics. The federal government needs to open its eyes and ears to the truth. Even Gollum had a moment of self-reflection. The federal government has to acknowledge that it is a furphy. Thank you, Jacqui, for extending my vocabulary with that word.

I call on all members of the Assembly to do the right thing by their constituents and working families in the ACT and support this motion.

Motion agreed to.

Court Procedures (Protection of Public Participation) Amendment Bill 2005

Referral to committee

Debate resumed from 29 June 2005, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

Motion (by **Dr Foskey**), by leave, proposed:

> That, notwithstanding the provisions of standing order 174:
>
> (1) The Court Procedures (Protection of Public Participation) Amendment Bill 2005 be referred to the Standing Committee on Legal Affairs for inquiry and report; and

(2) on the Committee presenting its report to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

MR STEFANIAK (Ginninderra) (4.23): I think it probably is a very good idea that the bill be referred to the committee. The scrutiny of bills committee did have a number of concerns, and Dr Foskey wrote a letter as a result of those, which is in the current scrutiny report. For members' benefit, the scrutiny report which looked at the bill initially is scrutiny report No 16 dated 19 September 2005.

There are obviously a number of issues in relation to this bill. I see the point that Dr Foskey is trying to make. I suppose a preliminary observation from the opposition would be that we have a fairly robust system where, if you have totally spurious pieces of litigation, with people simply trying to delay, there is at present the ability for courts to strike out matters for things like want of prosecution. Significant costs orders, of course, will be incurred by people who take on litigation and then lose it. That can cause considerable difficulties for people who are listed as the defendants in that particular type of civil litigation as well; hence, I understand what she is trying to do.

There are, of course, human rights issues involved, which the scrutiny report mentions. I am not going to go into those. They are important issues, though, which the committee will no doubt look at. It is a problem, I suppose. I have occasionally said in this place in the past that, certainly in the criminal law, there are problems where people, for example, make wrongful complaints and malicious complaints against police. Many of the complaints against police are actually knocked out quite easily by the ombudsman, simply because they are made almost as a matter of course and there is no substance to them. Perhaps we also need to look at, in the criminal law, for example, some sort of offence. It would not have to carry a huge penalty, but some sort of deterrent for people who maliciously make complaints against police and other office holders which have no substance, which are quite easily proved to have no substance, yet cause all sorts of problems, delays and angst, too, to innocent people who are the subject of those malicious complaints.

Similarly, in terms of domestic violence legislation, there are occasions where the complaints also have no foundation. Again, there is no disincentive to people making those types of complaints. So I think this is an area where probably a lot more can be done in other areas of the law, apart from just what Dr Foskey is doing here, and that is something I commend to other Assembly members. But the opposition does support this bill being sent to the legal affairs committee and, as chair of that committee, I look forward to the inquiry.

Motion agreed to.

Civic Development Authority Bill 2005

Debate resumed from 21 September, on motion by **Mr Seselja:**

That this bill be agreed to in principle.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (4.26): The government does not support this bill. It is ill-conceived and in some parts unworkable. As I have announced today, the government has already accepted the recommendations of the expert financial consultancy report, which has called into question both the wisdom of and justification for establishing a development authority for this part of the city centre.

The Canberra central task force which the government established to look at these issues considered the option of a development authority similar to the one proposed by the opposition's Civic Development Authority Bill but concluded that this approach was not appropriate for Canberra central. Given the size of the territory jurisdiction, current institutional arrangements and the potential market in the foreseeable future for this scale of development, the government agrees with the task force's approach. The approach proposed by the Liberal Party is to establish another layer of bureaucracy which will have nothing to do—no land to release, no development to proceed with—for at least three to five years.

The key issue here is one of demand—demand for this scale of development and whether our city can absorb it at this time. The independent financial analysis commissioned by the Canberra central task force and prepared by Hill PDA, widely recognised and respected experts in their field, concluded that the development of the City Hill precinct is a 27 to 30-year project and, to use their words, is not viable as a commercial venture at this time. That was not the government's view—not even the task force's view—but the view of independent consultants commissioned to assess the financial feasibility of this development project.

The challenge for the Liberal Party is to demonstrate what their analysis shows in relation to demand that would justify an ill-conceived bill such as this. A project exclusively focused on the City Hill precinct, concluded Hill PDA, could not realistically commence until 2010-11 at the earliest, and the cost of establishing a new statutory authority simply cannot be justified. The reality check provided by the Hill PDA report and backed up by the observations of the task force itself meant that another statutory authority, which would be costly in itself to establish, would have little to do, certainly in the first five years. It also fails to recognise all the precondition work that has been and continues to be carried out so that when the market is right a future government can act on implementing the development of City Hill in a well-considered and financially responsible manner.

I welcome in this regard the comments of the Master Builders Association of the ACT, which in a media statement today has indicated that it supports the government's decision not to establish a statutory authority at this time and supports the argument that establishing another level of bureaucracy would do nothing to improve planning administration in the city. Those are views of a body which is not always aligned with the government, but the Master Builders Association of the ACT have come out today and said that the proposal for a dedicated statutory authority is flawed, and that they, as the peak body representing builders in the ACT, do not support it.

The government has decided to continue with the existing task force until the establishment of a new advisory body as a permanent body, which will be announced

early next year. The Civic Development Authority Bill proposes an authority with focus limited to development of City Hill. It is not an appropriate vehicle to engage in and resolve broader aspects that are important to the city's ongoing revitalisation. The current Canberra central program not only influences the government's decisions on releasing land—how much, where and when—but also addresses linking into public transport strategies, employment policies, community facilities, public realm improvements and management, and events and marketing for the city.

Vibrant cities are created by the successful layering and coordinating of all of the many cultural, economic and social issues. This bill would result in constant friction between the established planning and development arrangements, which include the substantial and important role of the National Capital Authority. It is, quite simply, a recipe for constant government intervention, controversy and disaster.

What is most telling about this bill is the lack of recognition of who actually has planning control in this area. Is it the ACT government that has planning control over City Hill? The answer to that is no, it is not. So how does Mr Seselja propose that the NCA relinquish its planning responsibilities through the passage of this bill? The NCA will do no such thing. The NCA have indicated very clearly that they wish to retain ultimate responsibility for land use control in relation to this part of the city. They consider it an important part of the overall legacy left by the city's designer, Walter Burley Griffin, and they will not accept any relinquishing of that responsibility. That is a simple fact that Mr Seselja has ignored in this bill.

In contrast, the government is establishing new advisory arrangements to allow us to continue the partnership and team-based approach that has worked so successfully to date. We have successfully engaged with the National Capital Authority, respected their role and the important contribution they make, and we have worked together with respected leaders in private business, as well as relevant public sector officials, to drive forward the future vision for the city centre. Our new advisory arrangements will not have statutory powers, and we are not proposing a development authority or decision-making body to replace existing government agencies; rather, an advisory and coordinating body that complements and draws on existing government capabilities as well as private sector experience to ensure continuous, dedicated and focused attention to the development of the whole city centre.

That is the other weakness in this bill. This bill targets part of the city and neglects the rest. This bill focuses on one part of the city and neglects Canberra central as a whole. The city does not stop at London Circuit. The city is a central area. From Ainslie Avenue to University Avenue, across to West Basin and all the way over to Russell: that is the Canberra central area. That is the area that we must focus on in its entirety.

The government is determined to make sure that new planning changes are in place to permit development. Today, I have outlined a detailed response on the land use changes we will be requesting from the National Capital Authority to provide for development potential of up to 420,000 square metres of area in this part of the city centre. The government has also outlined what it believes is an appropriate development sequence, which is already emerging from the high level of investment which is already happening in our city and which will be built on ultimately with the completion of the City Hill precinct.

We will also be working closely on examining new trigger projects to assist with instigating development in the City Hill precinct itself. The new advisory forum will investigate these trigger projects, along with the Planning and Land Authority, the Land Development Agency and other relevant government departments. These will allow for continued investment and growth, which is currently occurring in the city centre.

This is one point I really want to make above all others in this debate: walk outside the doors of this Assembly and look around the city. This is not a city that is in stagnation. This is not a city that is failing to attract investment. This is not a city that is failing to renew itself through considerable private sector involvement. Hundreds of millions of dollars of development activity is happening outside the doors of this chamber right now. Count the cranes in the sky, count the new buildings that are being built, look at the new government departments that are choosing to move into our city centre. Just last week, a commonwealth department, currently located in the parliamentary triangle, said it is moving into Civic. It wants to be in the city centre and it has chosen a new office development on Marcus Clarke Street in City West to have as its base. None of those things are indicators of a city centre that is struggling for relevance or struggling for investment.

But there is still more that we can do, and the government's approach, I think, is vindicated in the considered and very timely advice of the Canberra central task force. Unlike the opposition, I would like to thank those members for their work; unlike the opposition, I would like to recognise the real professionalism that they have brought to their work; and, unlike the opposition, I would like to refute the claim that in some way the Canberra central task force was stacked. I do not know which school of politics Mr Seselja comes from, but, if you really want to stack something, you make sure you have got a majority, Mr Seselja; otherwise there is not much point. The last time I looked at the composition of the Canberra central task force, a majority of those members were not representatives of the ACT government.

How can the ACT government stack a body when it does not even have a majority? It would have been very easy for the ACT government to have a majority, because we determined the membership, but we did not do that. Indeed, we made sure that a majority of the body did not represent the ACT government; they represented private sector interests or they represented agencies outside of the ACT government. That is not stacking, and I think Mr Seselja and those opposite, and others in this city, who have made that assertion cast a real slur on the reputations of those significant private business individuals who are on that task force. Is Mr Seselja saying that Mr Jim Service, Mr Tim Efkarpidis and Mr Ross Barnett are stooges or lackeys of the ACT government? Is he saying that we just told them what to do and they did it? I would challenge you, Mr Seselja, to see if anyone can tell Mr Jim Service what to do or think. He is a smart man, he has got a mind of his own, and he has got integrity and credibility, unlike those opposite. This task force has been considered and detailed in its recommendations.

The new approach the government has outlined will strengthen the government's planning processes for the future development of the city and City Hill. The government has not lost sight of the significance of this community asset—and that is what it is, a community asset—nor of the legacy that we will be creating for future Canberrans. To establish a place that has meaning, that is relevant and valued, it must be a place that

reflects our community's egalitarian values, and this can only be realised by an open and transparent process and through a broad planning approach that takes account of all the other relationships—physical, economic, social, financial—and not through this bill, which is narrow minded, ill-conceived and narrowly focused and which will not achieve the outcomes that Mr Seselja seeks.

The government does not support this bill. This bill is unnecessary. It is a new layer of bureaucracy. We want to streamline the planning system; Mr Seselja wants to add more layers to it. We want to develop a cooperative approach with the National Capital Authority; Mr Seselja wants to create, and entrench in legislation, conflict. We want to look at development of the whole of the city centre; Mr Seselja wants to neglect the rest of the city and only focus on what happens in London Circuit. All of these issues only reinforce in the government's mind why this bill cannot be supported today.

MRS DUNNE (Ginninderra) (4.42): It is good that we can keep Mr Corbell guessing, because what you have seen today is that Mr Corbell is floundering despite the recommendations of his own committee. He is sitting here today defending his government's position to oppose the City Hill bill despite the recommendations of his own group that he picked basically to come up with his idea.

The history of ACT self-government is littered with ministers who have created a situation where they get their way, and this is a classic case. We have some examples from the past. Entrepreneurs, developers, proposed a light rail system from Gungahlin into Civic before Gungahlin was developed, and the minister for urban services and transport at the time basically took the proposal to his bureaucrats, threw it on the table and said, "Kill it." They did, to the detriment of Canberra. What we have here is the playing out of the petulance of this minister, whose particular aim was to kill the ideas and the innovation of anyone outside his select circle.

On radio this morning, Mr Seselja put it fairly succinctly. Mr Corbell was scrabbling for relevance because he knew that businessmen around town were developing their vision for Civic and, not to be outdone by people who have a long commitment to Canberra, he had to come up with his vision, which has been pretty much borne out by the visionless document that has been brought forward by his select group. Everything that Mr Corbell has spoken about today is really an effective way of trampling upon the hopes and aspirations and a vision for this city.

The development of the Civic-City Hill precinct is not something that would happen overnight under any formula. It takes time, it takes thought, it takes openness and it takes dealing with the community. Mr Seselja's bill creates the framework for that. But what we actually have, through the announcements made today by Mr Corbell, what he has said in the paper and what he said on radio this morning, is really, quite frankly, a trampling on vision, a trampling on aspiration and a shelving of anything that will take Civic forward in a holistic way for many years, because this man does not have the ticker to do it. This man does not have the vision, the will or the guts to make the hard decisions and come up with a structure that will take the city of Canberra forward, that will involve the people of Canberra and make Civic the real heart of Canberra.

We have talked about it for years. Those of us who have been involved in the planning debates in the ACT over years have heard people mouth the platitudes that Civic is the

primus inter pares, the first among equals, of the town centres. They talk about it but they never do it. What has happened today with Mr Seselja's bill is that the opposition has thrown the challenge: be as good as your words, make your walk as strong as your talk. But this man cannot walk the walk. He can talk about it all the time. When he was the opposition's spokesman on planning, we heard all the things that he was going to do to improve the planning system in the ACT—and his first term as Minister for Planning was one of abject failure.

He introduced the new ACT Planning and Land Authority and all its accoutrements, which was going to be the new way forward. At the time the bill was passed, I asked the vital question: in six months after this bill passes, or 12 months, what will have changed? As we know, very little has changed. There is still the slow and cumbersome process of land approvals. To the constant shame of this territory, applications for direct grants of land by direct sale take four years to get through. And we have the constant failings of this minister, who first and foremost wanted to put his own stamp on his new Planning and Land Authority. He changed the name, but he did not resource it or do anything about changing the culture. So what has happened is that things are pretty much the same as they were before he got his hands on it, and that was a situation that needed significant improvement.

The dead hand of government is everywhere in the planning system in the ACT, and that is reinforced by the dead hand of the Minister for Planning. It is about stifling; it is not about innovation. It is about the opposite of innovation; it is sucking the life out of the innovative people in the ACT. It was a thumbing of the nose at people in the community who were not part of the planning inner circle but who had the audacity to say, "We've got a vision for Canberra. Let's put it on the table and talk about it."

I do not think that there was a person in Canberra who said, "Gee, Terry Snow. That's a great plan: let's go out and implement it tomorrow." But there are lots of people in Canberra who said, "There is food for thought. Let's start the process." That is not endorsing everything that is there; there are good things and there are bad things about it. It is not for either the opposition or the government to say what should or should not be there. It is for the community to say what should or should not be there.

Mr Seselja's model provides the mechanism for the community. This minister, this man lacking in vision, has basically said today, "We will shelve all this for five years or more. We won't do anything. We will have this sort of vague idea of a land bank one day in the future. We're going to shelve it and nothing will happen." In that five years, if we adopt Mr Seselja's model today, we could be having an open, consultative and broad approach to master planning for the whole of the area, which would be designated by the minister. It could be as wide or as narrow as the minister chooses to make it. It can be all incorporated and done in consultation with the wider planning for the Civic region and the north Canberra region.

But this minister, with his lack of vision, is going to vote down this bill today because he does not have the ticker to put his plans out to the public, consult with the public and come up with a publicly accepted master plan for that area out there, which is so important to Civic, so important to Canberra, so important to the economy of Canberra, so important to the future development of Canberra. He does not have the ticker to do it. He does not have the courage to take the people of Canberra into his confidence and

publicly and openly develop a master plan that can be implemented in a staged and coherent way so that people know what is going to happen in 20 or 30 years time.

It will take 30 years. But it is going to take a lot longer if we never start it, and what Mr Corbell is proposing today is to sit on his hands. This is a minister who lacks vision, who lacks courage, who does not have the confidence to go to the people of Canberra and say, "Let's develop this together. Let's plan this together. Let's make this a city for everybody—a city that everyone can be proud of and a city that everyone has a stake in." He does not have the courage and, because Mr Seselja has that courage, all he wants to do is squash it. He does not have the courage, and he does not want to see anyone else take up the cudgels.

The speech by the Minister for Planning today was quite simply a disgrace. It shows a lack of foresight. The work done by Mr Seselja and the people who assisted him should be complimented, and it should have a better outcome than we are going to see.

DR FOSKEY (Molonglo) (4.51): I do concur with quite a lot of what has been spoken by those speakers for the opposition today, but, on the other hand, I do concur with some of the statements made by the minister. I do think that there is a strong case for the creation of an independent authority to oversee the planning and development of the central area of Canberra, but I am not convinced that the area that needs such management has yet been defined, nor what the parameters for such an authority ought to be, should we decide to pursue it, so I will not be supporting the bill.

The government has now released its response to the report of the Canberra central task force. I would just like to remind the Assembly of my motion on this matter, supported by all members, in August:

> That, in regard to the future development of Civic Centre, including City Hill, this Assembly:
>
> (1) welcomes the enthusiasm and vision of the various frameworks for development that are now in the public arena;
>
> (2) calls for the public debate on the issue to encompass the broader plans of the National Capital Authority, and existing agreements such as the City West Masterplan;
>
> (3) recognises the need to build in broad community and industry acceptance to any plans of this magnitude; and
>
> (4) calls on the ACT Government to ensure:
>
> (a) the major planning decisions are informed by a community values exercise that incorporates the perspectives of the full range of stakeholders, consistent with the Chief Minister's Department consultation protocol; and
>
> (b) any task force or development body set up to manage the process includes community, business, Territory and Federal Government representatives, and provides advice to the Government which is open and transparent.

Nonetheless, despite the fact that this motion was agreed to by the entire Assembly, what we have seen so far has been consultation through a competition suggested by Terry Snow and run through the *Canberra Times*, plus some more considered plans by the NCA, ACTPLA, Terry Snow and a group of transport planners. That was fun, but it is not consultation. Then we had a Canberra central task force that included, among other experts, a social policy analyst. The task force included retailers, developers, and town planners, of course, but no residents, no-one from any of the community organisations that are based in Civic, no-one who uses those services, no-one with special needs, nor specifically any commuters.

I can understand that the point of the task force was not to be representative; but, when you look at the expertise that was a part of that group, without a doubt it represented some groups, and it performed a representative role. That would not be such an issue if the task force's report had been then made public and, before the government formulated its response, those unrepresented groups on whom this proposed redevelopment would have a major impact, and other interested parties, could feed in to the general planning process.

That is one way that these "major planning decisions" could be "informed by a community values exercise that incorporates the perspectives of the full range of stakeholders, consistent with the Chief Minister's Department consultation protocol". Again, it is as though the community engagement strategy is pulled out sometimes and not pulled out at other times. Sometimes when there is a statutory requirement for it, there are statutory forms of consultation, and at other times it is forgotten about altogether. I am concerned that the planning minister took the report to cabinet and got a whole raft of the government response signed off before such a process could be put in place. I would have thought that was unacceptable to the Assembly, given its unanimous support of the motion in August.

Mr Service said today at the media conference where the government's response to the report was launched—and, of course, at the same time as the task force's report itself was inadvertently launched, but all the fire had gone out of it by then—that there had been some submissions from interested people. That is all very well and good; but most people did not know that there was an opportunity to provide submissions, so we can expect that those submissions were from people who were probably already, to some extent, inside the process. That cannot be called consultation.

I understand from the media and from the government that not much is going to happen quickly. So there is still room for a decent community engagement process, and I call on the minister to act respectfully to the Assembly and ensure that such a process is pursued. One of the key observations of the task force's report is that it would take an inordinately long time to develop the area inside London Circuit if the residential development is to target the premium market. The task force suggested that a focus on below-premium housing would accelerate the development process. I do not know exactly what the task force means by below-premium housing, but I would go so far as to see this as an opportunity to factor a proportion of affordable housing into the development strategy. Rather than simply accepting or rejecting the reviews of the task force or of other MLAs, I believe that that issue, the mix of housing that would be included in this key development, has to be part of the public debate.

Now there is also the expectation that a permanent committee will be established to replace the task force. Mr Corbell just updated us on that, though, when he said that the existing task force would continue. What I want to know is: who is going to be on this committee? Will it be the same people? What transparency will there be and how will its operations and advice be communicated? Will they just go straight to the minister or will there be some more transparency?

The Greens are quite sceptical of the advisory groups that have been set up by the government, and I do note that Mr Corbell used that term today, because, for instance, the dragway advisory committee has been set up, seemingly, to advise the government. But, while we are told by Mr Stanhope that that is a consultative process, what in fact is stifling the community in relation to that is that the members of that committee, who, for instance, come from residents associations, are not actually allowed to communicate to those associations what is going on in the committee. They received reports last week that are of vital interest to local residents and to dragway proponents alike. But, if those people are really doing their job, they are not telling their constituents what is in them. That is not really what I would call consultation. It certainly is not a fair representation and I would go so far as to say that it puts those people in a very difficult situation. If they are not allowed to report to their constituencies, and their constituencies want to know, that is a very difficult situation to be in. So I would strongly advise the government about setting up another such group.

The motion agreed to in August suggests that the government will ensure that any ongoing committee does include community representation and that the committee itself will act in an open, transparent manner with commitment to true consultation. That means communication backwards and forwards between the government and the communities that they represent. By the way, I understand that a social planner—and I am very glad there was a social planner—on the task force did speak to groups like ACTCOSS, but she was not in a position where she had to represent those views to the rest of the committee. She was not a representative of the community sector. She was recognised as someone who was good at talking to the community sector, but that is not consultation either.

There are broader questions that need to be considered and explored by the wider Canberra community. One is the general transport philosophy. The monorail proposal that was put on the table during the *Canberra Times*-led discussion of Civic development certainly put transport, and indeed public transport, centrally on the table in terms of this proposal. This report and the government's response only deal with transport issues in a half-baked way. I note that there is now a presumption that the Civic bus interchange will be demolished and replaced with a less focused bus system in Civic. I am not aware of any consultation on this matter that has been conducted with bus commuters and potential bus commuters, nor indeed with retailers who benefit from people being able to catch public transport into Civic, in order to find out the impact on them of such changes. Given that, I can only state that in my view the transport proposals for Civic should still be on the table.

There is also the question of the National Capital Authority's Griffin legacy plans for substantial development along Constitution Avenue and in the area known as West Basin. These are areas that are under the purview of the NCA and so are difficult to

influence both in terms of scale and the manner in which they are implemented. There have been some problems from an ACT government perspective on matters such as this in the past. The point about the Griffin legacy plans is that they would have a massive impact on the focus of business and activity in and around Civic. I think it is important that Canberra people have an opportunity to understand how these plans intersect and are invited to collaborate in the planning process.

These will be the most significant changes to Canberra's city area planning for many years to come. Putting plans in place for the Civic central part of that area now, without giving everyone the chance to understand the wider implications, is poor planning and very poor community engagement. I do not see why we have to put everything off for five years. My feeling is that there is work that could be done in Civic now. It does need a group that has a stronger role than that of the Civic task force, but I think we could be spending some time with community consultation, putting some details into the broad scoping principles that the task force outlined in its report.

I do not think an authority as such is the right group to do that at this point in time. An authority is an action body and I am not quite sure that we are there yet, so in that context to set up an authority charged with delivering plans which are not yet clear and which have not yet been embraced by Canberra people is premature. But we do need a vehicle to get community and other visions for Civic put on the paper and included in the final outcome.

MR SMYTH (Brindabella—Leader of the Opposition) (5.05): It is worth looking at what is in the report. Part of me suspects that Mr Corbell has not read the report. Mr Corbell simply does not want to give up the control. We know that Mr Corbell gets his way in cabinet. We know that there are opportunities out there that cabinet has now lost.

The sad thing about this is that over the last couple of weeks we have been talking about the drunken sailors spending all their cash. It seems the drunken sailors have now left port; they have climbed down off the wharf; they are in the little longboat, heading back out to sea. The captain, Mr Stanhope, is asleep at the tiller. Mr Quinlan, the only person driving the government, is paddling on one side; so they are going around in a circle. Mr Corbell is sitting there, staring at the stars and dreaming about being in charge. That is what this is all about. This is about retaining control. This is about being in charge. "Do it my way or do not do it at all."

Clearly, Mr Corbell has not read the report. The report does not say that there should be a development authority. The report, if you go to page 45, lists a set of principles about what is called the delivery vehicle. If one looks at the set of principles delivered one can only conclude, at the end, that they are talking about an independent statutory authority that will develop all of Civic. Let us read through them:

> That the government:
>
> a. apply the following principles in designing the delivery vehicle for progressing the development of the City Hill Precinct:
>
> i. It should ensure a strong advocacy for the development of the City Hill precinct in accordance with the agreed planning and development principles;

It has to be independent. It is a strong advocate; it cannot be the government advocating against itself; so it must be independent. Also, it must be focused because its focus is on the City Hill precinct. I continue:

> ii. The delivery vehicle should operate within a robust governance framework;

That sounds like "by law" to me. That sounds like independent and by law. I continue:

> iii. It should ensure that there is a continuous, dedicated and focused attention, and effective action;

It is somebody with authority who has to take action in developing the City Hill precinct. This is quite specific. It cannot be any other government body. What is described there is something quite specific. I continue:

> iv. The vehicle's cost should be minimised, with any chosen model not duplicating the functions and authorities of existing government agencies and departments, but it must add value and complement the existing capacity;

It must be cost effective. We all know that this government is not cost effective through its current vehicles in delivering such services. I continue:

> v. The delivery vehicle should have a strong commercial focus, with non-commercial objectives being determined by government and where necessary and appropriate, funded by Government; and

It is a commercial body at heart; it is a body that is there to deliver. I continue:

> vi. In the context of current legislation, it could not be a planning authority.

That might as well have read, "It should not be ACTPLA." If it cannot be the current planning authority, it has to be an independent statutory authority as proposed by Mr Seselja. We then go to the next one:

> b. Note that, while not concluded, the majority of Taskforce members currently consider that the following additional principles might also be applied to the vehicle to best meet local circumstances:
>
> i. The vehicle should be one with a clear status—

A clear status, not a committee; that is what it is saying—

> which is readily recognised by both Government and the private sector;

I do not think committees have that status. Something defined with a clear status is clearly some sort of statutory authority. It then goes on:

> ii. It should have responsibility—

it should be given the tools to do its job—

> and input only for matters relating to the City Hill Precinct, enabling the dedicated and focused attention required, but with due regard for what is happening in the balance of the City;

It has to have the right to be independent and to develop. There is a call to action here. It should have responsibility. I continue:

> iii. In particular, recognising the role of Government, it should not be concerned with balancing the development of the City Hill Precinct with other developments in the Territory; and

It has to be independent and it has got to be free to drive. The only way you can do that is through an independent and statutory authority. And then:

> iv. In keeping with the principle … above, it should require minimal to no additional bureaucracy and in-house support—

but there is a governor on this recommendation. It goes on to say:

> although if development demand substantially exceeds expectations its in-house support requirements might be revisited.

There is the kicker. If it gets up and it gets going, let us give it the resources to do so and to deliver what we all want on City Hill. What this means is: what you have to do is not smother, not suffocate, not stifle what people want, but give it the ability to drive, the freedom, the energy and the tools to make sure this can happen.

But that is not want Mr Corbell wants. He wants this delivered over 27 years because he wants control. Nothing is going to happen for the next five years because they have killed off the economy. There is no need for this. Mr Quinlan is there, rowing on his one oar, going around in a circle, the boatswain's mate. But in 27 years my twins, who have just left school, will be my age. That is the sort of time frame you are talking about. In 27 years, any child graduating from year 12 will be 1½ times their current age. That is the time frame that this government is proposing, and it is absolutely preposterous. This will become known as the opportunity lost.

There were editorials in the *Canberra Times* over the last couple of budgets about opportunities lost. This is opportunity absolutely lost. The government's approach today, their admission today and their lack of belief in the future of this city, as reported in the *Canberra Times* today, show quite clearly the failure of the economic white paper. It is not delivering anything. Where has the growth gone? It has disappeared; it has all been turned off.

The interesting thing is that on page 44, when they are discussing how the City Hill redevelopment or potential development should be delivered, it says:

> An example, which approaches the concept being considered, is the City West Precinct Committee, albeit that this body is established under the terms of the agreement between the Territory and the Australian National University, rather than legislation.

The next paragraph says:

> For reasons already expressed, however, a legislative basis appears at least highly desirable, and would enable the specific functions of the new body and its relationship with stakeholders to be carefully described ...

I suspect that if you read this bill—and I am sure that Mr Seselja will enlighten us—this is exactly what he has achieved in his bill, the bill that we are discussing here today.

What is this all about? This is a government that is scared of its own shadow; this is a government that cannot make decisions in cabinet because Mr Corbell will not let them. He likes to have his own way. Mr Corbell said that this is another layer of bureaucracy. It is not another way of bureaucracy; it is an independent bureaucracy that will deal only with City Hill and, if you had the courage, as minister, to define it, a further region. It is called the Civic Development Authority Bill. Your argument that Mr Seselja ignores the rest of Civic shows you probably have not even read the bill, because it says that you, as minister, would get to define the area, an area that has the flexibility to meet the needs of the time.

If Dr Foskey was concerned over that, it is also a disallowable instrument. It could come back here and be discussed by this Assembly. We could keep the required control while giving them the independence to get on with the job.

Mr Corbell said, "Look out the front door; this is not a city in decline." Why did the head of the CFMEU, George Wason, say he has got $350 million but he cannot invest it in this city because it is too hard? It is too hard under the reforms the failing planning minister has put in place that are slowing development and driving developers to Wollongong, Tweed Heads, Coffs Harbour, the Gold Coast, Adelaide and Melbourne. They cannot invest in this city because of the bureaucracy that Mr Corbell has put in place. We have to keep coming back to what it is we seek to achieve here.

The announcements says that something like $140 million in capital work is required. But we all know that there is no cash left because his cabinet colleagues have squandered it against the best advice of the Treasurer. Perhaps Mr Corbell should put aside his busway, which has no business case and cuts very little off the trip from the Belconnen town centre to Civic. According to his own chart, it delivers no extra patronage for the expense of $140 million. Perhaps he should surrender that money to the Treasurer. That would allow this to get on the road and it could get on the road today if they wanted it to. But they do not.

This is about control; this is about: "Do it my way or not at all." This is about: "Do it in my likeness or not at all." This is about rejecting the ideas of others. We then go on the radio and claim, "What right do they have, because they are well off, to be suggesting what the government should do?" They have the right that they are citizens and pay their taxes and they should be accorded that courtesy.

At the top of page 44, the report, referring to the task force, says:

> at this stage, it appears to the Taskforce that to effect these objectives—

the objectives they set out that they think should be achieved—

> the select body might be assisted if constituted under legislation.

I put it to you that the case Mr Seselja made in his speech to accompany the bill was that it can only achieve those objectives in a timely, commercial, focused and dedicated fashion if it is constituted under legislation, the sort of legislation that Mr Seselja puts forward today.

But let us not dither; let us not delay; let us not smother; let us not stifle; let us not suffocate the future of Civic. Define a bigger area, if you have the courage, Mr Corbell; use the powers that would be accorded you as minister by this legislation to say what is the precinct that you would like to see developed. That is what Mr Seselja has intended.

Obviously this bill will not get up today, and that is a shame. The standard for this government's operating procedure is: when in doubt, form another committee. When you have formed your committee, then blame the NCA. I am pleased to hear the minister say at last that he is going to negotiate with the NCA on something. Conversation between this current government and the federal government has been very poor, as pointed out by Mr Mulcahy in the last sitting week, on a whole range of areas where we have not communicated properly with the federal government, which also has great sway in this city, as the nation's capital, as is appropriate.

I commend this bill to the house. It is a reasonable bill; it is a reasonable approach. It will be killed off by those opposite, as so many opportunities have been killed off. This is an opportunity lost. This is an opportunity squandered. This is an opportunity that comes along very rarely. At a time when the majority of people in this city are interested in looking at something moving forward, unfortunately we have a backward-looking government.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.17): If someone does a study of this Assembly and how it operated in the noughties, debate like this would be a terrific example of what occurs in this place. We have had the Snow/Stewart plan put forward. I have to say that, when I first saw it, I thought, "That is a pretty picture. That looks good. I like that." On the first day, I asked the question: "What demand for space does this imply versus the potential growth of the city even on the most optimistic of projections?" That was the fundamental question. The fundamental question has come home to the working party that has looked at this proposal.

I refer to page 37 of the report. There is a diagram which shows that demand equals supply in accommodation, even with the existing and planned dock, at about the year 2025 and beyond—it stretches to 2030—to absorb the additional commercial office space implied by the City Hill project. Many of us slumped back when we realised that. I first saw that diagram or its original when I had a briefing from Treasury. I instructed Treasury to do some analysis. I instructed them not to be pessimistic, not to be Treasury-style conservative but to do some projection with an element of optimism and a bit of "build it and they will come". When you look at the whole project that is on offer,

the stars in the eyes quickly fade. You could say, "What are the commonsense things to do?"

I heard the opposition, in particular Mr Brendan Smyth, talk about the need to grow the economy, but I have not heard one constructive suggestion as to how to grow the economy. The one that stuck with me was the thriving fashion industry that Mr Smyth was going to engender into the town had they won the last election or the election before. I am very happy to hear some constructive suggestions as to how to grow the economy. I am sure you would be aware, if you wanted to look, if you wanted to see, that this government has applied more resources and energy to growing the economy than governments past.

In extending further on the theme that this would make a great case study, this legislation is "I am going to get in first" legislation. Someone puts a plan on the table and there is a public discussion about what the vehicle might be and whether we have a commercial body and then you have the opposition rushing in and getting some legislation drafted so that they can be first. All of a sudden you get some ownership of somebody else's idea: "I have not got many of my own." You get hold of the idea and try to own it and try to steer the publicity to say that it is an opposition full of ideas. We know that is nonsense and the little theatrics, the pantomime, that we go through.

Mrs Dunne's speech was, not atypically, more a discourse on the failings of the planning minister and a lack of spine, courage and vision. She is the one that for many years advised the dynamic Gary Humphries, Gary the unready. It is quite obvious now that Gary held her dynamism back and that it would have burgeoned had she been part of a winning election team.

I am glad to see that there has been some change over time. We would probably have seen the Liberals, had they been in government, rushing to this proposal under the banner of "build it and they will come". If you build the dam, it will be okay. What about "build a stadium and they will come"?

Mr Smyth: And they did.

MR QUINLAN: Only after all the money that was spent had been written off. In terms of its being an asset, under the audit reports, was it value for money? No. One section of the audit report said that it was not value for money. That is history now.

If you are in opposition, you can pick up on a possible project like this and say, "That looks good; it has got pretty pictures; we do not have to be responsible for it; therefore, we will be courageous and we will be adventurous." It seems to me that being courageous and being dynamic is so much easier over there than it was when you had anything to do with running the territory.

Although we would all like to think that the Colin Stewart plan for City Hill was viable—and I would love to think it was viable—if it was viable and if it was doable over a reasonable period of time, then I would be supporting legislation that set up a body to implement it as well. I would go for that. But I would have to be convinced. I would have to be sure that it was not like one of the examples used here, Docklands,

which seems to be struggling even now, with that great plan that they had down there. You still have to be convinced that it is not going to drag you down.

The focus that has gone on City Hill is fair enough. The debate that has flown from it has been a very constructive process. There is some suspicion that it was a diversionary tactic on the part of Terry Snow. Nevertheless, it focused on planning, and people took an interest in it. The *Canberra Times* embraced it and people become involved in it. That is a good thing.

However, when we just happen to have the hands on the levers of government, then we have to be practicable and we have to say what can and cannot be done. There was some byplay about the buildings that are now under construction and the cranes in the sky. I have a little list here that I quickly got in consultation with the planning minister: section 88; section 84; QIC; City West, which has a 10-year program, including student residences; Leighton's building, which has now got a government department as a tenant; Leighton are building NICTA; the Willemsen building; the building at Acton House; the Metropolitan on Northbourne Avenue or whatever that damn thing is. And it goes on.

There is plenty happening and that is what provides the projected space above the demand curve on page 37. We have to be aware of that; we have to at least be aware of the fact that there is a projected substantial increase in commercial space. Remember that City Hill is not just commercial space; it is also residential space. I am sure that further analysis would show that there is a similar situation in the projection for residential space, particularly with all those units that we are aware of that are going to come onto the market. Adding to that might create a scenario like you see on page 37 or even worse.

Then a responsible government says, "What do we do? How do we make sure that we take as much benefit out of this exercise as we possibly can but at the same time not just rush into it as fools sometimes do?" That is the process that we have undertaken. When the MBA comes out and says that it supports what the government is doing, you have a fair indication that the government has made the right decision in terms of addressing the available commercial space.

I return to my original theme. This would make a good case study on how this Assembly works. It is not about being constructive; it is not about being courageous; it is not about being dynamic. It is just about trying to pinch a bit of the action. We heard a couple of speeches from the other side which were almost totally designed as a personal assault on Mr Corbell who, I notice, did not take a whole lot of notice really. I suppose that is also a commentary on the fact that he has become quite inured to Mrs Dunne's continued personalising of debates. How many times did she repeat the same theme? In the last five minutes, it was just over and over, saying the same things in different ways. You will have to brush up the vocabulary to be able to keep it going without becoming totally cyclical in what you are doing.

As I said, this is a genuine case study in how things quite often operate here. The bottom line is that there is nothing constructive coming from that side of the house. This is not constructive; this is not dynamic; this is not courageous; this is some bloody petty little copycat process; and they are trying to bloody steal a little bit of the action. To try to paint it as courageous and dynamic, give me a break!

MR SESELJA (Molonglo) (5.30), in reply: I am pleased that the Treasurer has given us the opportunity to speak eventually. I thank all members for their contribution to the debate. I am particularly disappointed that this bill will not be supported. It is interesting that I have not heard any substantive arguments against it, particularly from the Treasurer. In fact, the Treasurer's main argument was that it is an "I am going to get in first" bill. We always enjoy it when the Treasurer comes in at the end of a debate and gives us his reflections on how the debate has been conducted. He put no substantive arguments whatsoever against the bill. All he could say was, "I am going to get in first." There has been a little bit of that in the planning minister's actions in relations to City Hill. He heard about Terry Snow's plan and he raced out and released his own. That is the pot calling the kettle black.

Before I conclude, I do want to respond to some of the points that have been made during the debate. Mr Corbell questioned which school of politics I had been to when I said that he had stacked the committee. It is technically true that there is not an ACT government majority on the task force. There were six ACT government representatives, one NCA and six non-government. Anyone who has been around politics or anywhere else or has dealt with committees knows that, if you have six members of a committee of 13 voting the one way all the time together, it is not very hard to get the result you want. You only need one other person to come on board.

It does not take a genius to figure out that you are pretty much going to get your own way most of the time if six are voting in a bloc and the others are not part of a bloc. In addition, you have the NCA as the seventh member. Whilst not part of the ACT government, Mr Corbell knew their views very much going in. As I made the point when we were having some banter across the chamber before, Rupert Murdoch does not have a 50 per cent share in News Corporation, but there is no doubt who controls it. I think that is true of this committee.

I point out that apparently the new policy under Mr Corbell is to do as he is told by the NCA. That is what we heard today. We heard that he does as he is told by the NCA. He said to us, "The NCA does not want to relinquish control of some of these areas. So we are just going to do as the NCA tells us." Has Mr Corbell lobbied the territories minister? Has he lobbied the Prime Minister? Has he lobbied his federal Labor ACT representatives? No. What he has done is: he has said, "Annabelle Pegrum said no, so we cannot do anything about it." This is the new attitude.

We always hear Mr Stanhope say that he wants to take on the federal government. We heard that response when we had the debate a couple of weeks ago in this place. What we had from Mr Corbell was: "No, we cannot do it because a public servant said we cannot." I do not know whom Mr Corbell represents but he should represent the people of the ACT. If there are changes that need to be made, why not lobby his federal colleagues? Why not lobby the federal government to make the changes? It is the elected representatives who makes those decisions, in the end; it should not be an unelected, unaccountable body, the NCA, which makes those final decisions. Mr Corbell's response on the NCA and on what kind of control it has had over this process has been illuminating.

As I said, there have not been any substantive arguments against this piece of legislation. Mr Corbell started off his speech by saying that it is ill-conceived, but he did not say why. He elaborated a little bit in that he said, "In part, because it is only limited to City Hill." To paraphrase Mr Corbell earlier, I do not know which law school he went to. But if he reads clause 7 of the bill, he will find that it talks about the minister declaring the Civic development area.

That is an area in the vicinity of and including City Hill, but that does not necessarily mean it is limited only to City Hill. It is only the area inside London Circuit. So there is scope. If you were to read the legislation you would see that the only substantive issue that Mr Corbell raised, that it would only be about City Hill, can be rebutted simply by reading the legislation.

Mr Corbell also selectively quoted industry groups and said that the MBA is opposed to a statutory authority. I am quite aware that the MBA is opposed to a statutory authority for City Hill, and I have been aware of that for some time. But that is not the view of the property council; that is not the view of the business council; that is not the view of the chamber of commerce. Three of the four significant industry groups in this territory which have expressed a view, that I am aware of, support the statutory authority. It is quite selective quoting to say that the MBA opposes it. I have the greatest respect for the MBA, but three of the four industry groups which have expressed a view on this issue are opposed to the MBA's view. That point needs to be put on the record.

I also point out, as Mr Smyth did, some issues in relation to the delivery vehicle. The report of the task force talks throughout about the type of delivery vehicle. The points it makes about what it should have are all reflected in this bill. It says:

> The vehicle should be one with a clear status, which is readily recognised by both Government and the private sector;
>
> It should have responsibility and input only for matters relating to the City Hill Precinct, enabling the dedicated and focused attention required, but with due regard for what is happening in the balance of the City;

That seems to be going against the point that Mr Corbell was making previously when he was criticising the bill. I continue:

> In particular, recognising the role of government, it should not be concerned with balancing the development of the City Hill Precinct with other developments in the Territory; and
>
> In keeping with the principle … above, it should require minimal to no additional bureaucracy and in-house support, although if development demand substantially exceeds expectations in-house support requirements might be revisited.

I refer to page 44 of the task force report:

> For reasons already expressed, however, a legislative basis appears at least highly desirable.

These are the words of the task force. Even with the task force giving Mr Corbell most of what he wanted, the task force supports a legislative model. It did not make a definitive judgment but it said that, if you are going to go with a model, a legislative model is probably the way to go. Referring it to a committee is certainly not the way to go. That is going to achieve very little. The government's response to this has been unfortunate.

The rejection of this bill is the culmination of the killing of the plans for City Hill. When presented with the opportunity to do something great for the future of Canberra, when presented with a once-in-a-lifetime opportunity, Simon Corbell has responded by doing nothing. He has responded by referring it to a committee, no doubt a committee which will tell him what he wants to hear. In five years time, nothing will have been done, and a great opportunity will have been lost.

It is worth revisiting how the government came to its position, announced today through the *Canberra Times*, not only to oppose this legislation but also to do nothing on City Hill. This is the five-year non-plan. The NCA started this process through the release of the Griffin legacy last year. In terms of stimulating debate on the future of Canberra, the NCA played a positive and constructive role through the development of this plan.

At around the same time, the Chief Minister was calling on the private sector to put their money where their mouths are and contribute ideas for Canberra. Terry Snow responded to this challenge by preparing his living city plan. Simon Corbell got wind of this and rushed out his own plan prior to the launch of the living city plan, which essentially took lots of bits from the Griffin legacy.

What did Mr Corbell do when Mr Snow launched his plan? He attacked him. He attacked Terry Snow for daring to put forward a plan which was different to his own. There is someone, on their own initiative and using their own money, seeking to contribute to a debate about the future of our city centre. On radio at the time, Mr Corbell said it was inappropriate for people with a lot of money, influence and contacts to seek to unduly influence a planning process. I can only assume he meant that, by contributing their ideas, they were seeking to unduly influence a planning process. I do not see how he has come to that conclusion.

Of course there was a marked difference between the planning minister's response at the time and the Chief Minister's response. The Chief Minister welcomed the plan. Mr Corbell attacked Terry Snow for going out with it. That is where this started. That is how all of this started. Now we have come to this point of referring it to a committee, this point of rejecting a positive initiative, writing it off as if it is no good without putting any arguments as to why you are going to oppose it.

Mr Corbell's press release of 11 May is interesting. In relation to the task force, it said that the planning minister directed the task force to provide advice on the delivery vehicle that is best suited to the planning and design outcomes. No recommendation, in the end, was made, and that is disappointing. Any discussion which was had or any view which was expressed by the committee backs our delivery vehicle. It backs the delivery vehicle that we have put up and that the government has rejected today and will be rejecting today.

What we are debating here today, and what this bill is about, one the government will be rejecting today, is a way of taking this debate forward. By rejecting this bill, the government is confirming that it does not want to do anything on City Hill. It has confirmed the do-nothing approach that Simon Corbell signalled at the outset of this debate, as I have referred to before.

There has been a real muddle-headed approach to a lot of these issues, most starkly demonstrated by a bit of a side issue but a similar issue. Today in the paper I read the comments by the planning minister on the proposed tunnel under City Hill. The report said:

> The government has … accepted the … recommendation to examine the feasibility of a … tunnel … not because … it's a good idea … but … to put the issue to rest once and for all. The way to do that is to do an analysis to demonstrate that it does not stack up …

You can imagine what a balanced analysis that will be. Are there any other issues that the government thinks are really silly and that it will commit money to, to demonstrate what a silly idea they are. The use of such funds needs to be questioned. It demonstrates a little bit of the haphazard approach of this government on this issue.

As opposed to the government's plan to shelve the City Hill proposal by sending it to a committee, this bill provides a mechanism for making it happen. In stark contrast to an unaccountable committee telling Canberrans what will happen on City Hill, the Civic Development Authority Bill would provide for a public master plan process to come up with the best plan for the future of City Hill. This would be subject to public and Assembly scrutiny. It would provide the necessary focus and expertise to get the job done and would be sufficiently independent to avoid the vagaries of changes of government over the life of the project.

The rejection of this bill is disappointing although not unexpected. It is the culmination of the minister's attitude to this process from the start. He has acted on this more like what people would ordinarily categorise the opposition rather than as a planning minister. He has responded to everything else that has been going on. He has responded to Terry Snow; he has responded to the NCA; he has responded to the opposition putting up positive proposals for the future of this project. What they have announced today is an indictment of this government. They will be rejecting this bill. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 6		Noes 9	
Mrs Dunne	Mr Stefaniak	Mr Berry	Ms MacDonald
Mr Mulcahy		Mr Corbell	Ms Porter
Mr Pratt		Dr Foskey	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope
Mr Smyth		Mr Hargreaves	

Question so resolved in the negative.

Road safety

MS MacDONALD (Brindabella) (5.46): I move:

> That this Assembly:
>
> (1) recognises that driver inattention and speed are major contributors to road accidents;
>
> (2) expresses concern that some drivers continue to drive under the influence of drugs and alcohol in spite of the overwhelming evidence that these substances reduce drivers' abilities to judge, concentrate and react to road situations;
>
> (3) acknowledges that keeping ACT roads safe is a shared responsibility;
>
> (4) urges drivers, riders, cyclists, pedestrians and anyone else who uses our roads to remain vigilant regarding road safety, particularly during holiday periods;
>
> (5) notes that the 2005-2006 ACT Road Safety Action Plan identifies key actions that aim to reduce deaths and injuries on ACT roads; and
>
> (6) recognises the important role educational road safety programs and initiatives play in increasing road users' skills and raising awareness about road safety practices in the ACT.

This year, Canberra's road toll has been horrific. Twenty-six lives have been lost on ACT roads, with the latest tragedy occurring last weekend when a motorcyclist was killed on Barry Drive. One life lost is too many and our thoughts go out to all those affected by the loss of loved ones on the roads. While the ACT has always been well below the national average for road death rates per 1,000 population, this year's toll and the upcoming holiday period emphasise the need for the issue of road safety to be raised in this place and again highlighted in the community. We know that the ACT is not alone in the deaths and injuries caused by road accidents. Road deaths and injuries continue to be national and global problems of massive proportions.

In Australia, on average, five people die in road crashes every day, with more than 171,000 people being killed on Australian roads since the advent of motorisation in the late 1890s. Worldwide, more than 3,000 people die in road crashes every day. These are horrendous figures. Hundreds of thousands more are seriously injured and disabled every year as a result of road crashes. It is estimated that, globally, there are about 100 million families trying to cope with the death or disability of a family member involved in a road crash.

Road traffic injuries also have disproportionate effects on young people. More than 50 per cent of the road deaths worldwide occur among young adults aged between 15 and 44. Males are almost three times more vulnerable than females. In 2002 the rates were 27.6 per 100,000 males and 10.4 per 100,000 females. As people in the most economically active age groups are also those most affected by road crashes, there is an

increased burden on poorer countries attempting to tackle poverty and raise levels of economic growth.

In 2004 the World Health Organisation recognised the urgent need to reduce deaths and injuries on our roads and raise global awareness about road safety. In 2004, for the first time since World Health Day commenced in 1950, the day was dedicated to road safety. World Health Day attempts to involve a wide range of people at local, national and international levels. The 2004 World Health Day slogan "Road safety is no accident" highlighted the fact that road safety does not happen accidentally but requires a deliberate effort by governments and their many partners.

Based on current trends, annual road traffic deaths and injuries in high income countries such as Australia may decrease by up to 30 per cent by 2020. These projected decreases will be due to the substantial efforts these countries have made and will continue to make to improve road safety. However, these efforts need to be implemented throughout all countries in the world. More has to be done on a global level. At both the local and national levels much is being done to improve road safety and reduce fatalities and casualties. Not only does the ACT government consider road safety a top priority but so too do all Australian state and territory governments. The federal government could always provide more funding to improve road infrastructure and upgrade black spot areas, but it too has recognised the importance of promoting safe road use practices. I have no doubt that it considers road safety to be an important issue.

The ACT government has demonstrated its commitment to road safety through the development and implementation of its road safety strategy and action plans and its participation in the development of the national road safety strategy 2001-10. Adopted by the Australian Transport Council in November 2000, the national road safety strategy came into effect in January 2001 and was developed by all Australian jurisdictions. The target of the strategy is to reduce the annual number of deaths per 100,000 people by 40 per cent from 9.3 in 1999 to no more than 5.6 in 2010. Achieving this target will save an estimated 3,500 lives by 2010, reducing annual road deaths by approximately 700.

Since the implementation of the road safety strategy the annual road fatality rate in Australia has decreased, but more needs to be done to increase driver awareness and responsibility before the target can be reached. Making our roads safer for all users and keeping them safe is a responsibility that needs to be shared by all in our society. The government, the police, vehicle manufacturers and the community all have important roles to play in improving road safety levels on our roads. But there is only so much they can do as, ultimately, the greatest responsibility lies with the individual.

Motorists everywhere must take responsibility for driving safely within their own capabilities and according to the prevailing road conditions. Unfortunately, too many motorists still have not accepted this responsibility and continue to endanger their lives and the lives of other road users by their irresponsible actions. A significant number of motorists still speed, drive while under the influence of alcohol or drugs, do not wear seatbelts, or just do not pay enough attention while driving. In Australia alcohol remains one of the highest single causes of road deaths and injuries.

Research has consistently shown that driving performance skills such as concentration, divided attention and reaction time are impaired at blood alcohol concentration levels of

around 0.05 grams per 100 millilitres. At this blood alcohol concentration level a driver has double the risk of a serious crash than at zero. At 0.08 the risk is double that at 0.05. Although significant reductions in drink-driving have been achieved over the past decade, one in every 1,000 motorists still does not restrict the amount they drink when driving. It has been estimated that there would be a 24 per cent reduction in fatal crashes if no drivers used alcohol and a 13 per cent reduction if no drivers used other drugs.

While studies have shown that cannabis and other drugs impair performance on driving-related tasks, evidence still suggests that alcohol is a bigger road safety problem than all other drugs combined. Considerable efforts have been made by all Australian governments, including the ACT government, to inform and educate the driving public of their responsibilities. As with drink-driving, there is evidence from an extensive body of research that even small reductions in vehicle speeds result in a marked reduction in the number of road fatalities and serious injuries.

While there is growing public understanding of speed risks and majority support for strict approaches to speed management, there is still a widespread belief that only speeds well in excess of current limits are risky. Research has shown, however, that motorists travelling five to 10 kilometres per hour over the set speed limit double the risk of a casualty crash. Evidence also shows that, although moderate speeding within 10 or 15 kilometres per hour over the posted limit is far less risky than more extreme speeds, it makes a comparable contribution to serious road crashes because it is so common.

The majority of drivers in our community are well informed and aware of the dangers and risks associated with speeding and driving while under the influence of drugs or alcohol. However, some drivers are still unaware of the importance of paying attention and concentrating while driving. Driver inattention has been found to be a major contributor to road crashes. We know the dangers associated with talking on a mobile phone while driving—and this is now illegal—but there are many other distractions that are just as dangerous.

It is up to motorists to be sensible and pay attention to the task at hand. Every day a large number of motorists engage in various activities while driving including eating, drinking, reading, writing, shaving, applying make-up, smoking, using mobile phones, changing music and conversing with passengers. Distractions reduce drivers' abilities to react to certain circumstances and we know that reacting even a split second earlier can make a huge difference to the outcome of an accident. It is important for motorists to be aware of the dangers of inattention and distractions, particularly during holiday periods when distractions can be increased. Families often travel in the school holiday period and children in particular find themselves with time and room to explore and have fun. At the same time, this period is all too often marred by tragedy, as it can be a time when vehicle and pedestrian accidents peak.

On average, during holiday periods each year 36,000 Australian children are injured severely enough to be admitted to hospital. The four major causes of these injuries are deaths in motor vehicles, drowning, pedestrian deaths and deaths caused by fire, smoke or flames. Looking at these categories, we can identify generally that the most likely place a child will be involved in an accident will be near a road or driveway or in the family home. For instance, each year around Australia 50 children die from pedestrian

injuries and, for every death, there are 25 children admitted to hospital. The tragedy of these deaths and injuries is that many could quite simply have been prevented if a little extra time and care were taken to watch out for or pre-empt the dangers that might lurk around the home or near driveways or roads. This is particularly important coming up to the school holidays, which begin next week.

It should be kept in mind that, when children are playing, even near quiet suburban streets, they are still likely to have trouble judging the speed of a car, have trouble telling where noise is coming from or even have trouble seeing over bushes or parked cars. This places them at risk. To fight these dangers there are a number of important steps that can be taken to prevent both pedestrian and home-related accidents, such as slowing down in areas where children might be playing or riding; ensuring that, when backing out of driveways, no children are near or likely to walk in the path of the car; and ensuring that school-aged children on holidays receive adequate supervision and care.

A number of programs, initiatives and organisations have played an important role in ensuring that children and their parents are aware of and briefed on the dangers that pose a risk to them. These programs have been very successful and, since 1979, the number of child fatalities and accident-related injuries has halved. The ACT kidsafe program, school safe, was implemented in all ACT primary schools at the end of 2003 and provides a mechanism for schools to improve safety at school by integrating changes to the safety-related curriculum. This program has been particularly useful in increasing the awareness of school-age children to things like safety in school car parks, at bus stops and on roads. These skills and this knowledge are useful at all times.

The ACT government has also played an important role in developing and facilitating road safety awareness strategies and plans which are useful in safeguarding motorists and children over times like school holidays. The introduction of 50-kilometre per hour zones in residential streets and 40-kilometre per hour zones around schools is a good example of the government's commitment to ensuring the safety of our children.

The emphasis on fighting driver fatigue is another relevant strategy for many ACT families who travel outside the ACT over the school holidays. Many of these families, for instance, travel to the north coast, to the south coast, to Sydney, to Melbourne or to regional New South Wales—areas that are many hours drive from the ACT. These roads are unfamiliar to many Canberrans. They generally have high speed zones and over the school holiday period can often be congested with other travellers. I would urge all road users to be vigilant when it comes to road safety, especially during holiday periods, and to be prepared and organised while travelling. Know your holiday address and tell others where you will be; carry first-aid equipment and know first aid. Although these are small safety measures, they are nevertheless skills which can save lives.

The ACT government's road safety strategy and action plans also aim to curb death, injury and trauma on our roads. These are being implemented not only by guaranteeing stricter enforcement of road rules but also by ensuring that public education is a high priority, ensuring that particular emphasis is placed on developing program awareness for vulnerable road users, including cyclists, the elderly and, importantly, school-age children. I have many more notes but I am about to run out of time. I commend the motion to the Assembly, in light of the upcoming holidays.

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, and the motion for the adjournment of the Assembly was put.

Adjournment
Industrial relations

MR MULCAHY (Molonglo) (6.00): We have had some discussions on industrial relations today. As I mentioned yesterday, today is a day of some significance in industrial law in that it is 20 years today since a small family business in Melbourne successfully brought a common law action against the Federated Confectioners Association of Australia for damages as a consequence of the damage inflicted on the Dollar Sweets Company in Melbourne. Much has been made of the legal side of that matter. It is taught in our universities not only because of the precedent established but also because the junior counsel has ended up as the country's federal Treasurer. The real story of what happened at Dollar Sweets lies in the 143 days that preceded the case, and is something on which it is appropriate for us to reflect.

Mr Gentlemen said that this sort of tyranny went on in days of old. He also said that the sort of conduct he cited as occurring when Mr Reith was the federal minister was conduct never engaged in by unionists. I do not have to tell you, Mr Speaker, as I am quite sure you know because you have been on the scene longer than I have, that in fact Dollar Sweets saw all of that and much worse occur. This was a family business. The Stauder family were immigrants to Australia.

Alfred Stauder senior, who was an accomplished confectioner in Europe—he produced products for some of the leaders in Europe—brought his family to Australia, where they established a small confectionery business known as the Dollar Sweets Company. His son Fred, who had the same name, and his son, also of the same name, all worked in the business at different times. They believed in doing the right thing as a small business. Today we heard discussion about the accord. They adhered to Mr Hawke's accord but for their compliance with the accord they got tyranny and terror. In that industrial dispute the lives of employees were threatened, to the point where police had to provide protection.

We saw the company threatened and we saw arson attacks on the business. It did not come out at the time but I will tell you today that contact was even made with Coles, advising that cyanide would be put into the "hundreds and thousands"—the products that kids around Australia had on their birthday cakes. It was only under threat of publication of this fact that we eventually got Bob Hawke to step into the equation and tell this militant union to back off. But they continued to persist, and it resulted in damages and litigation.

This case was an eye-opener to the sort of thuggery that we were told did not exist. I saw the electrical trades union come around and threaten to cut off power; I saw the plumbers and gasfitters threatening to cut off gas; I saw the transport workers union blocking activity; and I saw Telecom workers refusing to restore telephone lines after they were severed in the midst of this dreadful industrial action. We saw a union leader who went to Libya as a guest of Colonel Gaddafi to align himself with this sort of regime who, at

the same time, was pleased enough to attack a small family business which was not doing anything wrong but trying to support the accord that had been agreed between the ACTU and the Australian government.

This was an extraordinary example of what happens if you try to do the right thing and stand up against militant unions. I saw tyranny on a scale I have not seen before. Most of the people working in that plant were of either Mauritian or Greek extraction. They were terrified at what they were being subjected to when they were simply trying to carve out a living for their families. Most of them lived close by the factory, in the area of Malvern in Victoria. It was only through persistent determination on the part of the owner, Fred Stauder, that he was able to withstand the tyranny he observed. Sadly, employer organisations—members of the IR club—showed little more support than did many of the militant unionists who went around disregarding section 45D of the Trade Practices Act.

That story is yet to be fully told but it is a sad day in Australia when people are subjected to this level of intimidation. It was a just result that the courts in Victoria came down firmly on the side of the victims, being the company. I would not want to go through anything like that again, but I am proud that I spent six months of my life helping to defend this company and its employees. It certainly was an example of what happens if you take on union thugs. It was difficult for one and all. It is important that we reflect, when we hear so much about IR, on what happened 20 years ago today.

MR SPEAKER: The member's time has expired.

Death of John Ducker
Sydney riots

MS MacDONALD (Brindabella) (6.05): I wish to raise two matters this evening. The first is the passing on 25 November 2005 of John Ducker, former secretary of the New South Wales Labour Council and member of the New South Wales Legislative Council. John Ducker's contribution to the labour movement and to the Australian Labor Party is well known. That is well and truly on the record and I need not reiterate it. Although I had the privilege of meeting John only once, I would like to record in this place the passing of a great man and pass on my condolences to his family.

Secondly, I refer to the terrible incidents that have taken place in Sydney over the past few days. In my inaugural speech on 11 December 2001, I said:

> My perception of Australian society over the last six years is that we have become insular and less caring about our fellow citizens. As an observer of history, and of my own family history, I find this very disturbing…
>
> My maternal grandparents were German Jews … they were lucky enough to be offered places in this country…

I went on to say:

> … it is my belief that my grandparents made a huge contribution to many aspects of this country, not least through their contributions to culture and work.

> For all the denials of the practitioners of wedge politics, the parallels with what has been taking place in this country and Nazi Germany are there to be seen by those who will look. They are subtle, but becoming less so. People in this country have been put under so much pressure by the erosion of core services and values that consequently they have sought to scapegoat those who are different. In 1933, the German people allowed Hitler to become their dictator. They gave up democracy and believed that the reason for their troubles was the Jews, the unionists, the intellectually disabled, and the Slavs. In other words, those who were different.
>
> While I do not believe that the people of this country would give up their democracy, there has been too much "us and them" behaviour. As I said earlier, my grandparents contributed a great deal to this country. They were not unique, and there have been countless immigrants to this country who contributed pieces to the puzzle of our Australian society, our Australian community. I will always speak against the policy of xenophobia, so that this rich tapestry of Australian life can continue to flourish.

Following my speech, several people made comment on that part of it. One person, a member of the Liberal Party, suggested I was being hyperbolic and outrageous in drawing parallels between Nazi Germany and Australia under the current federal government. I grew up in Maroubra and then Coogee. From school, university and work I knew and was friends with many people from the Sutherland shire. The scenes of the weekend were shocking in the extreme to me, not least because I am greatly familiar with those places. The Sutherland shire is a very Anglo, homogenous society—insular, wary of outsiders and not open to change.

A real estate agent in the area whom I know has readily admitted to working with other estate agents to stop Asians from buying in the shire. This is not something I say lightly under privilege. In contrast, the area of Maroubra, while always a fairly rough area when I was growing up, was always culturally diverse. There are no doubt many reasons to explain the shocking behaviour that has taken place in Cronulla and flowed on to other areas of Sydney in the last few weeks. Most of these we have limited or no control over but, as elected representatives, we have a responsibility to be careful of what we say, both within and outside of our legislatures. To illustrate my point, I quote Tony Burke, federal member for Watson. He said:

> … there is something about the federal parliament that goes way beyond the legislation we pass here and way beyond our constitutional powers. I realised this one day about eight years ago when Cathy came home from work and told me the children were playing differently at the community based child-care centre where she taught and racist taunts had suddenly crept into the language of the children as they played. It did not happen because any law had changed. It did not happen because of government spending. It happened because a speech had been made by an Independent member in this chamber which was seen to legitimise racist comment in the name of free speech. There is something about what is said in this chamber that changes the mood of the nation, that gives us a role in affecting how Australians relate to each other. Just as we have the capacity here to run our politics in ways that appeal to the worst of the attitudes in Australia, we have the capacity to appeal to the best …

I will finish with what Hugh McKay said about this yesterday. He said each of us has the capacity to be a noble or to be a savage. We should encourage the noble.

Bushfire fighting—use of helicopters

MR GENTLEMAN (Brindabella) (6.10): Last Wednesday was a typical hot summer's day in Canberra and a perfect time to launch the new specifically designed helicopters to assist us during this year's bushfire season. The helicopters, based at Canberra airport from December this year until February next year, are a Bell 212 and an Aerospatiale AS350BA Squirrel. The Bell 212 can carry 1,600 litres of water in a belly tank or transport eight firefighters, whilst the Squirrel can carry 600 litres of water in a Bambi bucket or transport five firefighters. The helicopters are set up for aerial water bombing, reconnaissance and transport of firefighters. The aircraft are operated by Heli-Aust, a Bankstown-based company, in association with Wildcat Helicopters of British Columbia in Canada.

The helicopters are here as a joint effort between the ACT and New South Wales governments, as well as the commonwealth government, through the national aerial firefighting centre program, an initiative that arose from the bushfires of 2003. To assist in the operation of these aircraft the remote aerial firefighting crews—or RAFT—from the ACT RFS are undergoing training with the aircraft, which have been fully operational since last Wednesday. I note that ACT Rural Fire Service volunteers are highly skilled firefighters and they are very happy that they will have these resources as support during the height of the bushfire season.

The launch of the helicopters was attended by the minister for emergency services, John Hargreaves, the territories minister, Jim Lloyd, and me. It was quite a pleasure for me to meet the pilots who will be flying these aircraft, in particular, a Canberra local, Mr Matt O'Brien. Members may recall that it was Matt, along with the Chief Minister, who saved the life of another pilot in 2003. Matt was saying how good it would be to fly around the areas he grew up in, particularly the mountains, where he spent a lot of time biking and walking. He reflected on how these aircraft will be a great timesaving measure, as well as being able to do something positive in any situation.

The other pilot is Mr Tyler Hupp, who is here from British Columbia, Canada. This will be his first Australian bushfire season. The aircraft will allow us to have eyes in the sky and will be put to use on fires in areas that are otherwise difficult to get at. Mr Peter Dunn, Commissioner of the ACT Emergency Services Authority, explained that the helicopters have the ability to put water, foam and personnel exactly where needed. They also shorten response times in getting to fires in remote areas, and assist in keeping fires small and easy to control.

After the formalities of the launch had concluded, pilot Matt O'Brien took the Squirrel up for a bit of a test run on its return to Fairbairn and I was lucky enough to be able to join him. We took off from Parliament House, circled the house and headed west towards the Brindabellas, before going back to Fairbairn. As we headed away from Parliament House, Matt asked if we would like to see how the Brindabellas have recovered since the fires.

As we flew over Dairy Farmers Hill we had a fantastic view of the site of the new arboretum and how the fire-affected areas were recovering after the 2003 fires. As we headed around, Matt pointed out where the bushfires came through over Mount Coree.

We could see the regrowth on the Brindabellas. Turning around before reaching Mount Stromlo, we could see the areas that will be rebuilt at the Stromlo and Uriarra villages, but we could not see the Pierces Creek area at all. That is right, there was no view of the Pierce's Creek area, even from that lofty position in the chopper. I guess it begs the question as to why the NCA is hindering the ACT government's rebuilding of this area when it is so far from Canberra and the central areas controlled by the NCA.

Joining me for the ride in the Squirrel was the territories minister, Mr Jim Lloyd. He could not see Pierces Creek from that lofty position we were in either. It is interesting that not even from a helicopter could Jim Lloyd see Pierces Creek. One has to wonder why this minister and the NCA would have any interest in a settlement so far out of the way that Jim Lloyd could not even see it from a helicopter. I congratulate Minister Hargreaves, the NSW government and the federal territories minister for their cooperative approach to natural disaster management. I am very proud that our local pilot, Matt O'Brien, will be looking after us again this summer.

Mr Mick Gentleman
Ms Mary Porter

MR SESELJA (Molonglo) (6.15): I did not hear all of Mr Gentleman's closing speech this afternoon on his IR motion but I do not think he responded to my challenge, which was to explain, without notes, why he opposes secret ballots. I do not think that would have been very hard to do. I would have thought that someone as passionate about industrial issues as Mr Gentleman—someone with the background he has as a union organiser—would have had no trouble explaining to us, without a written piece of paper in front of him, exactly why he opposes secret ballots and exactly what they do. I again challenge him to tell us when next he gets the chance to speak.

Maybe he could occasionally do some other speeches without notes. Mr Gentleman often reads from his papers and uses nasty words. He attacks me, he attacks the opposition leader and he attacks Mr Mulcahy. We want to see some passion from him sometimes. We want to see him drop the notes and tell us what he really thinks. That is what I expect from the Labor Party, from the passionate union activists that we see on the other side. I look forward to seeing a bit of that in the future.

Unfortunately, even when Mr Gentleman is reading, he sometimes comes out with funny statements. I will highlight this one because I think it is an issue. In the context of having a go at me yesterday he said, "I see no problem with this recommendation; it helps achieve gender equality. If we do not target minority groups, then how can we have equality?" Last time I checked, I did not think women were a minority group. I do not know if other people are able to count, but I think women make up about 50.5 per cent of the population, or something along those lines.

The term "minority group" suggests that people are in the minority, and the term is offensive. I think the affirmative action policies of the Labor Party in their preselections and in other areas are offensive to women. They suggest that women are not up to the task, but I do not believe that. I believe women have an amazing amount to contribute to society. I do not believe affirmative action for so-called minority groups in relation to women is the way to go. I think that is quite a silly use of language.

I tried to respond yesterday to Ms Porter, but I was not granted leave by the always helpful Mr Corbell and others. I make the general comment that lately Ms Porter has been getting quite nasty. We had the attack on Mrs Dunne yesterday; she attacked me for being "mean and tricky"; and, of course, there was the press release about the Grinch who killed the Christmas lights. This is becoming a pattern. I prefer the old Ms Porter, the old Mary Poppins Porter.

MR SPEAKER: Order! Refer to members by their proper titles, please.

MR SESELJA: Thank you, Mr Speaker. I prefer the old Ms Porter, who was pleasant and friendly when she came into this place. All I have seen is a lot of nastiness. I do not know if it is someone in her office who is writing the stuff or if she is saying to them, "Look, give me something nasty to say in the chamber when I go down." I have to respond to her allegations of me being mean and tricky.

Ms Porter: Sneaky.

MR SESELJA: Mean and sneaky; I apologise. She said, "Mr Seselja lulled us into a false sense of security, leading us to understand that he was willing to work with other members, rather than against them." I do not know if Ms Porter's memory is fading but, in the committee, we spoke at length about various things. After something I put up was knocked off, I would say, "I'm probably going to make some dissenting comments on that." In fact, in the very case on which she sided with me when I said to Mr Gentleman that we should put in the ACTION patronage figures, Mr Gentleman said, "Fine, let's put in the ACTION patronage figures." I did not get everything I wanted in, so I said, "I'll probably make some dissenting comments on that." Mr Gentleman then said, "Well, if you're going to make dissenting comments about it, I'm not putting it in." Amazingly, Ms Porter backed me and said, "That's just silly. He should be able to put it in and make dissenting comments anyway."

Then Ms Porter came into the chamber yesterday—I expect having forgotten about that exchange—and said, "This is mean and sneaky. You pulled one on us. I voted with you. I would not have voted with you if I had known." I have to repeat that. I think that, from now on, we can just stick to the issues when discussing committee reports. The fact that I presented a dissenting report should not be offensive to Ms Porter. I think Ms Porter should start showing a bit more of her softer side, because the nastiness we have seen from her lately does not become her.

Scouting
Jump rope for heart

MR SMYTH (Brindabella—Leader of the Opposition) (6.20): I rise to speak tonight about young people—not young people generally across the country but specifically young people here in the nation's capital. Young people often get a lot of flack, and the media are often keen to portray the burnout specialist, the graffiti artist, the vandal and the violence that, unfortunately, sometimes occurs in this country. It seems to me that, unless we have perhaps a very talented young sports star, young Australians very rarely get the credit they deserve.

Last week in this place—Mr Hargreaves was there and Mr Seselja turned up—we honoured 20 young Canberrans, whose ages ranged from early to mid-teens, who received their Australian scouting medals, but there was not a skerrick of reporting, there was not a reporter or camera to be seen. I think that is a shame.

I want to talk about two young Canberrans—Michael and Sean Crompton of Fadden—who are sitting in the gallery tonight with their parents. Michael and Sean have done remarkable things in the last couple of years in the jump rope for heart event run by the heart foundation. I think it is important that they get the credit they deserve because, from what I have heard—certainly in the Fadden primary school—they have become an example to other kids who are perhaps not talented sports people or necessarily academically talented and who do not necessarily get the credit they deserve.

Two years ago when Michael was 10, he set a 20-year record for fundraising in the jump rope for heart event, raising $3,102. It takes a large number of sponsors and a lot of jumping rope for heart to raise that sort of money. For those who come from families where there was a second or third sibling, sometimes living in the shadow of your older brother or sister can be a bit tough, but it has obviously toughened young Sean up a lot. Sean is eight this year and is in year 4 at Fadden primary. He set an ACT record this year when he raised $4,110. For an eight-year-old, that is a pretty big challenge. It is an outstanding outcome for somebody who was determined to beat his big brother. Perhaps the competition is healthy and perhaps it is not, but I think it is. It certainly shows that, when they set their minds to a task, young people can do something quite extraordinary. That is only the second largest amount raised in Australia. Last year a six-year-old girl from Brisbane raised $4,500 in the jump rope for heart event. She should get the credit she deserves as well.

Sean, who is now the ACT record holder, and Michael, who at the time was a 20-year record holder, certainly deserve the credit they receive. They certainly deserve recognition for the example they have set for their peers at Fadden primary school. From talking to their parents, I have learnt that it really is a matter of setting challenges for young people and then, as parents, helping them to achieve those challenges. I want to honour their parents—Anne-Marie Pope and Bill Crompton—for the assistance they have given the boys. I found it interesting when Bill told me that he is two months behind on the jobs he should have done at home, but that he can see the changes this event has made in the lives of both Michael and Sean, in coming to realise that they can make a difference. That is something very dear to their family.

The family have a history of heart attack and stroke. Rather than not doing anything, they got out there and made a huge difference. The important thing is that they tried. Both Anne-Marie and Bill told me of the difference this has made to Michael and Sean. It has given them confidence and skills, and the ability to look people in the eye and get people's attention. I was conned at the Chisholm shops late one Saturday afternoon when accosted by an eight-year-old who asked whether I would donate to his adventures. He got very good at it. Week after week as we went back to do our shopping there, you would see Bill and Sean making a difference in their community.

I take this opportunity to bring to the attention of the Assembly that it does not matter how old you are. Like the old adage, it is not the size of the dog in the fight, it is the size

of the fight in the dog. The fight is there strongly with Michael and Sean. In this city we are growing young Australians who will in the future be adult Australians and, potentially, leaders of Australia. Clearly the Crompton family are doing a very good job. In the local community of Fadden primary school they have set a fabulous example for a large number of kids and have received a great deal of praise from other parents, who have said, "You have set a lovely example for my kids and for that we are very grateful." To a wonderful Fadden family, well done.

Question resolved in the affirmative.

The Assembly adjourned at 6.25 pm.

Schedule of amendments

Schedule 1

Limitation Amendment Bill 2005

Amendments moved by the Attorney-General

1
Proposed new clause 3A
Page 2, line 8—

insert

3A Other claims for damages for personal injury
Section 16B (3) to (6)

omit

2
Clause 4
Page 2, line 9—

[oppose the clause]

3
Proposed new clauses 5 and 6
Page 2, line 21—

insert

5 Special provision in relation to children—claims relating to health services
Section 30B (6) and (7)

omit

6 New part 5

insert

Part 5 Transitional

100 Application of amendments made by Civil Law (Wrongs) Amendment Act 2003 (No 2)

(1) Section 16B (Other claims for damages for personal injury) and section 30B (Special provision in relation to children—claims relating to health services) do not apply to a cause of action that arose before 9 September 2003.

Note This is the date the section commenced.

(2) This section expires 5 years after the day it commences.

(3) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.