Debates

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Tuesday, 14 February 2006

Legal Affairs—Standing Committee 1
Health and Disability—Standing Committee 3
Human Rights Commission Legislation Amendment Bill 2006 5
Civil Law (Wrongs) Amendment Bill 2005 (No 2) 7
Questions without notice:
Review of government expenditure 29
Convention centre 32
Taxation—GST agreement 34
Policing 36
Waste recycling 38
Prison—funding 39
Epicentre 42
Yarralumla brickworks 43
Yarralumla brickworks 45
Quamby Youth Centre 46
Calvary Public Hospital—psychogeriatric facility 47
Answer to question on notice and questions without notice:
Question No 832 48
National competition policy payments 48
Auditor-General's reports 48
Papers 48
Executive contracts 49
Legislation program—Autumn 2006 50
Papers 53
Budget 2005-2006—Mid year review 54
Papers 54
Public Accounts—Standing Committee 55
Papers 55
Emergency service volunteers (Matter of public importance) 59
Casino Control Bill 2005 72
Adjournment:
Abortion 80
Income tax cuts 81
Question on notice No 832 83
Yogie awards 83
Christmas lights 84
Tamil senior citizens aged persons units 84
Government achievements 86
Schedules of amendments:
Schedule 1: Civil Law (Wrongs) Amendment Bill 2005 (No 2) 89
Schedule 2: Casino Control Bill 2005 89

Tuesday, 14 February 2006

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

Legal Affairs—Standing Committee
Scrutiny report 21

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

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 21, dated 6 February 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny Report 21 contains the committee's comments on five bills, 20 pieces of subordinate legislation and nine government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Legal Affairs—Standing Committee
Scrutiny report 21

MR STEFANIAK (Ginninderra) (10.33): I present the following report:

> Legal Affairs—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*, dated 7 February 2006, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MR STEFANIAK: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I move:

> That the report be noted.

On 18 October 2005 this report, along with other reports, was referred to the Standing Committee on Legal Affairs. On 4, 11 and 25 November the committee held three lots of

public hearings to examine the reports of the Department of Justice and Community Safety, the Legal Aid Commission, the Public Trustee, the ACT Ombudsman, the Electoral Commission, the Director of Public Prosecutions, the Nominal Defendant, ACT Policing and the victims of crime support program. Those who attended the public hearings are listed in appendix A of the report.

The committee did not make any comment on the reports from the Nominal Defendant, the victims of crime support program, the Public Trustee and the Ombudsman. However, it commented on a number of other reports. The inquiry provided members with an opportunity to clarify issues that had been raised in those reports. As a result of these hearings the committee noted a number of things. Firstly, it noted that resource constraints had impacted heavily on organisations such as the Office of the Community Advocate, the Director of Public Prosecutions and the Legal Aid Commission.

The committee notes that such constraints necessarily restrict the quantum of services provided by such agencies and also compel agencies to rigidly prioritise services. The committee is concerned that the overly tight funding and staffing constraints might impact on ACT residents who would receive fewer or more limited services than those available in the rest of Australia. The issue of staffing numbers was dealt with in relation to the ACT Policing report and the report of the Director of Public Prosecutions. The director said that ideally he would have liked three additional members of staff. However, that agency sometimes receives additional assistance when it is dealing with certain big cases.

The committee raised a number of matters when dealing with the report of the Department of Justice and Community Safety—for example, the cost of in-house and external counsel, capital costs and the size of the Alexander Maconochie Centre, the proposed ACT prison, the establishment of a restorative justice unit within the department to deal with restorative justice issues, data collection, and the management and administration of courts and tribunals. This hoary old chestnut goes back to when I was Attorney-General. A few years later I raised the issue with the then Attorney-General when our roles were reversed. It is still an issue of concern.

There are other concerns relating to data collection and to the ability of the courts to supply data that is necessary for the citizens of Canberra, the government and the Assembly. The committee also examined departmental obligations and industry impacts under the Agents Act, and the certificate validation service in the Office of the Registrar-General. Concern was also expressed about the availability of drug and alcohol programs at the ACT remand centre. I draw to the attention of the government a number of issues that caused concern.

Another organisation that does an excellent job but that is sometimes stretched is the Legal Aid Commission. Like the Office of the Community Advocate one of the matters given heavy emphasis in the commission's annual report is the adequacy of funding and the consequential impact on services, particularly in relation to the level of fees paid to the private profession. The chief executive officer acknowledged at the public hearing that last financial year was more positive, with a return by the private profession to legal aid work, which is a good thing. At an earlier committee inquiry we referred to the fact that problems were being experienced because a number of private practitioners were not participating in this scheme. I am pleased to see that there is an improvement in that area.

The Commonwealth and the territory jointly fund the Legal Aid Commission. However, the Commonwealth could alleviate a lot of its financial pressure. Other issues that the committee explored related to the employment of law students in case management. I have already referred to the report of the DPP but the following statement in that report is worthy of note:

> The pressures on this office have to date been managed but I believe that cracks are starting to show in its ability to continue to deliver services at the level which the Canberra community is entitled to expect.

As I mentioned earlier, the director is of the view that an additional three prosecutors are required to deliver the appropriate service. The committee referred to its previous report and to concerns expressed by the DPP last year about the lack of statistical information to adequately inform policy development. I urge the government to give close consideration to a number of issues in those reports. I thank the committee secretary, Robina Jaffray, and my two colleagues on the committee for the preparation of this report and I thank the various ministers and officials who made themselves available.

Question resolved in the affirmative.

Health and Disability—Standing Committee
Report 2

MS MacDONALD (Brindabella) (10.40): I present the following report:

> Health and Disability—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*, dated 10 February 2006, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MS MacDONALD: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MS MacDONALD: I move:

> That the report be noted.

This report contains three recommendations. First, the standing committee recommends that data to enable comparison between financial years be included in all tables provided in annual and financial reports. Second, the standing committee recommends that government agencies be cognisant of and adhere to the timelines for the production of annual and financial reports in order to avoid any need to circulate different versions of the report. Third, the standing committee recommends that all annual and financial reports be thoroughly and closely edited before submission.

As members can see, those recommendations and the report basically are straightforward. The report lists all those who appeared before the committee and its recommendations are administrative. The committee specifically noted that the transmittal certificate—and I am trying to recall off the top of my head which department was involved—refers to the wrong section of the Chief Minister's directions on annual and financial reports. That error should have been picked up by anyone going through the report and checking it.

In the main it was reasonably smoothly run. I thank the committee secretary, Ms Eleanor Eggerking, for her assistance with the report. This was her first, and possibly last, committee report because she will be leaving us in the next few months. I thank my colleagues Ms Porter and Mrs Burke for their assistance last week in getting through this report fairly quickly. I also thank all ministers and their officials for attending and for their cooperation. I commend the report.

MRS BURKE (Molonglo) (10.43): I concur with many of the comments made by the committee chair, Ms MacDonald, and I thank her. I think we have a fairly good committee that ticks along very well. Committee members were under a bit of pressure to get this report through. The committee secretariat does a tremendous job in the preparation of these reports that we so glibly pass through the Assembly; so I want to place on record my thanks for its hard work in preparing all this information so quickly for members.

Earlier the chair, Ms MacDonald, alluded to the recommendations that were made by the committee. I hope that the government and the departments take on board all those recommendations. It bears stating that the purpose and intent of annual reports must be protected in this place. In recent times there has been some discussion about the validity and purpose of annual reports. Whilst I am torn in relation to this process we cannot let it go. On page 12 the report states:

> From an accountability perspective, however, annual reports are an important means through which the Legislative Assembly can review the actions of the Executive.

I realise that the timing of the hearings of these annual reports often clashes with things such as estimates, but it is important to review the year gone by. In the past it has been a close thing in election years and it could be asked why we are doing this when estimates are so near. I would not like to see this process diminished in any way; I think we must vigorously defend it. The chair made other comments relating to the report. I refer to page 17 paragraph 2.9 of the report, which states:

> Overall the Department's Annual Report was compliant with Directions 2004-2005.
>
> The Standing Committee was concerned, however, that the Report diverged from some of the recommended publication standards stated in Directions 2004-2005. For example:
>
>> "Annual reports should be modest documents", "…reports should use no more than three print colours. Black or shades of black will be considered a colour", "no full colour photography is to be used", and "…consideration should be taken in the production of Annual Reports to minimise any environmental impacts".

I contend that there may have been some wastage of taxpayers' money, which concerns me. Paragraph 2.10 of the report states:

> Notwithstanding the comments in 2.8 above—

that paragraph refers to some of the goods things that were brought forward—

> the Standing Committee noted that much of the information in Volume 2 of the Report was superfluous to the requirements laid down in Directions 2004-2005.

I am sure the government and the department will take that on board. Overall, I think the report speaks for itself. I, too, commend the report to the Assembly.

Question resolved in the affirmative.

Human Rights Commission Legislation Amendment Bill 2006

Mr Stanhope, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.47): I move:

> That this bill be agreed to in principle.

The Human Rights Commission Legislation Amendment Bill 2006 has been prepared to provide more flexibility in the commencement of the Human Rights Commission Act 2005. Essentially, the bill is simply a procedural matter designed to change the commencement date of the act. As members will recall, the Human Rights Commission Act was passed by this Assembly in August 2005. The act was subsequently notified on the Legislation Register on 1 September 2005 and in accordance with the current commencement provision the act will commence automatically on 1 March 2006.

On commencement of the new act a new statutory body, the Human Rights Commission, will come into existence. The current statutory positions of the Discrimination and Human Rights Commissioner and Community and Health Services Complaints Commissioner and the operations of their offices will be amalgamated into the new agency. The establishment of the Human Rights Commission is an important step for the ACT; so it is important that we get this right. A thorough, rigorous recruitment process is needed to ensure we employ the very best candidates in the new commission.

This amendment will ensure that the Human Rights Commission operates smoothly and provides the best possible services to the community from day one. It gives us the latitude to ensure that we go through a rigorous process of employment of commissioners and staff to ensure that the Human Rights Commission operates optimally when it is fully established.

The Human Rights Commission Legislation Amendment Bill has been prepared to amend the commencement provision in the Human Rights Commission Act to provide that the act commence on a day fixed by the minister by written notice. That amendment will give greater flexibility in commencing the operation of the Human Rights Commission and give the person taking on the role of president time to make necessary administrative decisions to enable the operation of the new commission to proceed smoothly.

The bill also provides for the Public Advocate Act 2005 to commence on 1 March 2006. Members will recall that the purpose of this act is to change the name of the Community Advocate to Public Advocate. This act arose out of a recommendation of the report of the *Review of Statutory Oversight and Community Advocacy Agencies* conducted by the Foundation for Effective Markets and Governance that the name of the Office of the Community Advocate be changed to better reflect the role of that office in the community. The name "Public Advocate" is intended to reflect the wide range of advocacy roles that the office carries out.

The commencement of the Public Advocate Act is currently tied to the commencement of the Human Rights Commission (Children and Young People Commissioner) Amendment Act 2005. There is, however, no need or reason to delay the commencement of the Public Advocate Act. The amendment in this legislation will mean that the transition to the Public Advocate will occur in March 2006 as originally anticipated.

This bill will not affect the operations of those commissioners or bodies currently appointed and operating, such as the Discrimination and Human Rights Commissioner, the offices she prepares and the legislation she currently administers. Similarly, this legislation has absolutely no effect on the work of another of those existing or expanded commissions currently operating, namely, the Health Services Complaints Commission, which has effectively pursued that role for a number of years.

It must be understood that the new administrative or governance structure or arrangements incorporate into a single commission the range of commissioners, bodies or organisations that provide statutory oversight functions or have a statutory oversight responsibility such as the Discrimination Commissioner, the Human Rights Commissioner and the Health Services Complaints Commissioner. Those positions currently exist and are operational but they will at any time incorporate Children and Young People Commissioner and Disability and Community Services Commissioner positions that have not yet come on line, and legislation that does not yet operate.

Similarly the other position of president, which will fulfil the complement of officers of the Human Rights Commission, is yet to be filled. The government is mindful of the importance of ensuring that it appoints appropriate people to these positions or functions. Similarly we must ensure from the outset that the operational arrangements are smooth and seamless. When the new commission is fully staffed and established and the new legislation commences, particularly that relating to the Children and Young People Commissioner and other commissioners, we must ensure that our operational arrangements and procedures have been tried, tested and developed and that the commission works effectively from the outset.

This is a small and minor procedural piece of legislation. The government is mindful of the fact that this sitting week is the only sitting week prior to 1 March when the legislation was to have come into effect. The government will be looking for the support of members of the Assembly when this bill is debated on Thursday this week. I regret enormously the short time frame in the context of the summer break. As this is our first and only sitting week prior to the previously determined commencement date, the government is looking to members of the Assembly to support this provision on Thursday. I regret the short notice that members have been given but this is a minor procedural bill of no policy import or effect. Whilst I regret the short time frame I seek the understanding and support of members in passing the bill this week to enable it to have the effect that the government desires.

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

Civil Law (Wrongs) Amendment Bill 2005 (No 2)

Debate resumed from 15 December 2005, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (10.55): The opposition will be supporting the bill. We do have several amendments, which I have asked to be circulated. This bill, for the first time in Australia, provides for uniform defamation laws, and that is indeed a good thing. The ACT has often been at the forefront in terms of law reform and defamation. I recall a very lengthy process undertaken by the previous Attorney-General, Mr Humphries, which was finalised, I think, in 2001, when I was attorney, which certainly made a lot of improvements to the law of defamation.

Defamation law has always been a vexed issue of balancing freedom of expression and protecting people's legitimate rights. This bill will ensure that defamation law does not impose unreasonable limits on freedom of expression. Indeed, it might well go too far. It provides some remedies for persons harmed by publication of a defamatory matter. It promotes speedy, non-litigious methods of resolving disputes. It is certainly textually uniform between all legislation in Australia.

Some states have passed legislation as defamation acts. The ACT deals with defamation in the civil law act, as we see here. With some technical, minor differences between the respective jurisdictions' legislation on defamation, all jurisdictions have agreed to the same wording in core areas of the legislation.

There are a number of issues that we say are somewhat contentious, and I have had discussions with the law society and other bodies and individuals in relation to them. One of the contentious issues is, for example, that the legislation excludes corporations from being able to sue for defamation. We say that that is something that should still be allowed to happen, and some very good reasons for that have been given by a number of lawyers. So we will be seeking to move an amendment in relation to that matter. The corporations that are excluded from this provision are those corporations that employ fewer than 10 people and are not related to another corporation.

Another area where there is some contention—and we have an amendment for this—is that in the ACT, indeed in New South Wales, truth and the public interest have always been defences to defamation. Truth, being substantial truth, is well defined in the common law and is now included in this legislation. We do not have any problems with that. That is the old common law test. But this bill no longer provides for the public interest defence.

The bill makes it a defence to the publication of defamatory matter if the defendant proves that the defamatory imputations are substantially true. It sets aside the public interest requirement, which was hitherto certainly an impediment to uniform legislation, but a very important protection. Also, of course, the legislation makes provision for non-litigious means of settling disputes by making amends.

In my capacity as chair of the Standing Committee on Legal Affairs, I received a letter from the attorney in relation to Scrutiny of Bills Report 21 dated 6 February 2006. I think it is important to flag one issue. I will table the letter so that any member who wants a copy can get one. Ms MacDonald, the deputy chair, might like one.

The letter refers to a number of issues, but the one I particularly want to touch on—and it is something we will be looking at very carefully—is the capping of the non-economic component of damage awards. The attorney, in his letter dated 10 February, states:

> I note that the Committee starts, as to the states and territories, from the unexceptional principle that defamation damages should bear a rational relationship to the harm caused. However, the Committee is concerned that the cap on this component of damages represents a significant intrusion into the rights of the plaintiff.

He goes on to say:

> The states and territories have adopted the approach in the legislation for a number of reasons. Firstly, an examination of awards (and in particular NSW, the jurisdiction in which the highest non-economic component were awarded) suggested that the proposed cap would very seldom be exceeded. Secondly, each jurisdiction has slightly different caps for personal injuries, and the failure for jurisdictions to set a common cap may lead to forum shopping, as litigants sought to maximise their tactical positions. On this basis, law officers proposed a single approach. If the ACT did not adopt the cap, litigants might forum shop into the ACT to gain a perceived benefit.

I wonder whether that is so because basically in this bill there are provisions to stop forum shopping. If the defamation is substantially committed in one jurisdiction, that is where the action should be taken. That seems to be aimed very appropriately at stopping forum shopping. I certainly agree that that has been a problem and a concern in the area of the law in the past.

The cap of $250,000—and there has not been a sum remotely like that given in the ACT—may well not be a particular problem here. But times change and that will certainly need to be closely monitored. As the committee rightfully pointed out, that

could well represent an intrusion into the rights of the plaintiff, and we will certainly be monitoring that aspect.

I will speak at some length to the specific amendments. I think it is important to ensure that any law that we pass recognises the respective rights of all parties and the people who are likely to be affected. I particularly hoped that this model legislation would include the defence of truth and public benefit, which always seemed to me to be a sensible test. What is the point of dredging up someone's minor convictions 20 years ago when that person has led an exemplary life since then? Yes, they are absolutely true, but what is the public benefit? It always seemed to be a pretty reasonable test.

I am a great supporter of the principle of model legislation, but obviously there are times when people depart from it. The Criminal Code is a classic case in point. There seem to have been quite a few departures in terms of that lengthy exercise between the jurisdictions. Indeed, the attorney and other members of the government have said on occasion that we should not follow other jurisdictions willy-nilly. Just because everyone else is doing something is not a good reason to do it. Just because New South Wales is doing it is not a good reason to do it.

I raise those points because whilst generally I am in favour of a uniform approach—and that has been our position in opposition and in government—there are times when we do need to ask ourselves whether that is actually the best approach. The opposition believe that the old defence of truth and the public benefit is a better defence than truth alone. The old defence has been with us for many years and we think it has served us fairly well. I will give a few examples when I move my amendments.

MR MULCAHY (Molonglo) (11.03): I rise to support the observations of Mr Stefaniak in relation to this legislation. While the case for uniform defamation laws in Australia may, on the face of it, appear fairly persuasive, I am certainly of the view—and this is a view shared by opposition members—that this bill will have a significant negative impact on the law. It is for that reason that the opposition will be putting forward a number of amendments.

It is clear that the Labor state and territory governments have capitalised on the need to create unity by trying to limit the scope of the law. Of course that pattern of conduct in relation to proposals for uniform legislation has not always been adhered to. On this occasion the opposition believes that there are compelling arguments for departing from the generally preferred approach of uniform legislation where matters intersect between the states and with the commonwealth.

The law of defamation has historically been a balance between two competing interests: freedom of speech on the one hand and protection of the reputation of every individual on the other. This bill will shift the balance dramatically towards the former. I am a little surprised that the government would embrace this legislation, notwithstanding the quest for uniformity, because it does run contrary to some of the principles that we have heard expressed in this chamber in previous times, including prior to my election to the Assembly.

The shift in balance is particularly evident in relation to corporations. Whereas previously a corporation, as a separate legal entity, has been allowed to sue for

defamation, clause 121 of the bill removes that right. This will have a negative impact. Corporations need to have the right to defend themselves against false, dishonest and malicious campaigns by individuals and groups, just as I believe individuals should have that right.

Under the current law a corporation claiming defamation has had to show that the statement concerned impugns its commercial reputation and that it has caused financial harm, and that has been confirmed in the matter of Kay v. Chester. Generally a statement that is defamatory is that of a kind that will lead ordinary reasonable people to think less of the person about whom it is made. Again, that is a principle enshrined in the decision of the matter of Consolidated Trust v. Brown.

The value of a corporation's reputation should not be underestimated, nor should the damage that defamatory statements can inflict on that reputation. Just as individuals need the right to sue for defamation to protect their good name so, too, corporations need an avenue to protect their reputation and trust within the community. The brand value of Microsoft, for example, is estimated to be $80.8 billion. The impact in monetary terms that a serious defamatory statement could have on that value is immense. Similar situations could be seen with many other companies, particularly in the food sector, where these offences occur more frequently, and where there is enormous value attached to the commercial entity's name. Whether it is Coca-Cola or McDonalds or a raft of other well-known corporations, a massive amount of value is recognised in the brand name.

Alternatively, even for smaller corporations, a business reputation is the foundation on which the entire business is built. The impact on, for example, a small local car dealer of a widely published false defamatory statement could be quite considerable. One would think that such a dramatic shift in the law must have been prompted by a significant number of actions commenced by corporations. In fact, there is very little litigious history of corporations using the right to sue for defamation in Australia. So the logic used for such a shift is flawed and simplistic.

I take you to some comments made recently by Mr Hugh Morgan, President of the Business Council of Australia. In an article he wrote:

> There is more than a hint of hypocrisy in the calls of state governments to remove the long-standing right of corporations to sue for defamation.
>
> On the one hand, we have state governments wishing to ensure the corporations have a good corporate reputation.
>
> On the other, they want to enable a legal free-for-all right to attack corporations without restraint by removing the very right corporations to defend their reputations from false, dishonest or malicious campaigns by individuals or groups with their own agendas.

He goes on to say:

> What the states also overlook is that in today's business world, the reputation and integrity of the brand of a company is integral to its core value.

> Taking away the right of a company to use legal means to protect its reputation from unwarranted or false claims may have far-reaching impacts on a company's value.

We should take the time to reflect that those brand names are critical to our purchasing decisions. The integrity and reputation of those brands influence us as we make our daily purchasing decisions, whether it is in the supermarket or purchasing a motor vehicle or electronic goods and services. If a company's name is severely damaged by a defamatory action by others, it may well have a marked adverse affect on that business. There ought to be remedies under this legislation so that a company can move to protect its reputation and also to make it very clear to individuals or organisations that there will be consequences for malicious and defamatory actions.

The remedies that are available through other vehicles or through other legislation are inadequate. It is very clear, if one reviews the legislation and other examples of where these matters have appeared, that to take away this right is an adverse step, notwithstanding the quest by attorneys-general for uniformity.

In his presentation speech the Attorney said:

> In recent times large corporations had used this action—

That is, defamation:

> to stifle public comment on the quality of products and service of companies.

He provides no examples of when and where this has occurred. The perceived threat of large corporations exploiting the right to sue for defamation ignores several points. First of all, the opposition to the so-called strategic lawsuits against public participation ignores the simple fact that corporations can be defamed and the defamation can cause significant damage. The negative publicity that such action would generate is also overlooked in that assumption. This was certainly established in the so-called McLibel case in Great Britain, where that company, I would suggest, actually lost a deal of credibility, albeit they may have had a compelling case, by suing two activists over defamatory leaflets that they were handing out which maligned the reputation of that company.

By attempting to stifle public comment the corporation exacerbated the damage that the original action caused. Indeed, that is always a consideration with defamation, that notwithstanding the malice or falsehoods contained therein, one has to assess whether pursuing those matters against either impecunious individuals or individuals who may relish the publicity does more harm than good. But that is an individual decision one must take when dealing with these examples.

The other point is that the bill only excludes two classes of corporations: those that do not seek financial gain and those with less than 10 employees. But, of course, if you look at figures from the Australian Bureau of Statistics, 90 per cent of Australian businesses employ between one and 19 staff. At the other end of the scale, only one per cent employs more than 200. It is logical to assume therefore that the corporations that will be affected by the legislation are not necessarily giant corporations, able to pressure

individuals and use other means, but in fact mid-sized businesses that will be, in effect, by this legislation left without legal protection.

Corporations need the right to sue for defamation, not as a way to pressure individuals or stifle free speech, but as a legitimate means of protecting their corporate reputation. The alternative sources of law available—such at the Trade Practices Act, particularly section 52—and suing for injurious falsehood do not compensate for the loss of the right to sue for defamation.

For example, the Trade Practices Act only provides recourse against other corporations. Similarly, the argument that corporations can wage expensive counter-advertising campaigns does not sit well. I put it to the Assembly: why should a corporation have to spend millions of dollars defending a carefully built and deserved reputation against malicious and false attack? The law should exist to protect that reputation.

It might also be argued that smaller businesses will be protected because individual directors will still be able to personally sue for defamation. Whilst a victory for the individual may provide some financial compensation, if they can demonstrate that they as an individual have suffered injury, it will do little to restore the reputation of a small business, and the value of a small business's reputation is immeasurable.

Another element of this legislation is the capping of damages at $250,000. The opposition will not be opposing this measure. Whilst to some it may appear large, I believe that in circumstances it will not often provide sufficient compensation to an individual who could have suffered severe damage to their reputation. A sustained defamatory campaign run in the media or elsewhere against an individual could in fact damage that individual's long-term reputation. It could result in lost opportunities or a loss of standing and reputation. So we will watch with some deal of interest how the introduction of this cap impacts on future conduct.

I certainly imagine that in the period ahead Mr Stefaniak may choose to revisit that on behalf of the opposition because, notwithstanding that the bill will allow for aggravated damages to be awarded in the case of a maliciously driven campaign, it does not alter the fact that under the legislation people may be unable to be compensated properly for damage suffered as a result of a non-malicious but still defamatory publication.

The other significant change to the law that the bill will make, if passed, is to change the defence of truth. Previously in the ACT a defendant would have to show that the matter was both substantially true and published for the public benefit. This bill seeks to remove the public benefit requirement to make truth or justification a complete defence. This is yet another example of altering the balance between freedom of speech and the protection of every individual's reputation, a position that up to this point the Chief Minister has extolled in every corner of this country. It surprises me that he chooses to abandon it in the quest of uniformity.

An example of the public benefit or public interest that has existed in some jurisdictions was seen in the matter of Chappell v. TCN 9, Channel 9. In that case TCN 9 was going to air a program in which an individual who claimed to have a relationship with test cricketer Ian Chappell was going to discuss that relationship publicly. Chappell

successfully sought an injunction to stop the program being aired, arguing that even if it was true it was not in the public interest.

Although the courts have tended to construe what is and what is not in the public benefit in relation to prominent figures in certain fashion, its removal will still impact on the privacy of individuals and society. Whilst it has become, to some extent, inevitable that the media loves to dwell on the lives of prominent figures, the removal of this requirement will further threaten the privacy of individuals in our society. Legislation featuring things such as a public benefit requirement is needed to ensure the unnecessary intrusion of the media into people's lives.

It is interesting, Mr Speaker, to reflect on comments made by the attorney in the Assembly in 2001. I am not sure in what capacity he spoke at that time. Was he Chief Minister then? He went on the record to support the public benefit test.

Mr Stefaniak: Shadow attorney.

MR MULCAHY: Shadow attorney. He said:

> A 'truth and public interest test' … would protect an ordinary citizen who takes no part in public life or whose activities are of no more than prurient interest.

These are not my words, Mr Speaker. These are the words of the Chief Minister, who seems to be recanting on a declared position, which at that point was commendable. However, with the new bill he has succumbed to the demands of interstate colleagues. The government is proposing to scrap any protection to an individual's privacy. In his presentation speech Mr Stanhope said:

> To this end, the government hopes that this process will provide a method for the coherent development of a statutory tort of privacy and other provisions focused on media ethics.

I would submit that this is an unsatisfactory stance. At common law the courts have recognised defamation as an indirect way to protect the privacy of individuals. We could all reflect on the matter of Ettingshausen v. Australian Consolidated Press, which is a celebrated case that illustrates the very points I am making. The protection should be strengthened by legislation, rather than further weakened. At present there is no common law right to privacy and although the High Court of Australia has indicated that it might, under the right set of circumstances, develop such a right, the ACT should not be relying on such a possibility.

DR FOSKEY (Molonglo) (11.18): In 1979 the Australian Law Reform Commission recommended the adoption of uniform defamation laws. The recent threat of federal government intervention has finally spurred the state attorneys-general into action. Thankfully they have resisted the more anti-democratic proposals advocated by the federal Attorney-General.

In particular, the Labor governments have produced uniform laws that remove the rights of large corporations to sue for defamation. I have some reservations about this since I recognise that a business of any size can suffer irreparable loss if its reputation is badly damaged by a campaign of smear and innuendo, perhaps waged by a larger competitor.

In his presentation speech for these laws, the Attorney-General stated that large corporations had used defamation actions to stifle public comment on the quality of products and services of companies.

As the relentless process of capital accumulation and concentration in the western world continues so, too, does the increasing political power of corporations and wealthy individuals. I have no desire to live in a world where companies the likes of Gunns Ltd decide what I can and cannot say or do. Companies like Gunns have abused the trust placed in them by the public and now all companies have to bear the cost of Gunns' unethical behaviour.

Of course, they are not alone in abusing the law to silence critics. I take little solace from the fact that these laws will only represent a bump along the road of growing corporate power. These corporations are already finding new legal mechanisms, besides targeting political donations, with which to translate their economic wealth into politic clout.

It would be nice to think that we could have laws which distinguish between bona fide criticism and policy debate on the one hand and malicious abuse of our freedoms of expression on the other. I recognise that such provisions would be formidably difficult to draft and enforce. Sadly, this bill does not contain such provisions and I am concerned that it represents a somewhat heavy-handed and bandaid solution to problems with the laws by which the wealthy few can silence legitimate critical commentary. Still, a bandaid is better than a poke in the eye, and I will be supporting the bill.

These laws will be strengthened and complemented by the Greens' protection of public participation bill, which seeks to limit the power of corporations to bring legal actions for the improper purpose of stifling legitimate political expression. I would have liked to have seen clauses in this legislation proscribing corporate office holders from suing in their own right in reliance upon any imputation arising from any statement made about a corporation. This is what happened in the Hindmarsh Island case.

In striking the balance between protecting individuals from defamatory statements and protecting the right to free speech, Australia will still lag behind much of the developed world. There is much more liberty in the United States and in Europe to speak out on issues of public importance. Indeed, most developed countries have a constitutionally recognised right of free speech. Australia does not.

Good defamation laws are essential to the effective operation of a representative of democracy. Even eternal vigilance will not defend our liberties well if the right to express the injustice and corruption we seek is stifled by the threat of criminal or civil persecution. Too often civil defamation laws and the expense of the legal process have been used by powerful interests to silence their critics.

In the new sedition laws we see the criminal laws being perverted to serve the political agenda of the radical right. Of course they are cloaked in the rhetoric of defending us from terrorist attacks. But their effect is to stifle legitimate criticism of government actions and policies. Media operators will self-censor rather than risk being charged with offences against the state for publishing material critical of government policy.

I would like to echo the words and sentiments of my colleague in the New South Wales Legislative Assembly, Ms Lee Rhiannon, who put on the record the reservations expressed by Tom Molomby, senior counsel, regarding the provisions of subsection (138) (1). These concerns are echoed in part on page 17 of the ACT Scrutiny of Bills report. Section 138 (1) states:

> It is a defence to the publication of defamatory matter if the defendant proves that the matters were contained in—
> a public document or a fair copy of a public document; or
> a fair summary of, or a fair extract from a public document.

A public document is defined in this bill to include:

> any document issued by the government (including a local government) of a country, or by an officer, employee or agency of the government for the information of the public.

The definition of a public document would seem to include a wide range of material, such as press releases, which could be used on occasions in a partisan and damaging way. I urge the government to provides some explanatory material to clarify this matter. This might perhaps take the form of an explanatory note in the bill itself or some explanatory material in the Attorney-General's reply to the debate on this bill.

On a similar note, at the last federal election we saw in Victoria Liberal Party officials spreading lies about the Greens' drugs policies to the media and then quoting the media reports in their media releases, that is, quoting the media's quotations from their media releases in subsequent media releases. Since the electoral commission has chosen not to pursue and punish these political criminals, I fear that we will see similar behaviour in coming elections. It should be put beyond doubt that such behaviour is a serious criminal offence that strikes at the heart of a democratic system. It is intended to prejudice the voters as they go to an election; never mind that what they have been given is misinformation—in fact, untruths.

This bill, or similar bills, should be amended to prevent similar politically motivated attacks being made on individuals. I await with interest the outcome of Mamdouh Habib's defamation action. Perhaps during the inquiry into my anti-SLAPP bill we can formulate provisions that serve this purpose.

As I said before, these laws do not solve more systemic problems with the laws of free speech and the abuse of these laws by our partisan and politicised mass media. I acknowledge that there are exceptions to this, but on the whole I think that that generalisation does hold. These laws will not necessarily protect an individual who has been defamed from suffering immense personal loss. In a letter to my New South Wales Greens colleague Ian Cohen, the solicitor John Marsden wrote how he went through the experiences of people spitting at him in the streets, throwing bricks at him, putting excreta on his doorstep and other absolutely humiliating, insulting and unfair behaviour. During this time he contemplated suicide. This behaviour was a result of defamation by Channel 7, and his legal fees and personal loss far exceeded any damages that he was awarded in court.

While the cap on damages of $250,000 in this bill is still high enough to effectively discourage most ordinary people from speaking out, it is obviously inadequate in high profile or hard fought cases like Mr Marsden's. To a media magnate $250,000 is very small bickies indeed and is unlikely to discourage behaviour when it results in increased sales of newspapers or more advertising revenue to go with the television version of shock jock media. Perhaps awards for defamation, like many other civil penalties, should be means tested.

Not-for-profit corporations will be able to sue. While I support this provision, I just want to put a caveat on that, because it does carry some danger. Front groups set up by industry, such as Timber Communities Australia, which is in fact entirely financed and possibly humanly resourced by the National Association for Forest Industries and which replaced the Forest Protection Society after people became aware that it was also a front for NAFI, will still be able to sue for defamation under these laws. These groups are, in fact, fronts for the woodchipping part of the timber industry. If we look into their accounts it would be very obvious that they are funded by that industry. They are not community organisations in the spirit that we know them, which rise from the bottom. They are top down organisations and they have an agenda that fully supports industry. It is to be expected that corporations will continue to use these ostensibly community-based groups to wage their dirty tricks campaign. Again, my anti-SLAPP bill will help protect against these developments.

Too often we see a feeble apology, or even a heartfelt apology or correction, in a small paragraph embedded deep within a newspaper or, at best, put in on page 2, which, as everyone knows, fewer people read, which purports to rectify the mischief caused by a falsehood that may have been splashed across the front page in large bold print. I am curious as to why the attorneys-general rejected the federal government's proposal for corrections orders. I would have thought that this would be a welcome adjunct to monetary damages. It might not be easy to find, but at least it is there and goes part way to recompense the loss of reputation.

There is a mechanism in this bill whereby the defendant can offer to make amends. They must offer to publish a correction in a suitably prominent place, pay the plaintiff's expenses, publish an apology, pay compensation, et cetera. While I note concerns that this may lead to poorer plaintiffs being pressured to reach unsatisfactory settlements, on balance, as I said earlier, I think this is a positive development that does not go far enough. I will be supporting this bill. I am looking forward to the debate on Mr Stefaniak's amendments because I am considering supporting one of those as well.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.31), in reply: I thank members for their contributions to the debate. I note some of the reservations that have been expressed in the debate, and of course they go very much to the heart of defamation law and the great tussle between protection of reputation and right to privacy and, of course, freedom of speech—or purported freedom of speech. This is always at the heart of any discussion around defamation or libel or the way in which the common law has developed over the centuries to protect those very disparate, and at times seemingly opposite, rights: the right to freedom of expression, the fundamental right in a free democratic society, and the countervailing right to privacy, the right to be able to

participate freely in public life and the right not to have one's reputation trashed at a whim.

These are difficult issues, and they have occupied the minds of legislators at least for the last couple of centuries. It is interesting in any look at the history of the formulation of a definition of defamation to look at the way in which the common law initially developed and then, in different jurisdictions, led to some deviations. That is at the heart of some of the commentary that has been made this morning by the shadow attorney and the shadow Treasurer. For instance, the issue around the defence of truth for public benefit, or truth for public interest, is that the common law defence is, of course, truth and truth alone.

There has been a deviation from that in some jurisdictions, including the ACT because, historically, we adopted our defamation law from New South Wales. It was the House of Lords 160 years ago that initiated an inquiry into the law of defamation—I am sure as a result of some possibly outrageous things said about certain lords in the House of Lords. I am not quite sure what was the particular defamation complained of at the time that precipitated an early inquiry by the House of Lords into an appropriate definition of defamation, but I can imagine, as I am sure we all can, some uppity journalist writing something probably not particularly pleasant, and probably very, very true—

Mr Quinlan interjecting—

MR STANHOPE: Yes, one can imagine an early version of net stockings and raincoats. One can only imagine what might have been the bar with perhaps enormous justification 160 years ago, in relation to a lord, that led the House of Lords to initiate an inquiry into whether or not there should be a further test to the defence that a defamer should need to shelter under—that truth or truth alone was not good enough—and, for goodness sake, what right did they have to pry into the alliance of members of the House of Lords. We needed certainly, or surely, to expand the defence from truth to truth and public benefit or truth and public interest.

That was the genesis. Interestingly, of course, having commissioned the inquiry and formulated a new defence, expanding the defence of truth to truth and public benefit, the British parliament then ignored the report completely and stuck with the common law of truth alone, which of course has been the law in the United Kingdom ever since and has been at the heart of the common law.

The common law defence in defamation is truth. The House of Lords toyed with it. Some jurisdictions—most notably the new colony of New South Wales, rabid with glee, having regard to the interests of the squattocracy here and protecting its membership from freedom of expression—very, very rapidly embraced the House of Lords formulation of defence and public interest, whilst Britain, which generated the inquiry, ignored it completely, as did half of Australia, including Victoria and all of the west. We found ourselves in a situation where the east coast, or parts of the east coast, adopted it and then it was progressively rejected and we ended up with a situation in Australia where I think we were split four-all, four jurisdictions adopting a defence of truth and public benefit and four jurisdictions maintaining the common law position of truth, as did almost the rest of the common law world.

We have had this anomalous position, and one can understand the context. I do not disagree violently, nor I do not necessarily disagree, with things the shadow attorney and the shadow Treasurer say around this dreadful invasion that there is of privacy and of rights and reputation. Those of us in public life are very aware of it, are from time to time scarred by it and are, I think, acutely sensitive of the extent to which our reputations are at times grievously threatened by people totally reckless in addressing comments to or about us that are quite clearly defamatory.

Much of what is said is defamatory; the question is whether or not it is unlawful or actionable. We have this issue in relation to that defence. At the end of the day, when one is participating in a process designed to develop model national legislation there is a lot of argy-bargy and a lot of compromise and, in the context again of some of the commentary and of the shadow attorney's foreshadowed amendments, one does need to be mindful of the overall benefit of model legislation, national legislation, of a scheme, particularly in relation to an area of civil law such as defamation. What are the benefits? Why did we bother? Should we simply have said, "We've got defamation law; we'll stick with it; there is no need for us to engage in this particular process"?

Indeed, at the beginning of this process it was acknowledged by every jurisdiction at SCAG that there were two jurisdictions in Australia that could perhaps boast to have reasonably up-to-date and modern legislation in relation to defamation, and they were New South Wales and the ACT. In fact, the model legislation that we debate today is, at its heart, based on the law of New South Wales and the ACT. I think it was Mr Stefaniak who acknowledged the role of Mr Humphries in developing the ACT's legislation, and I acknowledge that Mr Humphries, as attorney, followed by Mr Stefaniak as attorney, did through that process introduce into the ACT what at the time—and I think even up until this legislation was developed—was regarded as the most progressive, most modern and most up-to-date defamation law in Australia. I acknowledge that, as has every other member of SCAG in the process of developing this model legislation. It is true and fair to say that the new model legislation in large measure is based on the law of New South Wales and the ACT.

In that context, the changes that we are debating today are far less than the changes that other jurisdictions that have engaged in this process—in other words, every other jurisdiction—have had to make to their legislation. So we are not debating particularly big changes to the law of the ACT today, because the law we are debating today is based on the ACT's Defamation Act, which was significantly updated and changed in 2001. But there are, as I understand it, a couple of amendments that have been foreshadowed, and I am happy to discuss them at the detail stage. The issues go to truth and public benefit. In other words, do we abandon the position of a minority of jurisdictions and return to the common law formulation of the defence of truth, with all of the benefits that we receive from that, or do we maintain that higher requirement of defence and public benefit or public interest—a slight change in the purported or apparent balance in the protection of the reputation of individuals. As part of a group seeking to develop national legislation, it is worth pondering, or at least taking some time to think about, what are the benefits, particularly in relation to an area of civil law such as this, of model legislation, and that cannot be dismissed. They were of course uppermost in the ACT's minds at the time that we participated in the debate in SCAG and ultimately agreed, through much negotiation, to the current formulation of the law that we debate today.

One of the issues, and I will go into this in greater detail on the detail stage, is: what are the implications of standing out from a national scheme on an area of civil law, particularly where we already have a history of forum shopping? I think Mr Stefaniak certainly, with his experience, would be prepared to acknowledge the extent to which the ACT has been the destination of choice for people around Australia in relation to defamation, for a range of reasons. But just imagine if the ACT of all the jurisdictions around Australia moved away from the model in relation to issues around whether or not corporations can sue—mindful, of course, that every other place in Australia has adopted this model legislation except at this stage the ACT and the Northern Territory. Just contemplate this—

Mr Mulcahy: A bit like terrorism stuff, isn't it, really?

MR STANHOPE: I will tell you what it would do. We would have to appoint another two or three Supreme Court judges. Defamation actions would only be pursued in one place in Australia by corporations, and that would be in the ACT.

The Liberal Party have raised three issues: the issue around defence, of whether it is the common law defence of truth or the more protective reputation of truth and public benefit; the question of whether corporations can sue; and the question of a cap. Just imagine a situation where every other jurisdiction in Australia has applied a cap and every other jurisdiction in Australia has accepted a provision where corporations, except those employing fewer than 10, or whatever the number is, cannot sue, but the ACT did not. Every defamation action initiated by a company would occur in the ACT and every defamation action where somebody was prepared to chance their arm on a payout of more than $250,000 would be initiated in the ACT. We would have to double the size of the Supreme Court. We would do nothing but defamation actions. Just ponder that.

You can say, "Well, it's a question of principle. You should have held out. You shouldn't have imposed a cap. You should allow corporations to sue." But no other place in Australia would allow it. They have legislated; it has been passed. In New South Wales, Victoria, South Australia and Queensland, if you are a corporation you cannot sue. But, if the ACT manfully stuck to principle, people would say, "Come to the ACT and sue here. The Supreme Court has got nothing to do after all—and there is no cap. Not only can you sue in the ACT if you are a corporation; there is no limit on the extent of the damage." Where is every action in defamation going to be initiated? It's going to be initiated in the ACT. Where is every action going to be initiated? It is going to be initiated in the Supreme Court of the ACT.

The ACT Supreme Court would do nothing but defamation. We would be the defamation suing capital of the world, with absolutely no benefit to us at all, except an enormous cost. There would be no forum shopping; there is nowhere else to shop. There is a lolly shop called the ACT Supreme Court. You want to sue under an arrangement where we stand out on a cap. We do not like caps. The position that we have adopted as a government, through the civil law reform process, is one of enormous resistance to caps. But, in an environment where we are the last jurisdiction standing and everybody else has imposed a cap on damages for defamation, we would stand out. It is simply not tenable for a jurisdiction such as ours to stand out on the issue of whether or not

corporations can sue. I support that decision. But it was a compromise decision, as all of these were.

There are three issues that have been at the heart of the commentary from the opposition in relation to the bill. I acknowledge that they generally accept the bill but have issues around truth and public benefit, whether or not corporations can sue and whether or not there should be a cap. There are very good responses to each of those, two of them being essentially that we could not stand out. In relation to truth and public benefit, the proposal is that we return to the common law. That is the position of all the jurisdictions, negotiated in a situation where at the beginning of the process of negotiation there were four jurisdictions supporting truth and public benefit and four jurisdictions supporting truth alone, which is the common law position. The decision was taken to return to the common law position, with the great advantage—I will go back to this in the detail stage—of the capacity for the common law in relation to privacy to now develop to protect the rights of privacy of individuals, which at the moment it has absolutely no capacity to do.

MR SPEAKER: The minister's time has expired.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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

Clause 4.

MR STEFANIAK (Ginninderra) (11.46): I move amendment No 1 circulated in my name *[see schedule 1 at page 89]*.

This amendment will take out the reference to corporations, and a lot has been said already in relation to that. But I think it is very true to say that in the ACT we certainly do have a lot of businesses with not many more than 10 employees—and that would apply also outside the ACT—who could well be hit by this provision. Quite clearly, a corporation, a body—say a business which is a corporation and which might have only 20 or 30 people and which operates in the territory—might have enjoyed a wonderful reputation for 50 years but would not have the opportunity of defending and prosecuting in court a defamation action to protect its reputation were this to be taken out.

This is an issue of concern to the profession in Canberra. I will just read from perhaps one of our foremost defamation lawyers, Mr Ric Lucas, who holds a very strong view on this. There are few people who are more experienced in defamation law in the ACT than Mr Lucas. On this particular issue he states:

> I personally am a strong opponent of this recommendation … What is the reason of principle for it? A corporation can suffer serious loss of reputation, and should have a remedy if an attack on it has no valid justification. I can understand why a defendant might be granted qualified privilege for such an attack, but if a person

> does not believe in the truth of what they allege, what public interest is served by allowing them to publish?
>
> The acts of corporations are in fact the acts of individuals acting on their part, and it is sometimes a convenient cloak for a malicious attack on senior management, to defame a corporation rather than a specified individual. An example is the all-too-common allegation that a corporation has offered bribes to public officials. Trying to prove that a particular senior manager was reasonably understood as the target of the allegation can be problematic, yet all senior management is thereby sullied and it is surely preferable to allow the corporation to vindicate its own reputation.
>
> To refuse a remedy because there have been instances where corporations have sued, and failed, is an over-reaction. Surely the appropriate response to that is to impose cost penalties.

I think he does make a very reasonable point. If a corporation obviously has done the wrong thing and that is alleged in the media and there is a reasonable defence to that, that is fine. If you applied the public benefit test, too, that would be all very well. But most corporations have excellent reputations, and to allow someone to get behind that and to make those corporations—and indeed perhaps all the employees in them—powerless to take any action is, I think, a retrograde step and I commend this amendment to the Assembly.

MR MULCAHY (Molonglo) (11.50): I have a few additional comments in support of the proposed amendment. I have outlined already my belief in why these changes should occur. I hear what the Chief Minister says about caps, and for that reason we did not oppose those measures but flagged concern. But I do not accept that by preserving the right of corporations to sue we are going to fill our courts with large amounts of litigation. The reason I say that is that the pattern of the way defamation laws have existed to date is that there has not been a history of large numbers of law suits being run by corporations on these grounds.

I believe we are taking away a fundamental right and are opening the door for malicious activity against individual firms, which will effectively be left with little or no recourse, if we let these changes occur. There is always the risk of jurisdiction shopping. Canberra has had a reputation for being an area in which higher payouts have been achieved in defamation, and that has led to people bringing cases to the territory. But the pattern certainly in relation to corporations does not support the view that they have raced around Australia regularly attempting to silence critics on spurious grounds.

I cannot see how one could defend saying that they cannot protect their own interests. We all hear of urban mythology about big corporations and what they might have in their products. I remember a major chain in the United States being accused of being controlled by the Scientology church some years ago, and everybody started to believe that. Then I read an expose of where the particular company had investigated this, right back to the source of the rumour—it had started somewhere in north-eastern United States—and pinned those who were the architects of this. It was without truth, but of course it did a lot of damage to the reputation of families and parents who were patrons of that business. It was not a competitor—it was an individual or a group of individuals—that decided to maliciously damage that company's name. Under this

scenario, unless you could demonstrate some economic loss, you would find it very difficult to take action against promotion of that sort of damaging claim and of many other claims that are made, particularly against food corporations, which seem to be the popular target.

So I think Mr Stefaniak's amendments are worthy of consideration. I sense from what the attorney is saying that his heart and mind are not behind this legislative change but that in the interests of national cooperation he will go along with it. I would urge him to consider the issues that have been outlined earlier about the rights of companies and the rights of individuals—particularly in this proposed amendment the rights of smaller businesses. He may not be so sympathetic to the larger companies, but smaller businesses can be damaged, particularly in a community of the size of Canberra, and we ought to preserve those rights for people to pursue litigation.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.53): I will not speak at length. Suffice it to say that these were issues in the SCAG debate or consultation. There was a broad debate, submissions were called for and the overwhelming weight of the submissions on this issue was that corporations not be permitted to sue. There was a range of views amongst members of SCAG and there was a compromise determined at the end of the day. The compromise was that companies with fewer than 10 employees and nonprofit organisations or companies such as charitable organisations would retain the right to sue, and any business that might, for instance, have been immediately knocked out of business as a result of an assault on its reputation and would suffer grievously could retain the right.

So the decision was taken as a compromise position, accepting the essential strength of the argument that any person or organisation that suffers loss as a result of an unlawful act—accepting that defamation is unlawful, which I guess it is in a sense—should be able to defend themselves and claim damages for that loss. It is a fundamental principle essentially in relation to the way in which civil law operates.

I think there is a range of justifications that can be mounted, particularly by us, without begging again that we are weak and need protecting. I can think of recent actions in the last six or seven months. I do not know whether it is going to be continued with now, but I think it is Westfield that is in pursuit of John Brogden, an immediate past leader of the opposition in New South Wales, in relation to what Westfield claimed to have been defamatory remarks around the construction of a shopping centre in, I believe, Liverpool. Where is the action being undertaken? Is it being undertaken in Sydney? No. Where is Westfield suing the immediate past leader of the Liberal Party in New South Wales? Westfield is suing in the ACT Supreme Court.

Why are Westfield doing that? They are doing that because you cannot sue in New South Wales. Westfield are suing John Brogden for defamation in the ACT because Westfield could not sue John Brogden for defamation in New South Wales, because New South Wales does not accept the right of corporations to sue. It illustrates the point: we now have our Supreme Court tied up in a defamation action which can go forever, cost a motser and tie up a judge of the Supreme Court for months, because Westfield cannot sue John Brogden in Sydney; they can only sue him in the ACT. So what are they doing?

They are suing him in the ACT—and we need to protect the ACT from that level of forum shopping.

Where did Peter Costello and Tony Abbott initiate their defamation action? Jeez, there are a lot of Liberals involved in defamation actions! Where did Peter Costello and Tony Abbott pursue their defamation action? In the ACT. Why didn't they pursue it in New South Wales or in Melbourne, where they have reputations, the places in which they and their families lived and in which the nefarious activities that were alleged to have been a part and parcel of their lives occurred? Their reputation, their families, those issues around which they sued, were all part of their lives in Melbourne, but they sued in the ACT.

Why did they sue in the ACT? Because they felt that there was a monetary advantage to them in suing in the ACT. There was no advantage to us. It cost us thousands—probably hundreds of thousands—of dollars. Forum shopping is a reality. It was as a result of perceived benefits that would accrue to Peter Costello and Tony Abbott that they initiated their defamation action in the ACT. It is because of the perceived benefit, or the fact that this is the only place in which Westfield could have sued John Brogden, that this is where Westfield are suing John Brogden. It is just a bit of Realpolitik, isn't it? It is just a reflection of the reality of life within this federation that, if every jurisdiction in Australia decides that corporations with more than 10 employees that are not essentially associated with charity for public purposes can only sue in the ACT, they are all going to sue in the ACT.

Mr Mulcahy: Did you argue against it?

MR STANHOPE: Yes. I do not believe the ACT should be the home of every defamation action in Australia. So that is my position on that. I simply do not believe that we should be the honey pot for those wishing to sue. I have great respect for the role that our companies and corporations play in the life of the nation and their fundamental importance; do not get me wrong. But the context of defamation and how the action arose was that it arose in the common law, through that individual personal harm that is suffered by a person. I think the case law and the common law lead you inexorably to the conclusion that the law of defamation is about the scarification that an individual suffers—the enormous personal harm and hurt to personal and individual reputation.

It is a truism—I cannot quite remember the expression but it always struck me as a classic—that the difficulty in dealing with companies is that they have neither a consciousness to prick nor a soul to kick. It is one of the difficulties in applying the law of defamation to large companies. Individual members of a corporation, as the shadow Treasurer indicates, might suffer some personal hurt at a broad-brush allegation of "you are all corrupt; you are all taking bribes". I do not assume that you would win—I assume you would lose—a defamation action against the Australian Wheat Board today if you made a similar allegation. With the example that the shadow Treasurer uses, there would be nobody on the Australian Wheat Board rushing out and pursuing a defamation action against such a suggestion.

I accept that individuals within an organisation can be dreadfully, personally, damaged by a broadscale allegation such as that. But, then again, think about the genesis of the tort of defamation. I am one of those that are inclined to think that a large corporation that is

pursuing a defamation action to seek some recompense for damage to its corporate reputation is in a very, very different position from an individual who is being accused of something which goes to their personal standing, integrity and reputation. I am led to that feeling or conclusion, and my lack of sympathy for the right of corporations to sue is based around that issue.

Mr Mulcahy: What about little corporations?

MR STANHOPE: That is why we are accepting that corporations with fewer than 10 employees—that is the vast majority of companies within the ACT—will still be able to sue.

Question put:

> That amendment No 1 be agreed to.

The Assembly voted—

Ayes 6		Noes 9	
Mrs Burke	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.

Amendment negatived.

MR STEFANIAK (Ginninderra) (12.06): I seek leave to move amendments Nos 2 and 3 circulated in my name together.

Leave granted.

MR STEFANIAK: I move amendments Nos 2 and 3 circulated in my name *[see schedule 1 at page 89]*.

A lot has been said about this already, but this amendment does, of course, bring back the defence of "truth and public benefit", truth being that the plaintiff's complaints are substantially true as per the common law. The attorney has given us a pretty good run-down in terms of what the state of play was in Australia: it was four jurisdictions each. I understand this was something that was rammed through by New South Wales in the deliberations.

In this particular matter, I think there are any number of examples you can give in terms of why the public benefit is so important. My colleague Mr Mulcahy mentioned the case in relation to Chappell and Channel 9. Quite obviously, having what occurred in relation to someone's private life, which may well be true, scratched across the tabloids may have absolutely no public benefit at all attached to it. I remember the case of the famous

footballer Andrew Ettingshausen, who got a very substantial payout too. I am not too sure if that was in the ACT or New South Wales; I think it might have been in New South Wales. He was photographed in a shower and that photo was splashed about. He took offence to that, and rightly so.

Mr Stanhope: Is that defamatory, though, Bill?

MR STEFANIAK: Well, I thought it was an interesting case, Chief Minister, but the court certainly thought so. What we must ask is: what is the public benefit?

Mr Stanhope: Would you sue if you were photographed in the shower, Bill?

MR STEFANIAK: That would not be in the public interest. It would be a very ugly sight, Jon.

But certainly there is a public benefit in that, and there are some very real concerns in terms of what things can be, quite wrongfully, just dredged up and, because they are true, or substantially true, it is okay. Out of probably all the areas in relation to defamation law reform, this is a very, very important one. It is a shame that the model legislation has gone away from this particular standard of proof and adopted just the defence of truth alone. This is one where there is some very strong opposition from, again, practising lawyers, and the Law Society itself has taken a strong position on it. I will quote their position:

> 1. The Law Society has always supported the ACT requirement that truth alone is not a sufficient defence. Publication should also be for the public benefit. (Arguably a narrower concept than the public interest.)
>
> 2. The requirement that publication must not only be true, but also be for the public benefit, prevents the publication of stale or irrelevant criminal convictions or of youthful indiscretions. Public figures are entitled to such protection, and it is an important difference between us, and the excessively intrusive US press.
>
> 3. Publishers should not be allowed to dredge up material irrelevant to the public discussion, of a matter of public interest, even if it happens to be true. A person who has been convicted of some relatively minor offence 30 years earlier, and who has lived a blameless life since, could find a report of those offences splashed across the national media.
>
> 4. Latterly TV has made a habit of discussing the details of acrimonious divorces, concerning private individuals, and there is an industry of pursuing the private lives of minor celebrities. Requiring truth and public benefit exercises some proper control over invasions of privacy, and prevents spurious truth defences being used to justify what was always unethical journalists invading privacy.

That is a fairly strong view there from the Law Society, who largely are quite happy with this model legislation, which, as the attorney has indicated, is largely based on what we have already as a result of the significant reforms made in the late nineties and in 2000 and 2001.

In this area there are some very real human rights concerns—the rights of individuals to reasonable privacy, the rights of individuals to not have things unfairly splashed across

the media. It is very unfortunate that the agreement finally reached took out this defence. I think that is a retrograde step. I commend the amendment to the Assembly. I do not necessarily think we again would see a huge number of cases. The attorney already has conceded that that has happened in the past in the ACT. I think there are other provisions in this bill that tend to tighten up those concerns, so I commend the amendments to the Assembly. As much as anything, this is very much a rights issue too.

DR FOSKEY (Molonglo) (12.11): I move:

> That the amendments be divided.

Question resolved in the affirmative.

Amendment No 2.

DR FOSKEY (Molonglo) (12.12): I just briefly want to say that I support Mr Stefaniak's amendment No 2, because it maintains the law in the ACT, which provides that the defence of truth should include an element of public benefit. For instance, the reporting of sexual assault cases appears to have replaced the disgusting and prurient reporting of high-profile divorce cases. While I am concerned that the definition of public benefit could be interpreted narrowly to stifle public comment, this does not seem to be the way that judicial definitions of public interest are going, so on balance I support this amendment.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.13): I did address this issue at some greater length in the comments that I made earlier. This is an issue for live argument—whether or not the ACT might retain the definition of the defence of truth and public benefit as opposed to the consensus position, which was arrived at by the Standing Committee of Attorneys-General, that we move to a defence of truth alone.

I did give some small history of the development of what might be called the new non-common law defence of truth and public benefit, a defence which applies in only a small number of jurisdictions that have inherited the common law tradition. Notably, it is not a defence within the UK, whence the law that we now apply came. The defence in the United Kingdom is the defence of truth. The defence in half of Australia has, for all the time of their existence, as I understand it, been the defence of truth. There was a deviation initially within New South Wales, which was then adopted by the ACT historically, and we retained it at self-government, that we retained the same position as applied in New South Wales, which was a defence of truth and public benefit—that not only was the statement true but that there was a public benefit or interest in its publication.

We have heard the arguments from the shadow attorney on the extent to which that is a better defence—that that defence perhaps better measures the clash or conflict of rights, the right to freedom of speech, freedom of expression, freedom of the press, and the right to ensure that our reputations are not unnecessarily trammelled or trashed, and that our inherent self-worth and dignity, and our rights as human beings, are not unnecessarily damaged in the pursuit of the right to freedom of speech and freedom of the press.

It is a good and live issue and debate for us to have. We now have a position in Australia where we have, in the ACT, ever since self-government, adopted and utilised the law of New South Wales in relation to this particular defence. What has now happened in New South Wales, and indeed in every other place in Australia, is that the position has changed. New South Wales no longer utilises, in relation to the law of defamation, a defence of truth and public benefit. It now has a defence of truth alone, as does every other place in Australia, as does the United Kingdom and as do the majority of countries that have adopted the common law position in relation to defamation—and as, through this bill, I propose the ACT does, in the interests of uniformity, in the interests of being a party to model legislation which was developed through the Standing Committee of Attorneys-General, the ministerial council on justice.

I acknowledge the argument, and the strength of the argument, around the need to ensure that the balance is right. There have been attempts to do this for about a century. I would almost guarantee that when Mr Stefaniak, the shadow attorney, was Attorney-General and he attended the Standing Committee of Attorneys-General, on the SCAG agenda was model defamation law. On the agenda when I first attended a Standing Committee of Attorneys-General meeting, as a member of staff of the federal Attorney-General back in 1993, was "defamation law, need for national model bill".

The history of the development of this is interesting. I would have to check it, but as I recall it Mr Humphries introduced what is as of today the defamation law in the ACT. I believe it was introduced by Mr Humphries but was managed and passed through this place in the hands of Mr Stefaniak as Attorney-General. I'm not sure about Mr Smyth, but I certainly recall Mr Humphries acknowledging that it was through sheer frustration at the lack of progress in the Standing Committee of Attorneys-General on the development of model legislation that he had decided, in frustration, to pursue defamation law reform in the ACT on his own—and, to his credit, that is what he did. At that stage in 1991 I think we could boast and within government could claim that we had the most up-to-date and the most modern defamation law in Australia. That was followed shortly thereafter by New South Wales adopting some of those provisions that were pioneered in the ACT by Mr Humphries and Mr Stefaniak.

That is some of the history of it, but that has now been changed. Once again I acknowledge—and Dr Foskey adverted to this—that it was Mr Ruddock, the Commonwealth Attorney-General, who brought back with some force through the Standing Committee of Attorneys-General the need for Australia to grasp the nettle on uniform defamation law.

I think everybody that has followed the debate around Australia in the last couple of years through this particular process acknowledges the impetus that was given to the issue by Mr Ruddock, at either his first or second SCAG meeting. When he first addressed SCAG, I was at that meeting, and one of the issues that he was intent on driving, as the then new federal Attorney-General, was a national uniform package of defamation law. It has not been said today in this debate, but the commonwealth, the federal Liberal government, supports this package.

Mr Stefaniak: They were railroaded into it by New South Wales.

MR STANHOPE: The commonwealth are not railroaded into anything. The position that Mr Ruddock had on the table was that if uniform defamation legislation was not achieved the commonwealth would legislate. That was Mr Ruddock's negotiating position. Mr Ruddock's negotiating position was: "We will develop uniform defamation legislation. If we don't make progress in the development of uniform defamation legislation, the commonwealth will utilise its power and it will legislate." There is nothing to stop Mr Ruddock legislating. He chose not to, on the basis that we arrived at a consensus, agreed position of all nine of us—and this is it.

Not all of us like every part of it. I think everybody is aware of Mr Ruddock's position, particularly in relation to the right of corporations to sue and the right indeed of a suit to survive death. These were positions that the states and territories did not adopt. Mr Ruddock was very firmly of the view—he was the only attorney-general involved in negotiations who was of the view—that a right of action in relation to defamation should survive after life; that the right of action in relation to an individual defamed would survive that person's death and might be pursued by their estate. That was another position that Mr Ruddock brought to the table but that was not agreed to.

I guess it goes to the point I make: when you are sitting around as nine jurisdictions, negotiating model national legislation, you compromise. But, in relation to this, one issue we have not pursued is the implications for this new defence of truth, truth alone, within Australia for the development of a right of action in privacy, for breach of privacy—the tort, a new tort, in relation to breach of privacy. The law is developing around the world and it is certainly developing quickly in those nations and places that have adopted a human rights act or bill, such as the United Kingdom. It is tempting to re-energise the debate around the value of bills of rights.

One of the values of bills of rights, of course, is our capacity to hook into the development of law in particular areas around rights throughout the world. One of those is in relation to what is occurring across the world, particularly in human rights compliant jurisdictions, in relation to the development of the law around rights such as the right to privacy. We in Australia have been cut off from the development of that law. We have been cut off from the development of a whole range of jurisprudence.

The broader definition or broader defence of truth and public interest has thwarted the development of the law in Australia in relation to privacy. The fact that we here in the ACT have a Human Rights Act and a scrutiny of bills committee goes to the importance of, I think, section 12 of the Human Rights Act in relation to the right to privacy. Even this particular scrutiny of bills report highlights the point I am making—that all of a sudden, through this current formulation, this change to the common law, the fact that as a nation in relation to defamation, which at its heart, as everybody has indicated in this debate, is around the contest between freedom of speech and privacy—at its heart that is what the law of defamation is a contest or a tension between—we now open up within Australia, through this new definition, a far greater prospect of the law in relation to privacy and the tort of privacy developing through the operations of the common law. That is a very good thing and in time—not today but over time—a real benefit and strength of this new definition is the extent to which it opens up the capacity for the common law to now develop in a new direction in Australia.

Question put:

> That amendment No 2 be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Dr Foskey	Mr Smyth	Mr Corbell	Ms Porter
Mr Mulcahy	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Mr Pratt		Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

MR STEFANIAK (Ginninderra) (12.28): As discussed, Mr Speaker, I seek leave to withdraw my amendment No 3.

Leave granted.

Amendment withdrawn.

Clause 4 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill agreed to.

Sitting suspended from 12.29 to 2.30 pm.

Questions without notice

Review of government expenditure

MR SMYTH: My question is to the Chief Minister. Chief Minister, in November last year you established a functional review of all ACT government structures and programs. This review is headed by Michael Costello, the Managing Director of ACTEW. Among other terms of reference, you have asked this review for specific options for reducing expenditures. What expectation do you have that Mr Costello will achieve reductions in expenditure by the ACT government, and have you given Mr Costello a firm target for expenditure savings?

MR STANHOPE: I thank the Leader of the Opposition for the question. Yes, certainly it is the case that the ACT government has sought a functional and strategic review of ACT government and service provision. We have specifically sought the functional review, which is chaired by Mr Michael Costello and comprises Mr Greg Smith, supported by Treasury and other officers.

As I have explained previously, this government has been in government for over four years, is well into its second term of government and I believe it behoves any government intent on maintaining a record such as that that we have achieved of good government and governance to address priorities represented to us by the people of Canberra in relation to the need to maintain quality of service across the board in relation to government service delivery, and we have certainly done that.

Over the last four years, we have worked assiduously to fill the gaps in service provision, which were the legacy of seven years of mismanagement by the Liberal Party in office, and we have done that to an extremely significant degree. We have not set out with an agenda of reductions in expenditure here or there, or enhancements of this area or that. We have appointed a strategic and functional review, headed up by two incredibly competent people in Michael Costello and Greg Smith, both at different times the holders of very senior offices within the commonwealth service—and now, so far as Mr Costello is concerned, in the service of the Australian Capital Territory. These are people with impeccable records of achievement, capacity and understanding of issues around strategic management and financing.

Our interest, of course, is to ensure that we as a government continue to the greatest potential to meet the priorities of the people of the ACT, to ensure that our systems are efficient, to ensure that the priorities that we set, explain and articulate through the strategic work we have done and continue to do in a policy sense meet what are obviously the priorities of the people of the ACT: to maintain the best educational system in Australia and the best health system in Australia and the best commitment to a full range of government services that are delivered by this government. And, of course, in any objective assessment of national reports on interjurisdictional comparisons of service delivery the ACT continues to lead the nation.

To the extent that in our last budget we budgeted for a deficit this year, and in the context of what we acknowledge to be an economy that has come off the top of a cycle, we are determined to do what any good government would do, and that is to ensure that we maintain the essential integrity of the bottom line of our budget. Any good government faces those issues squarely, as this government has done, and we will continue to maintain our commitment to the economic strength of the ACT and our commitment to good government—the good government that we have delivered over the last four years, that we will deliver for the next three years and, in the context, of course, of the absolute disgrace that the Liberal Party of the ACT have become, we will certainly deliver for four years after the next election, and, I would expect, for four years after the election after that.

Mr Smyth: What's your savings target?

MR STANHOPE: Careful! In the context of an opposition that is a rabble, as one gazes across the chamber one sees, of course, the putative Leader of the Opposition, one sees the leader of the opposition who did not know he was leader of the opposition, in Mr Stefaniak—he will be pleased to take the position if anybody ever raises it with him—and of course the coat-tagger. In the context of the face that the Liberal Party is presenting to the ACT, I expect we will continue to deliver good government for many years into the future.

MR SMYTH: I have a supplementary question, Mr Speaker. Chief Minister, what progress on this review has been reported to you by Mr Costello through his regular monthly reporting?

MR STANHOPE: I have received no formal advice from the functional review. The functional review will report, I think, in early April. I have had discussions with Mr Costello and Mr Smith and with Treasury officials, including the Under Treasurer, in relation to the nature of the work the functional review is undertaking, the basis on which it is proceeding with its investigations of potentially different structures for the delivery of government and the arrangement of the ACT public service and, indeed, around issues of efficient and effective utilisation of resources to deliver the very, very high level of government service which we as a government have certainly delivered in the ACT.

I expect the functional review will report on time, in early April, and I think the functional review will start from the position of confirming the enormous strength of the ACT budget. I think it is not denied that our position here within the ACT is strong and certainly the envy of other jurisdictions around Australia. Our balance sheet is probably the strongest of any government in Australia, reflected of course in the AAA credit rating, which has been renewed for the ACT, and in our position compared with all of the jurisdictions around Australia, in the straitened circumstances that many find themselves in as a result, particularly, of the cooling of the national economy or the turning in the cycle, for instance, of housing start-ups and many of the other indicators. If one goes to the indicators in relation to economic performance and the strength respectively of different jurisdictions, it is always comforting to go to those indicators as they apply in the ACT: unemployment of 3.3 per cent; highest confidence rates within business in the ACT; highest increase per capita in the number of people in employment in Australia; and highest level of housing start-ups in Australia, proportionately.

The economy here is enormously strong. Despite the continued efforts of the opposition to talk it down, the economy is strong and vibrant, and the levels of confidence are as high as they have ever been. Of course, the proof of that is in the fact that just in the last week the Liberal Party has floated a proposal for a $600 million convention centre precinct, a proposal obviously cleared by the shadow Treasurer. There is no way the shadow Treasurer would have approved the release of that particular policy proposal had he not cast his eye over it. We know what an expert the shadow Treasurer is in relation to matters financial. We are talking about a $600 million convention centre proposal, floated by the Liberal Party last week and, of course, underwritten and cleared by the shadow Treasurer before he would have allowed his leader to release it.

Who there in the Liberal Party would dare suggest that the Leader of the Opposition, on behalf of the Liberal Party, would release their $600 million convention centre proposal—the 5,000-square-metre convention centre; the two 300-bed, 4.55-star hotels; the $60 million recreation facility—in an environment where they have doubts about the inherent strength of the ACT economy? They would not have been that foolhardy to say, "Well, on the one hand, we're talking down your economy; we're suggesting that it's in dreadful strife; you're not managing; it's Hanrahan time; we'll all be rooned; the economy's buggered. But we will embark on $600 million of underwritten government expenditure on a convention centre, which we know won't pay, and on hotels in relation to which we are not sure there is any demand."

This is a $600 million government-underwritten proposal for a 5,000-square-metre convention centre, two 300-bed hotels, a $60 million recreation facility—all to be funded or underwritten by a Liberal government—and a proposal supported by the shadow Treasurer, because the shadow Treasurer would in no circumstance allow his leader to expose himself with a proposal that was flawed. So on the one hand you are underwriting $600 million of expenditure, and on the other hand you are seeking to suggest that there is something a little bit shaky about the state of the ACT economy. You can't have it both ways.

Convention centre

MR GENTLEMAN: My question is to the minister for economic development. The Chief Minister has just raised the issue of a convention centre proposal that has received some publicity in recent days. Minister, as it is the government who would have to implement this proposal, are you aware of any approach to the government to discuss it? Have you seen any material that supports any of the claims that are made in this proposal?

Mr Pratt: Why go to the government? They are bereft of ideas.

MR QUINLAN: You are getting more childish as time goes by, Steve. I am interpreting the question as saying, "Do we think this was a good idea?" You could say, "Yes, this is a good idea." If the objective was to get the embattled Leader of the Opposition some favourable exposure, then it was a good idea. The different stories got three page ones over the space of about a week. Today, there is a secondary editorial, stating quite clearly, in the opinion of the *Canberra Times*:

> … the ACT Government is entitled to be skeptical of the Opposition's plan for a new convention centre …With most Canberrans of a mind that the tourism and conference industries should show the colour of their money if they feel there's a need for a convention centre …

et cetera, et cetera. What today's editorial does, in its own way, is confirm that this little emperor has no clothes. It was delivered under the banner "this is just an argument stunt". "Delivered under an argument stunt" is, from my perspective, code for "I ain't done any work. I've got three little bitches. I'll put them out there and get my name in the paper, at a time when I really need my name in the paper."

We had an article which said that business was keen. If you look at the people to whom this article referred, you could appreciate that they might be keen, because they are, largely, the potential beneficiaries of any convention centre funded by government. Stop the press; the Tourism Industry Council thinks it is a good idea that we spend a couple of hundred million dollars of taxpayers' money on a facility that will make no money. Stop the press; the HIA thinks it is a good idea. Stop the press; the AHA thinks it is a good idea. We have to come back to the AHA.

The AHA said that $200 million of government money, taxpayers' money, for the convention centre is a good idea; more hotels is not a good idea. You would have thought that, with the connections that the opposition has with the AHA—the current

director of the Liberal Party is the former CEO of the local AHA; Mr Mulcahy, economic spokesperson, is a former chief executive of the AHA—maybe this proposition might have made some reference, before being published, to what the AHA thought about it. I don't know whether they did or not.

I am advised—it has been claimed in the media by the Leader of the Opposition—that this had full party room support before the event. We might have a wider and deeper debate on this so that each of the members of the opposition can rise in this place and place in *Hansard* the fact that they were part of a party room discussion and agreement—we won't say "unanimous" but at least a majority vote—before the event so that it became policy.

Mr Mulcahy: It was.

MR QUINLAN: I am glad to hear it because that means that you all own it. Do you? I read in the paper that Mr Mulcahy doesn't quite own it. If you read what Mr Mulcahy has said about it, he said, "You can't do sums if you are not in government." What, you don't get a calculator? I don't know. "You can't talk to people about viability because you are not in government." If ever there was a recanting of support for this particular proposal, it is there in black and white. I have got to say that I agree with the *Canberra Times*, the wonderful newspaper that it is, that the ACT government is entitled to be sceptical about the opposition's proposal.

MR SPEAKER: The minister's time has expired.

MR GENTLEMAN: Minister, are you aware of any financial analysis that has been carried out to support the convention centre proposal?

MR QUINLAN: Thank you, Mr Gentleman, for the supplementary question. I heard Mr Smyth claim, in the public forum, that developers and financiers—plural—had come to his door to support him. In fact, he appeared on television with a gentleman from Equilibrium Strategic Marketing Pty Ltd.

Mr Speaker, I have to tell you that I love Google. I have had a little look at Google. Yes, there is, you will be pleased to know, an Equilibrium Strategic Marketing Pty Ltd. It is a firm with two directors, Rob and Jill, who live in Isaacs. The head office is a post office box at the Canberra City PO.

Mr Stanhope: This is an international company, with its office in Canberra.

MR QUINLAN: Yes. Right on. Of all these many financiers that beat a path to Mr Smyth's door, he selected Rob and Jill. I am sure Rob and Jill are very nice people. They have a connection with Corofin Capital. I am sure you have all heard of it; I hadn't. I am sure the opposition has heard of them and checked their credentials. They are involved in passive investment. That is their claim.

Funding for the proposals would have four criteria: it has got to be big, $50 million to $500 million plus; it has got to be for 20 years. So far, so good. The rental has to be paid monthly in advance, and a senior partner must be rated by Standard & Poor's. Whoever Corofin is or are—there is an island by that name somewhere near England—amongst all

the other ones that Mr Smyth brought out to support him, they are, obviously, a finance group that wants to lend money only if it is guaranteed by somebody who has Standard & Poor's BBB or better, which means that this is a guaranteed loan. If it is a guaranteed loan, it doesn't matter what it is for.

The fact that people have come out and said, "We want to lend you money, Mr Smyth. Come in. Welcome. Sit down. Have a coffee. Have a cream bickie. You get the cream bickies if you are prepared to borrow $600 million, $300 million, whatever slice of it you are prepared to borrow, and then guarantee"—I think I read mentioned—"7½ per cent return," means that, if it happens to be Corofin and they get lucky, they will be paid that monthly in advance.

Mr Smyth: This has nothing to do with it, Mr Quinlan.

MR QUINLAN: You don't like this at all, do you, little man? You are not enjoying this at all, are you? Mr Smyth, when you trot out this sort of pap, then you ought be prepared to do a bit more homework and get a bit more of a solid backing because, mate, this is paper-thin.

As I said, Rob and Jill are probably lovely people.

Mr Smyth: You need to—

MR QUINLAN: Why don't you put your hands over your ears if you don't want to hear it. And close your eyes so you can't see me. This is schoolyard stuff.

This proposition that has been put forward is very, very thin. It has absolutely no homework. If Mr Smyth believes there is any sense in it, then the Assembly has a problem because, at this particular time, that man is the Leader of the Opposition and this is clearly rubbish. Unfortunately, those who sit with him have been embarrassed or forced into a position where they have to support it. Several of you, at least, have my sympathy.

Taxation—GST agreement

MR MULCAHY: My question is directed to the Chief Minister. On 14 December last year I asked you about your claim that the federal Treasurer threatened to rip up the intergovernmental agreement on the GST, raise the GST to 15 per cent or higher, and keep the extra revenue for himself. Chief Minister, they were your own words. To remove any doubt, I tabled your statement of 25 March 2005. Chief Minister, when do you expect the Treasurer will do those three things?

MR STANHOPE: As I understand it, in relation to agreements—we might term them "agreements that have been arrived at by treasuries"—this question is better directed at the Treasurer. But I can understand—with Mr Mulcahy's current record of achievement in his shadow portfolio of treasury—that he is perhaps reluctant to address questions to the relevant minister. We see the shadow Treasurer, particularly in events of recent times as the pretender to the throne, scurrying around destabilising his leader from behind the skirts of his colleague, Mrs Dunne. He shows a lack of integrity and courage or strength

of purpose that one would expect of a leader of an opposition. It is one of the most undignified scenes that we have witnessed in recent times—

Mr Smyth: Mr Speaker, I rise on a point of order.

MR STANHOPE: Mrs Dunne has been spraying bullets willy-nilly, most regularly through her own feet.

MR SPEAKER: Order! Chief Minister. Order!

Mr Smyth: Mr Speaker, under standing order 118 (b) the minister cannot argue the subject. He was specifically asked about his words, which is why the question was directed at him. He should answer for his words.

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

MR STANHOPE: I will. It is relevant, in relation to the question from the shadow Treasurer about issues around past performance or understanding of matters going to the budget, that we do acknowledge the strength, purpose and character of a person so intent on destabilising his leader. He does it from behind the skirts of one of his colleagues. He allows her to take the fall—to be removed of all her positions within the Assembly—while she sprays bullets from a gun loaded by him.

MR SPEAKER: Mr Stanhope, come to the subject matter of the question.

MR STANHOPE: The point that I was coming to in relation to that was, of course, the outcomes of meetings and undertakings made by treasurers at treasury meetings. Of course, the disability I have in relation to that is that I am not the Treasurer, and I do not attend those meetings. I have not had those face-to-face discussions with Mr Costello that are at the heart of the shadow Treasurer's questions.

It is interesting, in relation to a question going to discussions, negotiations and agreements struck by the federal Treasurer, Peter Costello, with the Treasurer of the ACT, Mr Quinlan, and others, with Mr Quinlan sitting here, ready and armed to answer in detail the nature of the undertakings and agreements struck, that Mr Mulcahy chooses not to ask the person who was present at the discussions, who struck the deal, who made the undertakings. Is that not interesting? We need to ponder that. Why is it, around an issue in relation to which the person who negotiated the ACT's position on the part of the ACT government is sitting here at my right hand. He is sitting here, he had the conversation, he did the negotiations, he struck the deal. He is sitting here as Treasurer of the ACT, and the shadow Treasurer does not wish to ask the Treasurer of the ACT any questions about the budget or budget management, or issues going to the GST or taxation, or arrangements entered into between the ACT and states and territories. Why is it that Mr Mulcahy does not wish to engage the Treasurer in relation to a discussion around financial and economic issues? Why is that, I wonder. Because he knows he is out of his depth. He knows he is inadequate. He knows he is out of his depth.

Opposition members interjecting—

MR SPEAKER: Order! Resume your seat, please, Chief Minister.

Mr Smyth: Mr Speaker, I rise on a point of order. Under standing order 118 (b), you have directed him to come to the subject matter of the question. The purpose of the question was to ask him why he made statements. He refuses to answer the question. He flouts your authority. He should be made to answer the question.

MR SPEAKER: Order! Mr Smyth, I think that in the course of responding to the question, the Chief Minister is entitled to ask the rhetorical question of why it was not asked of the Treasurer.

Mr Smyth: Mr Speaker, it is because it is about his words.

MR STANHOPE: The bottom line is—and I do hope there is a supplementary—in relation to issues around the GST and the tax mix that I think we are all aware that the states and territories, in a negotiated arrangement with the commonwealth, have agreed to progressively phase out a range of taxes and charges. There is a position on the table. A couple of the jurisdictions—I do not have these things on the top of my head; Mr Quinlan does—

MR SPEAKER: The minister's time has expired.

Policing

MS PORTER: My question is to the Minister for Police and Emergency Services. Minister, the recently released Productivity Commission report on government services contained a five-year snapshot of policing in the territory. Can you inform the Assembly what this snapshot revealed about police services in the ACT?

MR HARGREAVES: I thank Ms Porter for the question. I am pleased to report to the Assembly that the Productivity Commission report on government services shows that ACT Policing is better funded and supported by the ACT government now than five years ago under the Liberals.

Mr Speaker, as you know, the Stanhope government has shown a significant commitment to policing in the territory and to keeping our community safe. Since the October 2001 election, the Stanhope government has increased government investment in police services from $65.3 million in the last Liberal budget, when the current opposition leader was minister for police, to $94.4 million in 2005-06. Spending has increased.

There has also been an increase in police numbers and an increase in the number of sworn and operational police. In 2000-01, the ACT had a total of 776 police, 591 of whom were sworn. This has increased to 802 police in 2004-05, 606 of whom are sworn. This is set out in black and white, yet the opposition spokesperson tries to mislead the public by blustering that the Stanhope government is "allowing police capacity to drop". This new independent report proves that the opposition have it wrong and that not only have police numbers increased under the Stanhope government, but also that we now have more sworn police officers than in 2000-01, when the Liberals were last in government.

The opposition also have it wrong when they criticise ACT Policing for allegedly increasing the number of unsworn officers at the expense of sworn officers. Unsworn officers provide essential services to the territory. They are the forensic scientists, intelligence analysts and other experts drawn from the ranks. It is worth noting that this process of "civilianisation" of ACT Policing support services began in 2000-01, under the stewardship of Mr Smyth. Indeed, the number of unsworn officers per head of population under the previous Liberal government is the same as it is now. The Stanhope government has simply continued—

Mr Pratt: Where is the offset?

MR HARGREAVES: Don't you swear down the corridor at me, Mr Pratt! The government has simply continued with the number of unsworn officers left from the previous Liberal government.

The Productivity Commission report also shows the ACT to have more police dedicated to operational policing, with 88 per cent dedicated to operational duties in 2004-05 compared with 86.9 per cent in 2000-01. That means that more police are concentrating on operational imperatives and a more efficient police force.

I am pleased to see that the snapshot demonstrates an increase in female and indigenous officers in ACT Policing, meaning the police force is now more representative of the ACT community. However, the snapshot not only showed increases. There have been significant decreases since the Stanhope Labor government came to power; namely, in complaints against police and in victims of recorded crime, such as unlawful entry with intent, motor vehicle theft and other theft.

This report shows that, under Mr Smyth's leadership as police minister in the year 2000, motor vehicle theft was running at nearly 905 thefts per 100,000 Canberrans. Under the Stanhope government, and thanks to the dedication of ACT Policing, this has decreased significantly to 538.9 thefts per 100,000 in 2004. While it is not acceptable that any vehicle is stolen, significantly fewer Canberrans have had to feel the pain of having their vehicle stolen now than under the previous Liberal government.

This reported reduction in crime is in line with the ABS recorded crime victims 2004 report, which showed a decrease in the number of victims of crime in the ACT and across the country, as well as figures from ACT police which show, since the Stanhope government was elected, a reduction in offences by a massive 20.9 per cent.

One area that is not good news is the level of community satisfaction with police services. We have seen a decline in the satisfaction shown by the Canberra community with the services received from police. Obviously we have a concern. I have been working with the Chief Police Officer, Audrey Fagan, to address these issues, and I am pleased to advise the Assembly that more recent figures show an improvement in satisfaction levels. I wish people would recognise that and pay tribute to the police for the great job they are doing.

Waste recycling

DR FOSKEY: My question is to the Minister for Urban Services. I noted today that a number of the recycling bins that had been put round Civic for the multicultural festival were being packed up after the weekend's festivities. I have often been asked by Canberra businesses and individual constituents why there are not any waste recycling facilities in Civic, not just for people passing through but for the many businesses that are producing waste in Civic. Given that it has been a fairly straightforward process to set up recycling bins in town and that a cursory inspection of them by me—I did not look in all of them—seemed to indicate that they were well used, could the minister please advise the Assembly when ACT No Waste last looked at establishing a permanent waste recycling service in the city and what would be the cost of such a service?

MR HARGREAVES: I am pretty sure that I have answered such a question on four or five occasions before, but possibly not one from Dr Foskey, either because she was not in this place at the time or because she was asleep at the time. I cannot give Dr Foskey the exact date of the investigation, but it was not that long ago, in the context of the no waste program. We had conversations with businesses around the ACT and we talked about it in the context of the keep Australia beautiful campaign and the clean up Australia campaign and as part of the general thrust.

One of the issues for us is that businesses have to accept responsibility for recycling, the same as householders do. Householders actually have bins supplied as part of their rates, as you well know, Dr Foskey. We provided the recycling bins in the context of the National Multicultural Festival because the infrastructure for that was predominantly funded by the ACT government. We know with regard to Civic and its precincts and the town centres that putting on another collection service would be a particularly expensive exercise. When we floated this issue with businesses through their peak bodies and individually, they were not prepared to cop the increase in rates that would have to go with that.

What we would rather like to see, and we have been having conversations with them, is businesses accepting responsibility for the recycling of the packaging that they use. Some of them are doing that. Most of them are not doing it to the level that we would want them to do it. We have, in fact, instituted no waste awards in recognition of businesses that do this sort of stuff. I do not accept that this total recycling thing is a government responsibility. Keeping this town clean, keeping this town beautiful, is not the government's responsibility in toto. It is not our job to wander around the place picking up after lazy people.

Mr Pratt: You should be showing leadership in this area, setting an example and helping the community to clean up the place.

MR HARGREAVES: Mr Speaker, I am sorely tempted to respond. The issue with recycling is that it would cost a significant amount of money. I have answered a question on notice on that, Dr Foskey, but I will get for you the exact figure as at the last time it was checked. I hope that that will satisfy your query.

DR FOSKEY: I have a supplementary question. Taking on board your arguments about the cost of setting up recycling for business, what about the idea of retaining recycling bins there for the average passer-by, so well trained through recycling of household garbage collection?

MR HARGREAVES: We would love to do that; it would be a great idea. In fact, we have now got it to the point where, funnily enough, people actually embrace recycling in their own homes but, curiously, do not do that when they go to their offices. The mind-set is not as widespread as you might think, much to the disgrace of our community, I believe.

We have a bit further to go before it will be automatic for people to seek out these things. The separation of putrescible waste, something dear to the heart of Mrs Dunne, from other types of waste is a challenge. You have to understand that if we put a yellow-topped bin out there we would find in it not only paper, cardboard and plastic but also apple cores and other forms of foodstuff and putrescible waste, and when it becomes contaminated the exercise becomes much more difficult altogether. The effort at the National Folk Festival and the effort at the National Multicultural Festival are part of a process of educating people on that.

Dr Foskey: That could be assessed.

MR HARGREAVES: Mr Speaker, I do not intend to engage in conversation across the chamber with Dr Foskey. I have given my answer. If she is not happy with it, she can put it in a bin somewhere.

Prison—funding

MR STEFANIAK: Mr Speaker, my question is to the Chief Minister. Chief Minister, on 22 November last year you repeatedly told the Assembly that funding of $128 million had been appropriated to build the prison. Since the 2005-06 budget shows that only $49.346 million was appropriated, would you please clarify to this Assembly what the correct figure is for the appropriation—is it $128 million or $49.346 million?

MR STANHOPE: I would have to refer to the papers. It sounds around about right—that around about $50 million was appropriated. But certainly, in the context of all capital works projects, particularly large major projects such as this that take a number of years to bring to fruition, we do as all other governments, including Mr Stefaniak's, have done. Any memory of when you might have been in government must by now be receding into the dim, distant past.

Of course, if one dwells on this and as one thinks about it, the major project delivered by you and your government was, of course, Bruce Stadium. My recollection is that Bruce Stadium was to be redeveloped at a cost of $12.7 million. It ended up costing $80 million and even then I am not sure that any of the $12.7 million was ever appropriated. I do remember the $10 million overnight loan on 30 June to be repaid on 1 July.

Mrs Dunne: Mr Speaker, on a point of order. In accordance with standing order 118 (a), the Chief Minister should concentrate on the actual question, which was about the appropriation or otherwise for the prison and not Bruce Stadium.

MR SPEAKER: Come to the subject matter.

MR STANHOPE: The subject matter is the funding of capital works projects. I think it is relevant for the edification and understanding of members that I give some comparative analysis of how the Liberal Party funded major capital works projects, or did not fund them, as the case may be. Of course, it is interesting that the two major pieces of capital works pursued over the last five or six years, if one takes roads out of the equation, have indeed been the refurbishment of Bruce Stadium and the construction of the Alexander Maconochie Centre prison.

It is instructive to consider or compare the way in which the Liberal Party undertook and funded capital works with the way in which we as a government undertake and fund capital works. It is relevant for the sake of ensuring that the member understands how we fund capital works that I make a comparative analysis. We go back to the $12.7 million project, which I think ended up costing $80 million or $84 million and which along the way involved the illegal procedure of a $10 million overnight loan appearing in the books as of 30 June and then being mysteriously repaid overnight to create some balancing of the books in relation to the transaction. We go back to the rest of the history of the sorry story of Bruce Stadium which, at its heart, is instructive around how the Liberal Party in government behaved and would behave in future if the convention centre project is anything to go by.

Mrs Burke: Mr Speaker, I take a point of order.

MR SPEAKER: Order! Chief Minister, resume your seat.

Mrs Burke: The Chief Minister has been repeatedly told, under standing order 118 (a), to keep to the point of the question. I respectively ask, sir, that you instruct him to answer the question.

MR SPEAKER: I think the Chief Minister is entitled to draw some comparisons in answering these questions. It is an issue about capital works and how funding is appropriated for them.

MR STANHOPE: It is relevant, of course, that at the time the decisions were taken, including the illegal decisions in relation to Bruce Stadium, Mr Stefaniak was, I think, the minister for sport and a member of the cabinet. As minister for sport he was notionally responsible, of course, for the stadium and was a member of the cabinet that took those decisions.

In relation to the Alexander Maconochie Centre, the major capital works project currently under construction, I do not know the exact numbers but around about $50 million sounds about right. That is an awful lot of money, of course. Fifty million dollars has been appropriated, with the rest of the project of up to $128 million

accounted for in the out years. In every capital works project that extends beyond one year we appropriate in the year of the budget. These are very similar—

Mr Smyth: Your words.

MR STANHOPE: You speak to your shadow Treasurer. You need to have that sort of conversation that you obviously had with your shadow Treasurer in relation to the convention centre before he ticked off on it. You need that sort of conversation in relation to how budgets work.

We have appropriated around about $50 million to get us through until the next year and to the next budget. We have made provision for additional funds of up to $128 million. We have called for expressions of interest for the main construction. That will be concluded in the next couple of months and the prison at this stage is on time and on budget.

MR STEFANIAK: Mr Speaker, I ask a supplementary question. I thank the Chief Minister for that answer. Chief Minister, will you now correct your assertion of 22 November, just to avoid misleading the Assembly?

MR SPEAKER: That is an inference, Mr Stefaniak. Just withdraw that.

MR STEFANIAK: Perhaps if I re-ask the question, Mr Speaker. Will you now correct your assertion of 22 November?

MR STANHOPE: Mr Speaker, I have to say that I do not have the record of what I said on 22 November. There is no way in the wide world that I would accept from Mr Stefaniak or any member of his government an assertion that I said something before I check it. It is quite clear. I do not know why it is that the Liberal Party adopt this very negative approach. They once supported the prison. In fact, one of their previous ministers, namely Michael Moore—if Moore can be regarded as a Liberal minister—who was the Liberal government's minister for corrections, was a fierce advocate for the prison, as, of course, were Mr Smyth and others when in government. It is only in opposition that they have decided to oppose the Alexander Maconochie Centre.

Mr Hargreaves: He was very versatile.

MR STANHOPE: Very versatile and with a great capacity for lateral thinking and movement. But it is a mystery to me. It is something that I have never ever understood or thought—

MR SPEAKER: Come back to the subject matter of the question. The subject matter is pretty clear, Chief Minister.

MR STANHOPE: It is a concern to me that the Liberal Party now oppose this major piece of capital works, this major driver of our economy and a major piece of policy reform essentially through infrastructure that will be delivered to the people of the ACT. We have committed $128 million. In whatever language you wish to use, the ACT government has committed $128 million to the construction of the Alexander Maconochie Centre, a state-of-the-art, best-practice prison for Australia. We have

budgeted, identified, around about $50 million for that funding. We have committed an additional sum of up to $128 million, just as we have in relation to all other projects, including, for instance, the Gungahlin Drive extension. We have identified, we have committed, somewhere in the order of $100 million, which, of course, will be used over the period of the construction.

I do not know what is at the heart of the question but certainly the ACT's cash position is incredibly strong. There is absolutely no question that these projects will not proceed to fruition. As I have said in relation to the Alexander Maconochie Centre, unlike Bruce Stadium the Alexander Maconochie Centre is on time and is on budget and will be delivered without any breaches of the law, which puts it, of course, in stark contrast to the record, the attitude and behaviour of the Liberal Party in relation to government and in relation to the capacity to deliver capital works. Never forget, Bruce Stadium redevelopment started as a $12.7 million project which was going to rely on a major contribution from the private sector to deliver it on target. It is a bit like the convention centre. It was going to be a partnership—a little bit of seed funding from the government of $12.7 million and the rest, of course, was going to be drawn in from the private sector. This was just like the convention centre with the two hotels and the recreation facility—the $600 million Richard Mulcahy approved project.

MR SPEAKER: Order, Chief Minister! Come to the subject matter or conclude your answer.

Mr Stefaniak: For the edification of members and the Chief Minister, I seek leave to table the extract from *Hansard* of 22 November. I think he has corrected the record in his convoluted answer.

Leave granted.

Mr Stefaniak: I table the following document:

> Prison funding—Extract from *Hansard*, 22 November 2005.

Epicentre

MR SESELJA: My question is to the Minister for Planning. It concerns the auctioning of the Epicentre site, and I have given the minister advance warning about this question. Minister, how much of the $39 million that was bid at auction for the Epicentre site has been paid by the successful bidder to date? When was this amount paid? Did this comply with the terms for payment outlined in the contract of sale?

MR CORBELL: I thank Mr Seselja for the question and also for the advance notice. I can advise him and the Assembly that the site sold for $39 million. Full payment was received on 3 February this year. I am advised that the payment was made in accordance with the conditions of the sale.

MR SESELJA: I ask a supplementary question. Minister, on what day was the amount that was paid on 3 February due?

MR CORBELL: The contract specified that the payment needed to be made by 30 January. However, the contract also specified that there were a further seven days permitted under the contract for completion of payment. The payment occurred on 3 February and was consistent with the terms and conditions of the sale contract.

Yarralumla brickworks

MR PRATT: My question is to the urban services minister, Mr Hargreaves. Since 23 September 2002, residents adjoining the old Yarralumla brickworks have made representations, through ACT Strata Management Services, on no less than four separate occasions, to your government, complaining about overgrown grass and shrubs that pose a serious fire risk. A letter dated 17 November 2005 sent to Urban Services again noted the fire hazards and requested that action be taken.

Unfortunately it appears that residents' complaints were never thoroughly actioned, resulting in the loss of property that we saw in December last year in the Yarralumla brickworks fire. Why, after more than three years of correspondence with your government, was sufficient action on behalf of Yarralumla residents not taken to reduce these fire hazards?

MR HARGREAVES: Mr Pratt is very, very good at trawling through other people's garbage bins, trying to find some negative story and put fear into the people in the community. I do not accept that this government has been particularly tardy in its approach to the brickworks. We know that the brickworks area is, in fact, a peppercorn lease arrangement. The brickworks is not a government instrumentality. Mr Pratt fails to tell us this. Mr Pratt also fails to advise the Assembly that, only a very short period of time prior to the fire, the area behind the fences was mowed to the 20 metres in the specifications. Mr Pratt also fails to tell people about the fires in that particular area.

Mr Pratt: You didn't do the rest of the job, though, did you?

MR HARGREAVES: Mr Pratt, you don't know good manners from clay. Why don't you grow up.

Mr Pratt does not also say that those premises that did not have brush fences did not suffer significant damage. He does not tell the Assembly the whole story. This is so typical of Mr Pratt. What he does not also advise the Assembly is that the brickworks area, under the leasing arrangement, requires certain clearance to be made. He does not also tell you what was in the ground area. There was rubble, which made it impossible to cut and slash in there. He does not tell you any of that.

All Mr Pratt is capable of doing, as he has in fact done with policing numbers before, as in fact he did with Urban Services complaints only recently, is trot through the garbage bins of history, trying to find a negative little piece of work. He then pops that up and portrays it in order to do the John Howard method of re-election: let's frighten them; let's put the fear up them; then they will re-elect us. He is a fear merchant; he is an absolute screaming fear merchant.

When he talked in his latest press release about Urban Services, he said that there had been this doubling of complaints from 6,000 to 10,000. Firstly, his arithmetic is a bit suss. Secondly, he did not say that three-quarters of that was inquiries about trees and not complaints. He did not say in his press release that the remaining part was inquiries and not complaints. In fact, every single time he stands up in this place, he misrepresents a situation.

Mr Stefaniak: On a point of order, Mr Speaker—

MR SPEAKER: Withdraw that.

MR HARGREAVES: I withdraw the statement that Mr Pratt misrepresents in this place.

MR SPEAKER: Just withdraw.

MR HARGREAVES: I am trying to. You can’t hear it. I did that.

MR SPEAKER: Withdraw the word “misrepresents”.

MR HARGREAVES: I withdraw the words “misrepresents in this place”. However, I need to make the point that, in the public arena, in the media, Mr Pratt is only too ready to misrepresent figures out of annual reports.

Mr Stefaniak: On a point of order: he is still using the words “in this place”. He can’t do that.

MR SPEAKER: I think he is now referring to statements outside this place.

MR HARGREAVES: I did. Correct, Mr Speaker. Thank you very much for that. Because he goes trawling through the garbage bins of history, what happens is that this man is responsible for more questions on notice and has done nothing much with it, except pick through it. Then he comes up with spurious press releases. We have another one. The brickworks is yet another one. I intend to treat this member with the contempt that he is due.

MR PRATT: Thanks for the detailed answer, minister. What further advice can you give to ACT residents who are concerned about fire threats in their neighbourhood when complaints are not actioned, as we pointed out in the previous question, sufficiently by the relevant government authorities? What advice do you have for them?

MR HARGREAVES: Thanks very much for that supplementary. The first piece of advice I give to the people of the ACT is not to listen to Mr Pratt. That is the first bit of advice. The second piece of advice I give them is to be very wary of letters in your letterbox from Mr Pratt.

Mr Pratt is the guy who was exposed on the internet for writing letters to people saying, “There is long grass at the back of your house; you’re going to burn to death. Are you concerned about that?” So they say, “Yes, of course I am, Mr Pratt.” He then goes into

the public arena and says, "Look at all of these people that have complained to me." He goes fishing. What happens? He gets a toadfish and he gets sprung. He is sprung and his name is besmirched all the way through the internet. Around the world this man is besmirched. He has earned a reputation for that underhand behaviour, that set-up behaviour.

My advice to the people of the ACT is crystal clear: one, ignore everything that Mr Pratt does and says; two, feel safe in your home because you have the best emergency services in the country; and, three, next time vote as though your life depends on it.

Yarralumla brickworks

MRS DUNNE: My question is to the minister for heritage and it relates to the Yarralumla brickworks. Minister, the Yarralumla brickworks have presented a policy challenge since the inception of self-government. What steps have you and your government taken to secure the future of the heritage-listed brickworks, owned by the ACT government, in case you do not know? Are you content to have the Yarralumla brickworks continue to be a haven for arsonists and other types of vandals until they fall down?

MR STANHOPE: It is undoubtedly the case that the Yarralumla brickworks are very significant, touching on iconic, in the context of our heritage. I think that it can be said that, of the major iconic parts of our built environment, the Yarralumla brickworks and the chimney feature are perhaps the most enduring of the major built structures within the ACT and are of enormous heritage and cultural significance to the people of the ACT now and always will be. It certainly is, as Mrs Dunne acknowledges, a precinct that has represented a major management challenge to successive governments, including before self-government but certainly since self-government.

I do not think that there has been an ACT government that has not grappled with an appropriate use. There have been some quite innovative proposals and plans developed from time to time, including, of course, one for its use as a site for Floriade as well as a site for significant redevelopment. It is vitally important that we maintain the structural integrity of the Yarralumla brickworks and that we continue to acknowledge absolutely its significance culturally.

Much of early Canberra was born, certainly had its gestation, in the kilns at the Yarralumla brickworks. It was one of the first major industrial sites within the ACT. Even today, in the context of our community, it remains as the most significant industrial site. I guess we could have a debate about that, but it is probably the most visible of the industrial sites that have been part and parcel of our history.

Acknowledging all of that, the ACT government, through the Minister for Planning and through ACTPLA, have been very involved in the development of a range of planning exercises in relation to the Yarralumla brickworks and its environs. I do not have the detail of the planning work that the Minister for Planning has been overseeing through ACTPLA in relation to the Yarralumla brickworks. It is interesting, I think, in the context of the cut and run approach of Mr Mulcahy to refusing the engage the Treasurer in debate, that we now see this proclivity to ask—

Mr Mulcahy: No, we are just trying to teach you a little about economics.

MR STANHOPE: Mr Mulcahy interjects that he was trying to teach me some basic economics. I think that the last time that Mr Mulcahy took a serious interest in an economic matter was when he was negotiating his separation payment with the Australian Hotels Association. Mr Quinlan commented that he was surprised that, in regard to the development of the convention centre project and the three hotels, the opposition did not approach the Australian Hotels Association, having regard, of course, to the close association between Mr Mulcahy and the Australian Hotels Association. Out of politeness, of course, Mr Quinlan did not mention the unpleasantness—

Mrs Burke: I take a point of order, Mr Speaker. Again, Mr Speaker, I bring to your attention the minister's propensity to continue to stray from the point of a question—standing order 118 (a), relevance. Please ask him to answer the question before him.

MR SPEAKER: Yes, I think that you were straying from the point of the question, Mr Stanhope. Come back to the point of the question.

MR STANHOPE: I do need to conclude that, out of politeness, Mr Quinlan did not mention that since the negotiation of the infamous separation package Mr Mulcahy has actually been persona non grata with the AHA.

MR SPEAKER: Order! Come back to the point of the question.

MR STANHOPE: In relation to the Yarralumla brickworks, which is where we were, the Minister for Planning, through ACTPLA, has been pursuing on behalf of the government detailed planning work in relation to an appropriate future regime for ensuring that we protect and respect the absolute and fundamental importance of the Yarralumla brickworks as a part of our heritage, certainly as an iconic Canberra landmark.

Quamby Youth Centre

MRS BURKE: My question is to the Minister for Children, Youth and Family Support. Can the minister confirm or deny if, before Christmas 2005, some residents of Quamby climbed the external walls from the recreation area onto the roof and caused extensive damage to the roof, windows and skylight? Can the minister also confirm or deny if two residents broke into Quamby through an internal manhole cover—a secure area—gained access to the roof and trashed some electrical equipment? Can the minister also confirm or deny if there are some 15 staff under review at Quamby for "inappropriate behaviour"? Can the minister explain what this inappropriate behaviour is?

MS GALLAGHER: The specifics of the question I will take on notice. I do not have that level of detail. I understand there was an incident at Quamby that involved residents on the roof. My understanding of that incident is that the residents were coaxed down without any noticeable damage or harm, or potential harm, to their safety. Certainly I will get more detail on that. I understand that was during my time on leave. I will get answers on that and address that issue about staff, which I am certainly unaware of at the moment.

MRS BURKE: I ask a supplementary question. I appreciate the minister's response. Also, minister, would you find out what steps are being taken to address the serious breaches in security and the other problems associated with that?

MS GALLAGHER: Firstly, I will establish if there has been any serious breach. Certainly I have not been aware of one. I know that extensive work has been done on the security at Quamby.

In respect of all the detail that Mrs Burke alludes to, there is a constant issue about how to manage residents at a juvenile detention facility. Many of them do not wish to be located in the place and the staff work to ensure that they are well and safely looked after. As I said to Mrs Burke, I will take advice and I will inform the Assembly once I have that information.

Calvary Public Hospital—psychogeriatric facility

MS MacDONALD: My question is to the Minister for Health. Minister, last week you turned the sod at the site of the ACT government's new $9.75 million subacute and psychogeriatric facility at Calvary. How will this be of benefit to Canberrans?

MR CORBELL: I thank Ms MacDonald for the question. I am very pleased to confirm to the Assembly that work on the new subacute and psychogeriatric facility at Calvary Public Hospital is now under way. This new project will house two units for subacute and psychogeriatric care here in the ACT. As members would know, the distinct lack of psychogeriatric facilities, in particular, has been a major gap in the level of health services provided to our community and one that I am very pleased that the government is moving to plug and to provide an adequate and comprehensive service.

This new facility will predominantly be for people over the age of 65. It will comprise a subacute rehabilitation unit, with 28 new subacute beds, and a further 12 new subacute beds located within the existing buildings at Calvary Public Hospital. Ten of these new beds will be operational from next month and will link into the new facility when it comes online in early 2007. When complete, the new subacute facility will contain 60 new beds, 51 of which are extra and the remaining nine existing convalescent beds. Amongst these will be two new designated bariatric beds within the subacute facility, for patients requiring rehabilitation, and, as I have already indicated, a new 20-bed psychogeriatric unit, which will care for elderly patients with acute cases of mental illness and behavioural problems associated with dementia.

This is an important investment for our community. What it means is that we will now have a dedicated facility to assist those older residents in our community with mental illness, along with a significant increase in our capacity to allow for people going through rehabilitation and convalescence. This has been one of the real weaknesses of the ACT health system to date: people requiring convalescence or requiring rehabilitation have had to be accommodated overwhelmingly in medical beds and acute care beds in our hospitals. With the establishment of the new subacute facility, they will be able to be accommodated in that facility instead, and that frees up those medical beds and acute care beds to meet the demands that have to be addressed.

This is a significant improvement, not just in terms of subacute rehabilitation care itself here in the ACT; it will also provide for greater capacity in our public hospital system to meet demand from the emergency department, to meet the demand for elective surgery, by making sure that those beds are freed up and not used for any longer than they need to be. People will move on to a more appropriate environment in subacute care and rehabilitation and convalescence, thereby making sure that we make the best possible use of medical beds here in the ACT.

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

Answer to question on notice and questions without notice
Question No 832
National competition policy payments

MR MULCAHY: Mr Speaker, under standing order 118A, I point out that the Chief Minister has not answered question on notice No 832, for which the answer was due on 13 January 2006. Also, in the Assembly on 15 December 2005 the Chief Minister took on notice a question on national competition policy payments and the answer was due on 14 January 2006. Could the Chief Minister please explain why those questions have not been answered or, alternatively, answer the questions?

MR STANHOPE: I apologise to the member in relation to question on notice No 832. Indeed, I have the answer to that question. I am just arranging for a couple of typographical errors to be corrected. It will be provided to the member today. Indeed, I am happy to table it today. So the explanation in relation to that is that it was provided to me but with some typographical errors which I am having corrected and I will provide the answer to the member today.

I have to say that I was not aware of the other question and I will have to pursue it. I cannot recall it and was not aware that it was taken on notice, but I am more than happy to take some advice on that and respond to the member.

Auditor-General's reports

MRS BURKE: Mr Speaker, in like manner, I asked a question of the Chief Minister on 15 December 2005 regarding Auditor-General's reports and the response was due on 14 January 2006. I do not appear to have received a response to that, Chief Minister.

MR STANHOPE: I beg your pardon, Mrs Burke. I am afraid that that has not been drawn to my attention. I will have to pursue it. I cannot give an explanation because I simply have no idea, but I will pursue it.

Papers

Mr Speaker presented the following papers:

Study trip—Reports by—

Mrs Vicki Dunne MLA—2nd State of Australian Cities Conference—Brisbane, 30 November to 2 December 2005.

Mr Richard Mulcahy MLA—Australian Writers' Guild National Awards—Melbourne, 25 and 26 November 2005.

Mr Steve Pratt MLA—Policing, Intelligence and Counter Terrorism Conference—Sydney, 20 and 21 November 2005.

Quarterly travel report—Non-Executive MLAs—1 October to 31 December 2005.

Executive contracts
Papers and statement by minister

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

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Contract variations:

Bernie Sheville, dated 16 December 2005.
Bronwen Overton-Clarke, dated 16 December 2005.
Chris Tully, dated 31 October 2005.
David Collett, dated 20 December 2005.
Elizabeth Kelly, dated 17 January 2006.
Geoff Keogh, dated 25 January 2006.
Gerard Ryan, dated 10 January 2006.
Glen Gaskill, dated 11 January 2006.
Hilton Taylor, dated 16 December 2005.
Ian Cox (2), dated 4 November 2005 and 16 January 2006.
Ian Primrose.
Ian Waters, dated 4 November 2005.
Peter Ottesen, dated 20 December 2005.
Roderick Nicholas, dated 16 December 2005.
Sue Marriage, dated January 2006.
Yew Weng Ho, dated 13 December 2005.

Long-term contracts:

Ian James Thompson, dated 28 November 2005.
Kirsten Thompson, dated 8 December 2005.
Ronald Foster, dated 14 June 2005.

Short-term contracts:

Alan Galbraith, dated 28 November 2005.
Alan Phillips, dated 26 October 2005.
Brett Phillips, dated 23 December 2005.
Bronwen Overton-Clarke, dated 15 December 2005.
David James, dated 20 December 2005.
Dita Hunt, dated 14 December 2005.
Jacqui Lavis.
Kate Neser, dated 5 January 2006.
Lincoln Hawkins.
Lisa Holmes, dated 8 December 2005.

Marni Bower, dated 13 October 2005.
Michael Chisnall, dated 8 December 2005.
Pamela Davoren, dated 3 January 2006.
Philip Dorling, dated 22 December 2005 and 3 January 2006.
Robyn Hardy, dated December 2005.
Stephen Finn, dated 8 December 2005.
Susan Barr, dated 20 December 2005.

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

Leave granted.

MR STANHOPE: Mr Speaker, I have presented, pursuant to the Public Sector Management Act, three long-term contracts, 17 short-term contracts and 17 contract variations. The details will be circulated to members.

Legislation program—Autumn 2006
Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): Mr Speaker, for the information of members, I present the following paper:

Legislation Program—Autumn 2006, dated February 2006.

I ask for leave to make a statement in relation to the paper.

Leave granted.

MR STANHOPE: Mr Speaker, I am pleased to present the government's legislation program for the autumn 2006 sittings. Ever since its election, the government has been getting on with the job of building services and opportunities for the people of the ACT. We have also undertaken myriad reforms, such as to tax laws, workers compensation laws and human rights laws. We will continue to do so whilst still being economically, socially and environmentally responsible in the current tight budgetary circumstances. To this end, the government will in March finalise its broad-ranging review of government structures and programs to further sharpen its capacity to deliver to all Canberrans the kinds of world-class services to which they are accustomed.

Today, I will only briefly outline some of the legislation that the government will introduce during the autumn 2006 sitting period, mindful of the time I have. The first responsibility of any government is sound financial management. As well as the functional review that will report shortly, other regular expenditure review processes will continue to ensure that our systems are flexible enough and robust enough to accommodate change and will meet unforeseen contingencies. In this regard, the 2006-07 appropriation bill will be central to the government's legislative and financial agenda, providing appropriation to administrative units for the 2006-07 financial year. The bill will be tabled in June, together with the budget papers.

A new Duties Amendment Bill will follow up the ACT's commitment to taxation reform under the Intergovernmental Agreement on the Reform of Commonwealth-State

Financial Relations by ceasing the collection of duty on non land related core business assets. This is the first step in the program for tax reform that was announced in the 2005-06 ACT budget.

Additionally, the Revenue Legislation Amendment Bill will introduce amendments to the Duties Act, the Taxation Administration Act and the Payroll Tax Act to ensure that self-managed superannuation funds are able to access concessional duty treatment on the retirement or appointment of a trustee. Secrecy provisions in the Taxation Administration Act also will be strengthened to restrict the production of taxpayers' personal information in a court of law to where that information is required for the administration or execution of a tax law. The bill will also expand the wages to which the Payroll Tax Act applies to include funds paid or payable by electronic funds transfer.

To honour the commitment made at the 27 September 2005 Council of Australian Governments meeting regarding ACT anti-terrorism legislation, I will introduce new laws to fight terrorism but which will uphold the basic principles of human rights. The Terrorism (Extraordinary Temporary Powers) Bill will deliver on the ACT's promise for anti-terrorism laws to complement the national package.

The government will also continue its program of legislative reform by modernising and updating ACT legislation through various statutory law amendment and portfolio legislation. Following on from the 2004 review of the Public Interest Disclosure Act 1994, the government will introduce a bill for a new act to replace the existing law. The proposed new act will provide clearer, more effective and more accountable mechanisms for making, investigating and resolving disclosures about public maladministration. It will strengthen measures for protecting disclosures from unlawful reprisals and will improve compliance monitoring and reporting on public interest disclosures across government.

The Legal Profession Bill 2006 will repeal and replace the current Legal Practitioners Act 1970. This will be a major milestone in achieving consistency and uniformity in the regulation of the Australian legal profession. It will also make it easier for lawyers to practise across state and territory borders. The mosaic of state and territory based regulatory regimes for the legal profession has, over the years, imposed unreasonable burdens on practitioners who want to practise interstate. Further, consumer interests are not served by differences that interfere with efficient business practices. To address that, the Standing Committee of Attorneys-General agreed to develop model laws to facilitate legal practice across state and territory jurisdictions. The ACT legislation will incorporate this model into ACT law.

An important government priority is assisting those in need in our community and those who provide them with vital assistance and support. To acknowledge the valued and often unrecognised contribution of carers to the ACT community, the Carers Recognition Bill will be introduced to effect the recommendations arising out of the review of carers legislation. Also, the Powers of Attorney Bill 2006 will implement recommendations made by the Standing Committee on Health and Community Care in its report on elder abuse relating to powers of attorney.

This bill will also address issues arising out of the review of the substitute decision-making scheme in the ACT. The amendments will provide for a number of

rights and protections relating to enduring powers of attorney for people who subsequently become incapacitated persons. The bill will also provide explicit powers for the Guardianship and Management of Property Tribunal and the Supreme Court in relation to matters arising under the substitute decision making scheme.

To progress social justice, the Civil Unions Bill 2006 will provide for two people, regardless of gender, to enter into a formally recognised union that attracts the same legal status and formal recognition as marriage under the laws of the ACT. A civil union involves formal recognition of a domestic partnership through recording the intention of two people to be domestic partners within a civil union. An ACT civil union scheme will allow a couple to establish a domestic partnership by making a formal declaration of their intention to be domestic partners before the Registrar-General or an authorised celebrant and will provide immediate and indisputable evidence of the existence of that partnership.

Legislation will be required to support the ACT's foreshadowed prison, the Alexander Maconochie Centre. The Corrections Management Bill 2006 will provide the ACT with a legislative framework to enable the operation of the prison. The bill will also provide the legal framework for managing prisoners and remandees within ACT correctional facilities. The bill will be drafted from the standpoint of human rights principles and jurisprudence and incorporate the methods of modern prison management.

Mr Speaker, the government will bring before the Assembly a number of measures to bring ACT health related legislation in line with that of other jurisdictions. The proposed Radiation Protection Bill 2006 will replace the current Radiation Act 1983 to ensure that radiation protection legislation conforms to national uniformity principles contained in the National Directory for Radiation Protection. The approval for uniform introduction across all jurisdictions has been endorsed by the Australian Health Ministers Council.

Amendments are proposed to the Tobacco Act 1927 to enable the conduct of controlled purchase operations for the purpose of achieving compliance with the provision of the act that prohibits the sale of tobacco products to minors. There is now overwhelming evidence that the only effective way to achieve and maintain high levels of retail compliance is through the use of CPOs.

Turning to the reform of planning laws, I advise that the government intends to table an exposure draft of new planning legislation during the first quarter of 2006, with a further intention to introduce legislation for debate in spring 2006. The legislation will address the matters identified in the government's announced final reform directions for the planning system reform project.

Amendments also will be introduced to the Gas Safety Act and associated laws to make changes arising from the review of gas boundary codes by the Independent Competition and Regulatory Commission and the ACT Planning and Land Authority, the gas technical regulator.

In August 2005, the government tabled a report by the ACT Asbestos Task Force on Asbestos Management in the ACT, together with the government's response to the recommendations presented in that report. The task force recommended, among other things, amendments to legislation to establish asbestos management regimes for the

residential, non-residential, and building and trades sectors. As a consequence, omnibus legislation will be introduced to amend the Dangerous Substances Act, the Building Act and the Construction Occupations (Licensing) Act in order to give effect to the government's response to the ACT Asbestos Task Force report.

The government has an ongoing commitment to road safety. Therefore, amendments will be proposed to road transport legislation to clarify the taking of blood samples from persons believed to have been involved in motor vehicle accidents and to update the legislation. Further legislation will be introduced to provide for a best practice, nationally consistent compliance and enforcement scheme to enforce compliance with transport laws for heavy vehicles.

Other new legislation includes a bill to amend the Building and Constructions Industry Training Levy Act that will address some payment issues which have arisen since the Act was passed seven years ago. A Motor Sport (Public Safety) Bill also will be introduced as a legislative platform for the management of motor sport activities contemplated at dedicated motor sports facilities. The bill is based on existing New South Wales legislation. The government also will move to protect the integrity of the ACT racing industry by amending the Racing Act to provide a licensing mechanism for Racing NSW to facilitate the extension of existing insurance.

Those are a few of the initiatives proposed in the government's autumn 2006 legislation program. The program reflects the government's current legislative reform priorities and also seeks to improve its responsiveness while serving the ACT community more effectively and efficiently. I look forward to the cooperation of members in the consideration of these bills. Mr Speaker, I commend the autumn 2006 legislation program to the Assembly.

Papers

Mr Stanhope presented the following papers:

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

- Chief Justice of the Supreme Court—Determination No 185, dated 8 December 2005.
- Chief Magistrate, Magistrates and Special Magistrates—Determination No 182, dated 8 December 2005.
- Full-time Holders of Public Office—Children and Young People Commissioner—Determination No 192, dated 8 December 2005.
- Master of the Supreme Court—Determination No 181, dated 8 December 2005.
- Part-time Holders of Public Office—
  - Chairperson, Non-Government Schools Education Council—Determination No 191, dated 8 December 2005.
  - Determination No 190, dated 8 December 2005.
- President of the Administrative Appeals Tribunal—Determination No 183, dated 8 December 2005
- President of the Court of Appeal—Determination No 186, dated 8 December 2005.
- Travel Allowances for Full-time and Part-time Holders of Public Office—Determination No 193, dated 8 December 2005.

Budget 2005-2006—Mid year review
Paper and statement by minister

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming): For the information of members, I present the following paper:

> Budget 2005-2006—Mid year review.

I ask for leave to make a statement in relation to the paper.

Leave granted

MR QUINLAN: Mr Speaker, the review contains—how would you put it?—some good news and some bad news. The good news is that the projected deficit for the current financial year will be about $37 million, not $93 million as projected. The great bulk of that is directly related to superannuation investment returns, which have been very solid as the markets have been very solid. Members should be aware that that situation, of course, can change. We have a very considerable amount of investment out on capital markets.

As to the longer term, we have also had a superannuation actuarial review and that worsens our situation in the forward years for a year or so inasmuch as the actuary says that our superannuation liability is increasing again, mainly due in fact to a change in the way people are approaching their superannuation. People are taking pensions instead of taking lump sum payments out of the PSS system much more than was anticipated in previous reviews.

There are some telephone numbers in there and, inevitably, we will have some hysterical media reports, but I do recommend a reconciliation contained therein between GSF numbers and the current numbers taking into account superannuation treatments and land sales. Even with land sales, if you hang your hat on GSF, what the purists would say in regard to GSF is that you are not allowed to count the money you make on land sales but you do have to account for the operation of the LDA, which probably points up that the system probably does have as many flaws as any other accounting system. I commend the report to the house.

Papers

Mr Quinlan presented the following papers:

> ACTEW Corporation Ltd and ACTTAB Ltd—Selective capital reduction and cancellation of non-voting shares.
>
> ACTEW Corporation Ltd—Amendments to the Company constitution.
>
> Financial Management Act, pursuant to section 26—Consolidated Financial Report for the financial quarter and year-to-date ending 31 December 2005.
>
> Capital works program 2005-06—Progress report—December 2005 quarter.

Public Accounts—Standing Committee
Report 4—government response

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): For the information of members, I present the following paper:

> Public Accounts—Standing Committee—Report 4—*Review of Auditor-General's Report No 10 2004—2003-2004 Financial Audits*—Government response.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Papers

Mr Quinlan presented the following papers:

Financial Management Act—
- Pursuant to section 14—
  - Instrument directing a transfer of funds from Department of Disability, Housing and Community Services to Housing ACT, including a statement of reasons, dated 21 December 2005.
  - Instrument directing a transfer of funds from the Department of Justice and Community Safety—Departmental to the Department of Justice and Community Safety—Territorial, including a statement of reasons, dated 8 February 2006.
- Pursuant to section 16—Instrument directing a transfer of appropriations from ACT Planning and Land Authority to the Department of Urban Services and the Chief Minister's Department, including a statement of reasons, dated 13 February 2006.
- Pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Department of Economic Development, including a statement of reasons, dated 3 February 2006.
- Pursuant to section 19B—Instrument varying appropriations related to the Investing In Our Schools Programme—Department of Education and Training, including a statement of reasons, dated 21 December 2005.

ACT Government Official Delegation and Trade Mission—Official Delegation to China and Trade Mission to Ireland and the United Kingdom—24 to 30 September 2005 and 1 to 12 October 2005.

Mr Corbell presented the following papers:

Performance reports

Financial Management Act, pursuant to section 30E—Half-yearly departmental performance reports—December 2005, for the following departments or agencies:

ACT Emergency Services Authority, dated January 2006.
ACT Health, dated February 2006.
ACT Workcover, dated January 2006.
Attorney-General's Portfolio within Department of Justice and Community Safety.
Chief Minister's, dated January 2006.
Disability, Housing and Community Services, dated January 2006.
Disability, Housing and Community Services—Output 2.2 Child and Family Centre Program, dated January 2006.
Economic Development dated January 2006.
Education and Training, dated January 2006.
Office for Children, Youth and Family Support, dated January 2006.
ACT Planning and Land Authority within Planning Portfolio.
Planning Portfolio within Urban Services.
Treasury, dated January 2006.
Urban Services Portfolio.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Animal Welfare Act—Animal Welfare (Advisory Committee) Establishment and Constitution 2005—Disallowable Instrument DI2005-278 (LR, 6 December 2005).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemeteries Operator) Appointment 2006 (No 1)—Disallowable Instrument DI2006-6 (LR, 2 February 2006).

Crimes (Child Sex Offenders) Act—Crimes (Child Sex Offenders) Regulation 2005—Subordinate Law SL2005-44 (LR, 22 December 2005).

Dangerous Substances Act—Dangerous Substances (National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos 2nd Edition) Approval 2005—Disallowable Instrument DI2005-297 (LR, 19 December 2005).

Education Act—Education Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-40 (LR, 15 December 2005).

Financial Management Act—

Financial Management (Budget Financial Statements) Guidelines 2005—Disallowable Instrument DI2005-271 (LR, 5 December 2005).

Financial Management (Departments) Guidelines 2005—Disallowable Instrument DI2005-276 (LR, 5 December 2005).

Financial Management (Investment and Borrowing) Guidelines 2005—Disallowable Instrument DI2005-270 (LR, 5 December 2005).

Financial Management (Periodic and Annual Financial Statements) Guidelines 2005—Disallowable Instrument DI2005-272 (LR, 5 December 2005).

Financial Management (Statement of Performance Scrutiny) Guidelines 2005—Disallowable Instrument DI2005-273 (LR, 5 December 2005).

Financial Management (Territory Authority Statement Preparation Period) Guidelines 2005—Disallowable Instrument DI2005-275 (LR, 5 December 2005).

Financial Management (Treasurer's Advance) Guidelines 2005—Disallowable Instrument DI2005-274 (LR, 5 December 2005).

Financial Management Regulation 2005—Subordinate Law SL2005-42 (LR, 21 December 2005).

Health Act—Health (Fees) Determination 2005 (No 6)—Disallowable Instrument DI2005-298 (LR, 22 December 2005).

Housing Assistance Act—

Housing Assistance Public Rental Housing Assistance Program 2005 (No 2)—Disallowable Instrument DI2005-281 (LR, 15 December 2005).

Housing Assistance Rental Bonds Housing Assistance Program 2005 (No 1)—Disallowable Instrument DI2005-280 (LR, 15 December 2005).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Terms of Reference) Determination 2006 (No 1)—Disallowable Instrument DI2006-2 (LR, 16 January 2006).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Deemed Date of Termination of Employment of Members' Staff 2005—Disallowable Instrument DI2005-291 (LR, 19 December 2005).

Legislative Assembly (Members' Staff) Deemed Date of Termination of Employment of Office-holders' Staff 2005—Disallowable Instrument DI2005-292 (LR, 19 December 2005).

Legislative Assembly (Members' Staff) Members' Hiring Arrangements Approval 2005 (No 1)—Disallowable Instrument DI2005-289 (LR, 19 December 2005).

Legislative Assembly (Members' Staff) Office-holders' Hiring Arrangements Approval 2005 (No 1)—Disallowable Instrument DI2005-290 (LR, 19 December 2005).

Legislative Assembly (Members' Staff) Variable Terms of Employment of Members' Staff 2005—Disallowable Instrument DI2005-294 (LR, 19 December 2005).

Legislative Assembly (Members' Staff) Variable Terms of Employment of Office-holders' Staff 2005—Disallowable Instrument DI2005-293 (LR, 19 December 2005).

Occupational Health and Safety Act—Occupational Health and Safety (National Occupational Health and Safety Commission's Asbestos: Code of Practice and Guidance Notes) Revocation 2005—Disallowable Instrument DI2005-296 (LR, 19 December 2005).

Podiatrists Act—Podiatrists (Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-267 (LR, 13 December 2005).

Public Health Act—

Public Health (Infection Control) Code of Practice 2005—Disallowable Instrument DI2005-303 (LR, 22 December 2005).

Public Health (Risk Activities) Declaration 2005 (No 1)—Disallowable Instrument DI2005-302 (LR, 22 December 2005).

Public Health (Reporting of Notifiable Conditions) Code of Practice 2006 (No 1)—Disallowable Instrument DI2006-5 (LR, 30 January 2006).

Public Places Names Act—

Public Place Names (Bruce) Determination 2005 (No 3)—Disallowable Instrument DI2005-301 (LR, 22 December 2005).

Public Place Names (Tharwa) Determination 2005 (No 2)—Disallowable Instrument DI2005-279 (LR, 12 December 2005).

Public Sector Management Act—

Public Sector Management Amendment Standard 2005 (No 10)—Disallowable Instrument DI2005-277 (LR, 9 December 2005).

Public Sector Management Amendment Standard 2006 (No 1)—Disallowable Instrument DI2006-3 (LR, 16 January 2006).

Public Sector Management Amendment Standard 2006 (No 2)—Disallowable Instrument DI2006-4 (LR, 16 January 2006).

Public Sector Management Amendment Standard 2006 (No 3)—Disallowable Instrument DI2006-7 (LR, 25 January 2006).

Road Transport (Driver Licensing) Act, Road Transport (General) Act, Road Transport (Public Passenger Services) Act and Road Transport (Vehicle Registration) Act—Road Transport Legislation Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-39 (LR, 14 December 2005).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No 12)—Disallowable Instrument DI2005-299 (LR, 22 December 2005).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No 13)—Disallowable Instrument DI2005-300 (LR, 22 December 2005).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No 1)—Disallowable Instrument DI2006-10 (LR, 2 February 2006).

Road Transport (General) (Heavy/Oversize Vehicle Route Access Permit Fee) Determination 2006 (No 1)—Disallowable Instrument DI2006-1 (LR, 12 January 2006).

Road Transport (Offences) Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-41 (LR, 14 December 2005).

Road Transport (Offences) Regulation—Road Transport (Offences) Holiday Period Declaration 2005—Disallowable Instrument DI2005-268 (LR, 5 December 2005).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2005 (No 4)—Disallowable Instrument DI2005-295 (LR, 22 December 2005).

Taxation Administration (Levy) Determination 2006 (No 1)—Disallowable Instrument DI2006-8 (LR, 30 January 2006).

University of Canberra Act—

University of Canberra (Academic Board) Amendment Statute 2005—Disallowable Instrument DI2005-282 (LR, 15 December 2005).

University of Canberra (Courses and Awards) Amendment Statute 2005 (No 2)—Disallowable Instrument DI2005-283 (LR, 15 December 2005).

University of Canberra (Election of Academic Staff Members of Council) Amendment Statute 2005—Disallowable Instrument DI2005-284 (LR, 15 December 2005).

University of Canberra (Election of Council Member by Graduates) Amendment Statute 2005—Disallowable Instrument DI2005-287 (LR, 15 December 2005).

University of Canberra (Election of General Staff Member of Council) Amendment Statute 2005—Disallowable Instrument DI2005-285 (LR, 15 December 2005).

University of Canberra (Election of Student Members of Council) Amendment Statute 2005—Disallowable Instrument DI2005-286 (LR, 15 December 2005).

Vocational Education and Training Act—Vocational Education and Training Authority Appointment 2005 (No 6)—Disallowable Instrument DI2005-288 (LR, 19 December 2005).

Water Resources Act—Water Resources Environmental Flow Guidelines 2006 (No 1)—Disallowable Instrument DI2006-13 (LR, 6 February 2006).

Workers Compensation Act—Workers Compensation Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-43 (LR, 22 December 2005).

Emergency service volunteers
Discussion of matter of public importance

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

> The importance of ACT Emergency Service volunteers, as highlighted in the Productivity Commission's Report of Government Services 2006.

MS PORTER (Ginninderra) (4.03): At the beginning of this sitting period for 2006, I would hate to disappoint members in this place, particularly those who sit opposite. I am sure they would expect me to maintain my interest in and passion for the contribution made by our thousands of volunteers. In fact, I am now even more equipped than previously, being the recipient of Mr Quinlan's generous gift, at the end of last year, of my virtual volunteer doll. Mr Quinlan insisted I keep its price tag to remind us of two things, I believe: the financial value of the voluntary contribution and the cost of running a substantial work force.

As we are well aware, volunteers play an ever-increasing role in the community and are involved with an ever-increasing number of people from all walks of life and from all age groups. However, I specifically focus on the importance of the ACT emergency service volunteers today, as highlighted in the Productivity Commission's report on government services 2006. The Productivity Commission's report says:

> Although volunteers make a valuable contribution, they should not be counted as an entirely free resource … Governments incur costs in supporting volunteers to deliver emergency services … by providing funds and support through infrastructure, training, uniforms, personal protective equipment, operational equipment and support for other operating costs.

The 2006 report compares government services delivered across the country. It reveals that the ACT's emergency services lead when it comes to a range of emergency management indicators such as recruitment of volunteers, response times and customer satisfaction.

The ACT is leading the country in recruitment of volunteers, with a large increase in the number of volunteers in emergency services since 2002-03. The ACT has volunteers in the fire services through the Fire Brigade, the Rural Fire Service and our State Emergency Service. Since 2002-03 we have seen a significant overall increase in these volunteers, from 830 to 1,266, the highest rise in the country, bucking the national trend which has seen an overall decrease. Appreciating this trend, ESA set a very ambitious target for 2005-2006. ESA is working hard to meet this target. We are fortunate to have one of the highest participation rates in the country, with over 40 per cent of the population volunteering annually.

However, volunteering for emergency services is not something one should do lightly. Emergency service volunteers put their lives on the line when performing their voluntary tasks. There are not many volunteer positions where one is required to do this. Only

recently we saw the tragic death of a CFA volunteer in Victoria and the serious injury of others of his volunteer team. These volunteers were out there protecting people's lives and property, but in doing so one made the ultimate sacrifice.

The motivation of volunteers can differ greatly, and to be an emergency service volunteer takes a particular kind of motivation. It could be to protect the community or to protect the environment. Volunteers are attracted to this field because of the excellent training that volunteers receive and the extensive experience it offers. Volunteering not only helps the community; it provides great benefits to the volunteer. It can provide skills that can be transferred to paid employment. It provides a sense of comradeship and provides social networks.

The State Emergency Service has experienced an exponential increase in calls for assistance this financial year, already up tenfold on recent years. The Rural Fire Service volunteers within the last year have undertaken a larger than normal volunteer training program, with volunteers undertaking training in remote-area fire fighting and training in the operation of the new compressed-air foam tankers.

Another important group of volunteers within the emergency services family are the community fire units, known as CFUs, which were introduced following the January 2003 bushfires and are based on the successful model in operation in New South Wales. There are currently 28 CFUs operating in the ACT, with more than 450 active, fully trained volunteers and another 250 undergoing training. These units are located in the suburbs of Chapman, Aranda, Kambah, Hawker, O'Connor, Curtin, Campbell, Duffy, Cook, Hall, Bruce, Farrer, Fadden, Uriarra, Dunlop and Torrens. Collectively, CFUs cover a lineal distance of over 51 kilometres along the urban fringe.

Our CFU volunteers learn about bush care and bushfire behaviour, safe housekeeping and garden practices, and planning and preparation for bushfires. They help limit the effect on life, property and the community in times of bushfire and form strong links with the local fire station and with other CFUs. They provide extra resources during bushfires and help reduce the cost to the community of destructive bushfires. These volunteers are trained to safeguard their home during a bushfire and assist the fire service to limit property damage and loss. The ACT Fire Brigade provides 20 hours of formal training, both in theory and practical, followed by formal refresher training twice a year to maintain the currency of skills.

In fact, I joined the Hawker and Dunlop group undertaking their training in the application of new compressed-air foam delivered through the CAFS tankers. Steve Gibbs, district officer, community risk management, supervised this training. Officer Gibbs was one of the driving forces behind the implementation of the CFUs and was the man with whom I worked while the CEO of Volunteering ACT to establish the training program for those of the fire officers who now manage the volunteers in the CFU teams.

All CFUs are being trained in the use of these new state-of-the-art foam tankers, and the training will be progressively rolled out over the next two to three months. The tankers enable the volunteers and the paid fire fighters to lay a protective blanket of foam over the ground to act as a firebreak. The foam firebreak can very effectively cover the ground vegetation and even be sprayed into large trees, and lasts up to three hours.

I joined in the training and saw firsthand how effective it is. Trees and shrubs and grass were covered in a thick layer of white foam, looking quite like an old English Christmas card, if it was not for the gum trees. David Prince, the chief fire officer of the ACT Fire Brigade, who was present at the training session, joked that the foam could be made available for Christmas parties. But all jokes aside, and speaking seriously, the work of the CFU volunteers is extremely important and not without risk, even though it is defensive and not offensive.

Members of the units are provided with personal protective equipment, and the unit is equipped with basic fire fighting equipment in a portable trailer based in the street in which it operates. Trailers contain equipment such as portable pumps, stand pipes, hoses, nozzles and other miscellaneous fire fighting fittings.

The value of the CFUs was recently highlighted when working alongside the ACT Fire Brigade and the ACT Rural Fire Service in protecting property from fires occurring on Black Mountain and Wanniassa Hills on extreme high fire days. The effort of all of our volunteers demonstrates the shared responsibility of the community and the government, working in partnership, to protect and preserve life and property and the environment in the ACT.

After the recent training and during the debrief, I highlighted this fact. CFU members were quick to concur. They also commented that the establishment of the CFUs has made another valuable contribution to the community. As is often the case, those who volunteer say they gain as much, if not more, from their participation than what they believe they contribute.

Members of the CFU have cited an increased level of neighbourliness in their street; how they now know their neighbours so much better; how much more aware of each other’s need they are—aware when their neighbours might be away, for instance. They report discovering that there are people in their street who are frail or who have a disability. They speak to neighbours to whom they have never spoken. This community-building is an invaluable by-product.

The efforts of all our community volunteers must never be taken for granted at any time. We do so at the risk of losing an important part of the fabric of our society. You have heard me say in this place on more than one occasion that our volunteer work force is at risk if we do not properly acknowledge its role and the need for its support, despite the high participation numbers we are fortunate to experience here in the ACT.

Our ESA takes the management of our emergency service volunteers extremely seriously. All of the volunteers receive regular professional training, supervision and support as well as the required equipment to do the job. The ACT Emergency Services Authority provides nationally recognised training to SES volunteers to efficiently respond to the effect of storm and flood and to provide support in search and rescue operations. Whilst, as I mentioned earlier, this requires the volunteer to put his or her life on the line, the type of work carried out by emergency service volunteers can be either exciting or boring, rewarding or frustrating, cold or hot, fast or slow, or as many other variables as you can imagine.

Volunteers joining the emergency services are making a significant commitment of time to assist the community. It is too difficult to be precise as to the number of hours being given each week as it may greatly vary. It depends on the number of times a member may be activated or required for training. However, volunteers can be expected to give up to two or three hours each week for training at least; and then of course on top of that there are the emergency callouts themselves.

Volunteers may need to negotiate with their employer for release from work in the event of an operational callout during business hours. However, no volunteer is expected to leave work if this is to the detriment of the employer's business. It is important that we recognise the contribution made in this way by our business community. It could place considerable stress, for instance, on a small business. Hence the need for volunteers to be cognisant of both their need to be available in the case of an emergency and their employer's need. There are a growing number of businesses in this town which understand their community responsibilities as corporate citizens and are participating in corporate volunteering programs, to the benefit of the community and the volunteers.

Not everyone who wants to volunteer in the emergency services can volunteer in this area. The person undertaking this work needs to be pretty fit. It can be physically strenuous. However, less demanding tasks for volunteers include radio communication operations and message taking. Volunteers can be called upon to provide welfare services, and that can be very emotionally demanding.

We must not forget of course those volunteers who are members of a support agency such as Red Cross, St Vincent de Paul, Salvation Army and Lifeline. I mention only a few there. I am sure that you could bring to mind many more. These organisations are called upon to provide vital backup services to those on the frontline in an emergency.

Members of our emergency services need to be applauded by the Canberra community for the commitment they show in protecting life, property and the environment in the ACT. While ever I am in this place I will continue to highlight their efforts I encourage others in this place to do the same.

MR PRATT (Brindabella) (4.15): I wholeheartedly share Ms Porter's enthusiasm for volunteerism. I share her recognition of its importance in the ACT landscape. I know that Ms Porter's heart is genuinely with volunteers. I have seen that first hand, and that is fine. However, I cannot share Ms Porter's enthusiasm for her government's attitude toward promoting and supporting volunteerism in the ACT.

It is highly ironic that Ms Porter, on behalf of the government, should be here talking about the great figures in the 2006 Productivity Commission's report in regard to ESA volunteer numbers. When it comes to the Productivity Commission's figures on police numbers, the government does not agree that they are the true figures. This is entirely hypocritical. When the figures go their own way, the government claims them and brags about them—not Ms Porter but the government brags about them. When the figures highlight problems, they disown them and say that the Productivity Commission's figures are wrong. They cannot have it both ways. I thought I would point out that blatant piece of hypocrisy on the part of this government before I get into the detail of this discussion today.

Mr Hargreaves: Mr Temporary Deputy Speaker, I ask that you ask Mr Pratt to withdraw the word "hypocrisy". There is precedent in this place that the word is not parliamentary. I have been asked to withdraw it in times past.

MR PRATT: I would have thought that only applies to the individual, if the individual is called a hypocrite. Mr Temporary Deputy Speaker, I ask you to rule on that. I will be happy to accede to your ruling.

MR TEMPORARY DEPUTY SPEAKER (Mr Gentleman): Mr Pratt, it is a general convention of proceedings that that is inappropriate. I ask you to withdraw it.

MR PRATT: I withdraw that comment, Mr Temporary Deputy Speaker. In this MPI today Ms Porter wants to highlight the importance of the ACT's emergency service volunteers. I entirely agree with that sentiment, as I said before. Of course volunteers are important. They are upstanding members of our community who selflessly give their own time and even risk their lives to help their community. But what this government is failing to highlight here today is that, while it is bragging about the increase in volunteer numbers, this government is failing to properly support them. I will go into more detail about this shortly.

The Productivity Commission's figures show that ESA volunteer recruitment in the ACT has increased from 830 volunteers in 2002-03 to a total of 1,266 volunteers in 2004-05. While these figures are encouraging and show an actual increase, they also highlight a number of discrepancies in relation to the Stanhope government's own figures. The government's own performance report for the second quarter to December last year, 2005, shows that volunteer recruitment in the ESA is in fact 30 per cent below target for the year to date. The quarterly report also states:

> Future intakes will depend on the availability of funds.

The September 2005 quarterly report stated, in relation to the recruitment of volunteers:

> The ESA has only conducted one recruitment drive and is not able to recruit further at this stage due to resources.

While the government is today boasting about the increasing ESA volunteer numbers over the three financial years to 2005, there is a reversing trend appearing in the figures for this current financial year that shows a serious decline in achieving the targeted number of volunteers in future years. In other words, the trend of the previous three years has now reversed. From the explanations as to why volunteer recruitment levels are declining, it is likely the reason is that there is simply not the resources nor the funding to ensure ongoing recruitment by the ESA.

The quarterly performance report to December 2005 also shows that frontline training levels and support training levels for ESA workers were down significantly on the target, by 20 per cent and 57 per cent respectively. So much for an attitude of promoting and loving our volunteers! Altogether, the latest reports show a serious neglect by this government to ensure that there is sufficient funding and that there are sufficient recourses and equipment available to train all ESA personnel, volunteers included,

despite the superficial boasting by the government here today that numbers have increased.

All of this raises serious concerns about this government's ability to support those volunteers that so willingly give their time and energy to work for the safety of their community. If this government cannot properly resource the ESA to ensure that volunteers are well trained, supported and resourced with the right equipment, then ultimately not only will the volunteers suffer but so will the community as a result. In the ACT landscape, volunteerism is very, very important. As Ms Porter has quite rightly said, it is an integral part of community life. Also, the community really depends on that volunteering capability. If you do not have government support, financing, resourcing and training, then volunteers are going to be peed off and are going to drift away. And that is not what we want to see.

I remind this government that they must ensure that they do not neglect our emergency service volunteers. It is not just recruitment of volunteers but retention that is paramount. In order to retain their interest and their service, they must be well equipped and well trained. They must also be at least compensated to a reasonable degree for personal loss in the line of duty.

The secret here is good government policy aimed at successful retention and successful ongoing recruitment—that is the only way we can attract and keep good volunteers—and building on policy. Then comes the financial commitment needed to properly implement that policy. But that financial commitment is sadly falling short of the mark under this government. We have seen that, and the evidence is very, very stark.

I want to turn some attention specifically now to our CFU volunteers. Ms Porter raised in her speech the good initiative taken by government, which we support, to try to develop the CFU capability. The rollout of the volunteer CFU program has been stalled by this government's lack of ongoing financial commitment to ensure the safety of our vulnerable suburbs. The government has brought in at least a part of the strategy to ensure the safety of our vulnerable suburbs. The government has been slow to capitalise on the volunteer goodwill and the strong community willingness to see the development of the CFUs. They have been slow to support, train and resource them properly.

Currently, I understand, we have on the books around 700 CFU volunteers. There is plenty of goodwill and plenty of desire for people to roll up and join these units. But at the latest count, of the 700 who put themselves on the books, only 450 have been trained. This is all evident in the 2005-06 budget where the CFU program has been neglected. The outstanding commitment to increasing the number of CFUs to 80 has not been met. Vulnerable suburbs that have expressed their demand for CFU teams have been abandoned.

If we are lucky we may see some further expansion of the program in future years. The government has certainly committed to that but we have not seen the commitments financially to at least give the opposition the confidence that this program is going to continue to roll out and at least make up for the lost time in the raising and training program. However, we question whether the poor state of their budget and the predicted budget deficit for next year is going to allow this to happen. To date, we have only 28 of

these units established, with another expected 58 units having to wait indefinitely to be established.

Let us look further at the government's failure to properly resource our SES volunteers. Late last year numbers of SES volunteers said the cleanup from that storm which they were deployed to was managed disgracefully and some SES units could not access vital safety equipment and other resources to clear fallen trees. We have raised those issues in this place; so I do not need to go over the detail of that again.

In some cases, though, just to remind you, Mr Temporary Deputy Speaker, volunteers were not supplied with the required drinks or meals—the basic support you would have thought to keep our men and women in the field. There should not be the need for complaints such as this, as the government should be resourcing our volunteers sufficiently. The government can boast all they want about the great increase in volunteer numbers, but this is a superficial achievement when our volunteers are not then being fully supported.

The government has also recently introduced legislation to discipline volunteers. That is an issue which we have some concern about. In one sense, you can understand why we need legislation to look at some of those issues, but there are many questions still facing the fairness of the treatment of volunteers in terms of the way that all elements of the emergency services are managed and supervised by government. The Stanhope government has a lot to answer for in placing what would appear to be a gag on our selfless volunteers who seek the right to professionally speak out about the operational standards that they have to work to.

Finally, in terms of the way we treat and support or should be treating and supporting our volunteers, I raise this issue: I believe the government has made it even more difficult for both our volunteers and full-time personnel by failing to undertake adequate bushfire fuel reduction along the urban edge. The government cannot ask our volunteers and our professional personnel—fire brigade, police and other emergency services personnel, as well as SES volunteers—to deploy to save property and lives if the government neglects to prepare adequate firebreaks to allow volunteers and other emergency services personnel to deploy safely into those areas when we ask these people to go out and save property and lives.

The preparation by other arms of government to reduce the bushfire fuel load along the urban edge so that we give our men and women volunteers and other professional emergency services personnel a head start when they get to that fire front is very, very important. I believe the government has failed to do this in this current bushfire season. We will have a lot more to say about this.

This matter of public importance is clearly an attempt by Ms Porter, on behalf of this government, to deflect attention from the areas in which it is clearly failing. It is failing to resource, support and train our volunteers properly. It is also, as I just pointed out, failing to put other preventative measures in place to give our men and women volunteers a head start when we ask them to put their lives on the line.

To sum up: despite the government's pride in the Productivity Commission's latest report showing that volunteer numbers have steadily increased, what the latest figures

really show is that this government is falling well below target when it comes to the recruitment and training of our hardworking ESA volunteers.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.28): I would like to address a couple of things that Cassius Clay over there said. "I am the greatest." He ain't the greatest. He would not know commonsense from clay, as I have said once before today. Mr Pratt talks about the Productivity Commission's report and the annual reports. He picks numbers out of a bucket of water and sand, I have to say, and sometimes models it into some sort of prefabricated ceramic doll. Out of that, no-one understands quite what it is he is talking about.

We will give you some indication about policing figures. He does not acknowledge that annual reports are taken in a snapshot in time, like 30 June; that the Productivity Commission's report has taken two figures at either end and divided them by two; and that neither of them takes into account the full year effect trend. If Mr Pratt had any common courtesy, he would stop denigrating the police and recognise the fact that, over the Christmas period, there were over 800 officers in fact employed within the ACT. But that escapes that man. Sometimes I wonder which has more intelligence, a bucket of sand and water or my colleague across the chamber. I suspect in favour of the bucket of water and sand.

Mr Pratt talks about the trend in volunteer recruiting reversing. This bloke is good at the emotive language. He talks about serious neglect; he talks about having trouble with retention. The fact is that every time he goes near the media he bags the ESA. Nobody would want to go in under the glare of the smoking, flaming mouth of that particular man over there. He is likely to go down there, pop up in their corridors and shout at them. We just cannot have that.

He talks about the CFU volunteers. "The roll out has stalled." He does not say, "I wonder what there might be difficulties in. Do we have training places available for them? Do we have the infrastructure to support them? Do we have the PPE to support them? Do we have the equipment to support them? Do we have the trained leadership? Do we have the management and training in place for these people, the quantities?" No, he forgets about all that.

Did he bother to credit people like Garth Brice with coming up with another model that needs checking out, which we have agreed to do, so that we can have more units out there than just particular CFUs? Has Mr Pratt decided whether or not efficacy is a good thing out there? No, he has not, because he would not know a CFU from a bucket of clay; he just would not know.

He talks about the government's predicted deficit, he talks about our deficit, and says, "You cannot pay for it because you have got a massive deficit." He is the same bloke who has the confidence of the Leader of the Opposition mark 1—or is it 2, maybe 3. Hang on a second, it is mark 1. I was going to think of him as the straw man but, no, he might be a clay man. Mr Pratt over there is advising this bloke, saying, "Yes, go for it, Brendan; we will borrow $600 million or we will guarantee a 7.5 per cent return up front every month."

Does he tell us where he is getting the money from? No. Why not? Because he has not got a clue. I wonder whether or not Mr Mulcahy's job as shadow Treasurer is in fact under threat from old Cassius, my mate over here. I do not know; I really do not know.

We talk about our volunteers. This is the guy that denigrates them and needs to be ashamed of himself. He says the big storm was managed disgracefully. He throws things into the wind and hopes somebody catches them, like: "The SES volunteers were not actually supported," "People had to go and get changed," and all that sort of stuff. He did not check it out. The meals were provided, as it turns out. He has been told that in this place. They were supported. The people who went and bought stuff were told where to get it from, but they still went and bought it.

I reject out of hand his assertions that those SES people were not supported. The people who were not supported of course were those people in the SES who decided to play mischief and feed Mr Pratt with misinformation, hoping to do one of two things: if it is half right, the government is going to get embarrassed. But you did it all wrong. Mr Pratt gets embarrassed.

Then he rambles on and says, "You are not helping your retention of volunteers by talking about gagging them, talking about discipline." We are extending to these volunteers exactly the same protections as exist for public servants in this town. There is no gag. There is whistleblower protection afforded to these people if they choose to use it. It is quite the opposite. This guy is portraying 100 per cent wrongly the actual situation with our volunteers.

Then he rambles off, pre-empting a debate tomorrow—he is allowed to because the notice paper for tomorrow has not been delivered yet—saying that our bushfire fuel reduction on the urban edge is not sufficient. This is the guy who sent a letter to everybody in Kambah saying, "I have noticed there is long grass at the back of your house; you are all going to die. Are you worried about that?" Some of them said, "Yes, we are, Mr Pratt". He then says, "I have had all of these constituents complaining." That is bordering on fraud.

Mrs Burke: On a point of order, Mr Temporary Deputy Speaker.

MR HARGREAVES: I said "bordering on".

Mrs Burke: Standing order 46 refers to personal imputation. Mr Hargreaves will need to withdraw some of the comments he has just made in relation to Mr Pratt.

MR HARGREAVES: If it pleases you, Mr Temporary Deputy Speaker, I withdraw the imputation that it was bordering on fraud. However, Mr Pratt did not give us the benefit of the phone call he had to his office from a particular constituent who took offence to the letter that he sent to them, inviting them to indulge in this Eureka-like uprising. No, he did not tell us that, did he? He portrays himself as the expert. I have got more faith in the volunteers, I have got more faith in the risk management section of ESA, to tell us, in the context of this strategic bushfire management plan and the BOPs, whether or not an area is at such a risk that we need to attend to it straight away. And guess what? We have done just that.

You have got to understand this is a man-made urban forest we live in. It was a sheep station once; it did not have the number of man-introduced trees there. It is a man-made urban forest. And there are risks associated with living in a city of this type. The ESA's task, through its volunteers, is to manage that risk. The propaganda that this clay man over there sent out to the good burghers of Kambah said, "I recognise that there has been a greater level of bushfire preparedness in the ACT." Has he told us that? Short answer: no.

What he does not also acknowledge is that we recognise the extreme sacrifices that our volunteers make, to the extent where I have advocated that the out-of-pocket expenses for frontline, in the line of fire, volunteers be reimbursed through the income tax regime. This clay man's mate up there on the hill, the honourable Philip Ruddock, dismisses it out of sight and says, "Do not talk to me about those semantics. I am not interested." He said, "I am not interested. It is just cost shifting."

Do I see this man across the chamber saying to me, "Good on you, Johnno; you go and get some justice for the volunteers"? No. All I hear about, all I read about and all I am told about is the way he denigrates volunteers, whether they be police, SES or RFS volunteers. All of those people are magic people, and they need our support. They do not need the bagging that he does day in, day out, to the extent where the police will not go to where he is any more. The SES people and RFS people say, "Do not invite him to anything, please, because one of us is likely to hit him." All I can say is that I shall save them the embarrassment of that clay man's attendance at our functions, because it is not going to happen. I reckon I have got about a carton!

DR FOSKEY (Molonglo) (4.38): I thank Ms Porter for providing this opportunity for me to speak about the importance of ACT emergency services volunteers, something that I believe we all acknowledge but sometimes take for granted. Sometimes people like to have an argument even when they agree.

I note that from 2002-03 to 2004-05 the number of ACT fire service organisation volunteers increased from 650 to 1,022, almost doubling, and the number of ACT emergency services volunteers increased from 180 to 244, as reported in the Productivity Commission's 2006 report on government services in 2005. I believe that this may be a consequence of heightened awareness following the 2003 fires, one of the few positive outcomes of a catastrophe which brought our community together and which made some people want to continue community service and to do their utmost to protect our community from further fires and other disasters. But we should be aware that the Productivity Commission's report notes under these figures:

> … although volunteers make a valuable contribution, they should not be counted as an entirely free resource … governments incur costs in supporting volunteers to deliver emergency services in their communities by providing funds and support through infrastructure, training, uniforms, personal protective equipment, operational equipment and support for other operating costs.

So it is not only the number of volunteers we have that matters but also the support that our government provides for these volunteers, for without adequate resourcing there is only so much that they can do. It is alarming then to look at the figures in the Productivity Commission's report under table 8.2, which show that the level of funding

for ACT fire service organisations went from $42.2 million in 2000-01 down to $23.6 million in 2001-02 and slowly back up to $43.5 million in 2004-05.

It seems that, despite the growth in ACT fire service organisation volunteers, there was a dramatic dip in the level of government support provided to them at times during the last four to five years, and only now are we back to where we started from. I note that it was at the time when funding was lowest that the devastating fires of January 2003 occurred. That was a very unfortunate conjunction of events, but I am not suggesting that it was a causal relationship. Nonetheless, something seems amiss and I feel the need to highlight, once again, some of the points I made in speaking to Mr Pratt's motion of 15 December last year concerning the Emergency Services Authority.

Late in 2005, a number of concerns were raised about the ESA's use of funding and the standard of governance. The Auditor-General's 2004-05 financial audit of agencies noted that ESA's 2004-05 employee expenses were less than the amount budgeted by $3.2 million, as the authority did not fill all planned positions during the year, and 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. Whilst I do not believe that in the first year of operation a $3.2 million or 12 per cent underspending on staff is a sign of terminal mismanagement, it does indicate that this is an area to be watched closely.

There were also concerns regarding the ACT government's lack of promised funding for community fire units and the lack of progress in constructing a new ESA headquarters and training facility, which I now understand is going ahead and is causing a chain of consequences, most particularly to a childcare facility that is much needed in Canberra. And then there were the media reports that some volunteers were disgruntled with the ESA, citing a lack of adequate resourcing, be it for chainsaws or first-aid kits, and their limited capacity to speak out about problems. I acknowledge that the relations between the professional arm of the ESA and its volunteers are hugely important if it is to function effectively. While these reports are still hearsay to me, if and when they are substantiated there would be cause for concern.

It is important that we properly value the time put in by this pleasing number of volunteers on the ACT books, but we should not get too carried away because without adequate support the number of people prepared to volunteer does not translate into the impact that they can have.

MRS BURKE (Molonglo) (4.44): One can see from the matter of public importance today why Ms Porter was awarded the volunteer doll for Christmas by Mr Quinlan. I mean that sincerely, because she never misses an opportunity to applaud our wonderful volunteers and this area certainly is her speciality. I do, however, echo Mr Pratt's inference that the Stanhope government is intent on trumpeting the wonderful results it has gleaned from the most recent Productivity Commission report, yet it is only too quick also to shy away from, and dismiss, any figures in other portfolio areas that do not paint a positive picture.

Having a bob each way seems to be an atypical approach. Naturally, governments take such an opportunity to expose the positives and ignore the sometimes critical elements of any reporting process that aims to ensure that one of the greatest forms of information

collection, bar the efforts of the Australia Bureau of Statistics, provides all states and territories with a snapshot of just where the government of the day stands and how improvements to service delivery can be made to the benefit of the broader community. If a government can maximise its efforts to reduce the levels of risk to a community by learning from previous natural disasters, such as the 2003 bushfires, and thus reduce the impact of tragic events, any improved reporting in this area will aid in improving levels and perceptions of safety within the Canberra community.

I would like to highlight a section of the Productivity Commission's report on emergency management that underpins any effort that should be made by a government in its approach to combating natural disasters and maintaining the highest level of protection possible to the community. The report states:

> Emergency Management aims to create and strengthen safe, sustainable and resilient communities that can avoid or minimise the effects of emergencies, and at the same time, have the ability to recover quickly by restoring their socio-economic vitality.

That quote was from section 8.2 of the emergency management section of the report on government services for 2006. That, to me, is such a poignant statement of fact as to how a government should be operating its emergency services sector by way of supporting the personnel and ensuring that they are equipped effectively to do the job. The volunteers who give their time and energy selflessly display what I would term the most highly regarded qualities that any member of a community can have—the desire to protect without thinking too much of the consequences to one's personal safety. To me, all volunteers, regardless of what field they operate in, maintain a certain hero status, yet go about their efforts in a predominantly quiet and unassuming manner.

A cautionary statement expressed in the report is that government naturally has to wear a significant cost of providing greater support to volunteer emergency services. As Mr Pratt alluded to, these services certainly do not come free. I think that other members have alluded to that too. Governments must be mindful that, although volunteers make a valuable contribution, they should not be counted as an entirely free resource. Section 8.9 of the report on government services states:

> … governments incur costs in supporting volunteers to deliver emergency services in their communities by providing funds and support through infrastructure, training, uniforms, personal protective equipment, operational equipment and support for other operating costs.

Mr Pratt made reference to the fact that in real terms, if these services are to remain viable and supported in the most effective way, targeted funds must be maintained over a longer period to ensure that the ACT is in the best position to combat natural disasters.

To change direction, I note that comments made by the Victorian government identified a significant issue no doubt in the spotlight in the ACT; that is, "the critical need for well understood, timely, multi-agency notification processes". That, again, was from the report on government services, at section 8.55. It is imperative that any government is constantly looking to improve upon a single point of responsibility for emergency services telecommunications and it is hoped that the ACT government will continue to

reinforce such efforts here by doing the same for the ESA, building upon its efforts to respond to the recommendations of the McLeod inquiry relating to operational response.

I must say that it is promising that the computer-aided dispatch, or CAD, system has been put in place by the ACT government to ensure, it would be hoped, an improvement in communications between the ambulance service, the fire brigade, the SES and the Rural Fire Service and lead to improvements in the coordination of responses to all forms of natural disasters.

As is the case with all other areas concerning sufficient funding for essential services, bolstering support for volunteers in the area of emergency services is paramount and the Liberal opposition will support the government in finding some innovative ways to source sufficient funding to continue to provide levels of support to emergency services that the community would expect and trust the government are capable of delivering. In closing, I sincerely appreciate, as always, Ms Porter's attention to promoting volunteers and appreciate this opportunity to join with her in applauding the work of SES volunteers.

MR GENTLEMAN (Brindabella) (4.50): Today, we have heard in the chamber about how the wonderful ACT emergency services volunteers have worked hard in protecting and enhancing our environment. There are many areas in which we have volunteers amongst the emergency services, as my colleagues have already stated. I would like to put some names to the volunteers we have acknowledged today.

First and foremost, as has been discussed, where would we be without the emergency services volunteers from across the border? It would be a challenge for us to try to manage our critical programs. These people give hours of their time for no other reason than to help provide a service to the community, although we have already heard about the number of volunteers in the ACT. I will repeat the number. There are approximately 1,300 volunteers and they provide an invaluable service in protecting the community.

I would like to take some time to talk about the regular people that have been involved in emergency services in the ACT for a long period. One such person is Mr Graeme Tonge, who has been a volunteer in the ACT for well over 30 years. Mr Tonge started his time in emergency services in 1968 and is still continuing as a volunteer to this day. Mr Tonge was called on to give a speech to celebrate the 30th anniversary of the Emergency Services Authority in the ACT late last year and was proud to be recognised as the longest serving member of the ACT ESA.

His strong involvement in the early days included restoring the radio link to Darwin after Cyclone Tracy in 1974 and drudging through waist-deep water looking for bodies after the flash floods in Woden in 1971. He has remained involved, leading a team of volunteers to Sydney to assist in regard to its fire dangers. All of these tasks were ones that Mr Tonge volunteered for and was proud to be involved in. They would not have been possible without the additional hours that volunteers put in to keep members up to date with all training requirements. It has been the loyalty of other members of Graeme's unit and the satisfaction of serving the community that has kept him involved in the SES for such a lengthy time.

The ESA take pride in providing training in all areas of emergency service. Over the last 12 months the Rural Fire Service volunteers have undertaken a larger than normal volunteer training program, with volunteers undertaking training in remote area fire fighting—RAFT—and training in the operation of new compressed air foam tankers. These areas of special training, without the assistance of people like Graeme Tonge, would be impossible.

Another valued volunteer involved in the emergency services is James Bodsworth. Jim, as he is known in the SES, is a full-time employed member of the work force as well as a committed husband and father, but has been a volunteer in the SES for over 17 years. With his wealth of knowledge, Jim has been promoted to commander of the ACT SES unit at Tuggeranong and relishes the challenges of the role he has undertaken. Under Jim's command, there are four rescue teams, each containing seven members that are on call 24 hours a day on a two-week rotational system. Remember, these are volunteers, not paid members of the SES. These volunteers maintain high standards of training, with regular training programs taking place every Thursday in the case of the Tuggeranong unit.

The volunteers, as Ms Porter has already stated, are involved in areas that are not always pleasing and they have a need to maintain a high level of camaraderie. This is apparent through the regular social events organised by each unit and also getting out to the community to raise awareness of the work undertaken by many volunteers in the emergency services in the ACT. Another area where the ACT Emergency Services Authority excel is in providing school visits in which they inform the younger members of our community of the gratifying experience of volunteering to assist the community in times of crisis.

We have come a long way today in recognising the important and invaluable work of these amazing members of our community who give up some 300 hours a year for no monetary reward, and I would like to see us all take time to thank these volunteers any and every time we get to see them. The recognition of these volunteers shows the good work that is being done by the emergency services in ensuring that the people of Canberra feel safe and well protected by professional agencies. I congratulate them all.

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

Casino Control Bill 2005

Debate resumed from 24 November 2005, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (4.56): The opposition supports the bill, but I do have amendments which I will speak to in some detail when we come to that. This bill updates the existing act, which is a 1988 act. There has been quite significant consultation. The commission made recommendations and the government accepted the recommendations except, I think, for one.

To the end of part 2, the new bill is virtually identical with the old legislation. Part 3 deals with the granting of casino licences, and the major difference is the reference to eligibility. Whilst there is more clarity of meaning with the change from the fit and proper person test to the setting out of a number of disqualifying grounds, such as a criminal conviction in the last five years in the ACT for an offence involving fraud or dishonesty or against a law about gaming, we do have some problems in relation to that, but more of that later.

The administrative arrangements for disciplinary action have been clarified with respect to natural justice provisions and the new show cause clause. An addition is that it is a ground for disciplinary action against a casino licensee if they fail to give information required to be given under this act or the control act, such as a tax return. Another new ground for disciplinary action is that the owner is not or is no longer an eligible person. Part 4 has been rewritten so that it is actually consistent with the Gaming Act, and the term of the licence has been lengthened from one year to two. Casino personnel are also subject to the eligibility criteria used for owners. There used to be two classes of personnel: operations and key personnel. There is now only one class and one set of fees. Short-term licences for personnel have been extended from three months to six months because of the delay in police checks last year. We would suggest that that is probably because of there being a lack of police in the territory.

Part 5 of this bill, which concerns casino operations, is the same as the provisions of the existing act, but the administration procedures have been improved. For example, in the past a casino operator had to provide a detailed floor plan showing the placement of tables, and an operator who wanted to move a table had to go to the commission in relation to that. That could take weeks. There have been modifications in that that can be done now and, if the commission has a problem and lets the casino operator know, that would be stopped. If they do not hear from the commission within a week, they do not have to go through that rather needless formality.

The operating hours have been clarified. There are now core hours—from 5.00 pm to 2.00 am—that the casino must operate. It can operate outside that time, but patrons have to be given 24 hours notice. That guards against the casino operators being able to manipulate opening times to affect gambling activities. Children are now prevented from entering the casino. In the past, they were able to go in if they could not see gaming taking place, which was rather quaint and probably rather difficult to enforce. Now, anyone under the age of 18 simply cannot go in.

The opposition does have some amendments. We have considerable concerns in relation to the five-year period in clause 7 of the bill, which relates to disqualifying grounds for an individual. It refers, firstly, to an individual who has been convicted or found guilty in the last five years, whether in the ACT or elsewhere, of an offence involving fraud or dishonesty or against a law about gaming; secondly, to an individual who has been convicted or found guilty in Australia in the last five years of an offence punishable by imprisonment for at least one year; and, thirdly, to an individual who has been convicted or found guilty outside Australia in the last five years of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least one year. There are also provisions in relation to an individual who is an undischarged bankrupt or who at any time in the last five years was one or had executed a personal

insolvency agreement. Finally, it refers to an individual who, at any time in the last five years, was involved in the management of a corporation when the corporation became the subject of a winding-up order or a controller or administrator was appointed.

In Australia, there have been some problems with casinos. There are always worries about organised crime and casinos and there are worries about the need to be absolutely accountable and for everything to be transparent. It is crucially important that individuals who work there, who might be the holders of a licence or whatever, are actually squeaky clean. I think there is a very real need there to ensure that the right steps are being put in place for probity to ensure that the people selected there cannot be tarnished in any way.

We feel that five years is actually a very short period, especially when you are dealing with something involving fraud or dishonesty, or indeed a law against gambling. The period is simply too inadequate. My amendment, which I will come to later, recommends a period of 10 years for that. Ten years is a reasonable period. It is a period which you have in the spent convictions schemes, although spent convictions will remain on one’s record forever. It is a far more realistic control measure in terms of ensuring that proper people are employed by the casino than the approach here. I certainly would encourage members of the Assembly to accept that.

We will be looking closely at how the legislation does match up. There are a number of issues in relation to the operation of casinos. It is absolutely crucial that they are properly regulated and that the community can have confidence in that being the case. I think that the ACT Gambling and Racing Commission is doing a good job. I am pleased to see some heartening signs there in terms of the exclusion of people from the casino under clause 78 in division 5.7, which is also where there are provisions now banning children from coming into the casino.

In the ACT, 95 per cent of the people who are excluded are actually self-excluded. They are problem gamblers who have registered to be excluded. I think that is a very promising sign in that the efforts to control problem gambling seem to be bearing some fruit. That is a good statistic. The other five per cent are initiated by third parties. When you are dealing with things like casinos, I do not think you can be too careful. Accordingly, I would commend to members our amendments and we will certainly be looking to see whether the probity controls here are, in fact, sufficient. I am advised that some other states have more extensive controls. They may well be applicable to the ACT should the situation demand.

DR FOSKEY (Molonglo) (5.03): The ACT Greens will be supporting this bill as the changes that it makes to the law governing the casino in the ACT are fairly moderate and reasonable. Members are all aware that, over the past few years, the ACT Gambling and Racing Commission conducted a review of the Casino Control Act. The process was a thorough one, consisting of discussions and an options paper before the release of a policy paper in October 2004. The government’s response to that paper is dated March 2005 and this bill is essentially about putting that response into legislation.

The most contentious areas of the review and the subsequent proposed changes is the continuing ban on poker machines in the casino. The ACT Gambling and Racing Commission is equivocal over the issue of poker machines in the casino, but the

government has been very clear that it will not change its policy, which quarantines poker machines to clubs rather than putting them in the hands of private businesses.

The ACT Greens have put on the record their ongoing concerns with poker machines and would rather see the number in the ACT reduced over time. The evidence is that the more venues there are and the more accessible poker machines are, the more likely they are to create problems, and by "problems" I mean problems for people. Of course, it is not just the people who play poker machines who can become dependent on them. There is now a whole clubs industry that is built on pokies and an ACT government that picks up $48 million in gaming tax. So the issue of dependency is a complex one indeed.

I understand that clubs do see themselves as significant contributors to the Canberra community. They provide social venues and a small proportion of their takings are returned in donations and grants to community organisations. But they undoubtedly are operated as businesses, and often quite large businesses. There are very few clubs in the ACT which serve the community development and support functions that were a part of the reason for the development of the ethnic and community clubs of early Canberra.

Given that the clubs do operate as businesses, they respond to issues such as the gaming law and regulation in terms of the impact on profitability. The fact that the profits go more or less back into the building, or into the Labor Party or a sports team, rather than into shareholders' dividends, makes them a little bit different from private businesses, but increasingly less. I am making these comments in the light of the continuation in this bill of a ban on gaming machine licences for any body in the ACT outside of the clubs.

It is interesting then to note the concern felt by clubs when the elimination of indoor smoking was mooted in the ACT. Much has been made of the loss of gaming income that comes with the elimination of cigarette smoking in gaming rooms. I do not want to make light of a loss of income for any commercial operation. Income translates into people's jobs, which, after all, is the point of business, to quote one of the early Myers. It is true that income includes taxes which support social services, among other things, and income provides facilities and activities for members, who are a part of our community.

Nonetheless, the nearest anyone from the clubs has come to acknowledging the value of reducing cigarette smoking, particularly passive cigarette smoking, for our community, their staff and their patrons is the often repeated comment that the bans have been accepted and the clubs will work with them. The lesson, it would seem, from the December *ClubsACTion*, the ClubsACT newsletter, is that improving customer service and encouraging an excellent staff attitude are still the best ways to soften the impact of smoking bans.

If we were then to take another step in reducing the number of poker machines, perhaps the same lessons would hold true. Perhaps a greater commitment to live music or other entertainment might deliver social and cultural benefits to Canberra as well and might encourage a different clientele, given that one of the concerns of ClubsACT is the dwindling numbers in the demographic that patronise their premises.

Given that this bill is about controls over the casino specifically and the rationale for ruling out gaming machines within it, it is disappointing that the government's response is simply that there has been no change in its policy. I would hope that we can revisit the

issue in the future and include some kind of comparative analysis of social and cultural wellbeing in New South Wales, where poker machines are widespread; in the ACT, where they are the province of the clubs; and in Western Australia, where poker machines are limited to the casino alone.

More significant in terms of change is the shift in the harm-minimisation requirements from being the direct responsibility of the ACT Gambling and Racing Commission itself to making the provisions of the gambling and racing code of practice apply. The responsibilities would fall on the casino itself. It makes sense to take an industry-wide approach to harm-minimisation issues. If there is not sufficient rigour or care being taken in looking out for harm, then it is reasonable to address the problem systemically rather than on a case-by-case basis. The question really lies in how effectively or strongly the practice is enforced.

One of the challenges that a small jurisdiction such as ours faces is keeping appropriate distance. Everyone really does know everyone or knows someone who knows someone and, in the end, the six degrees of separation are probably diminished to two, so it might be too easy to try to address problems of governance or regulation over lunch or coffee. Just as the separation of powers has been raised by the courts as an issue for ACT public servants to understand more precisely, it is probably inevitable that the separation between the regulators and the regulated will be very difficult to maintain in this environment. However, that was not an issue addressed in the ACT Gambling and Racing Commission's review of the Casino Control Act, but it might at a later date be addressed in a review of the commission itself.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.11), in reply: I thank members for their support. I will reply to a couple of things that Dr Foskey said. With the greatest respect, I think that it was one of those tut-tut speeches you get from the Greens every now and then, a bit of Green orthodoxy. The fact is that to change clubs, ban pokies and have live music would mean that most of them would go broke. Yes, clubs are concerned about their dwindling patronage, but they are not really trying to encourage music lovers who might have one or two red wines and that would be it for the afternoon. They are not really going to pay their freight. Really, those are not practical observations, let me say.

That is not to diminish the need to address harm minimisation in gambling. Certainly, I think that in the period that we have been in government we have done that. We have had a regime. We have worked with the club industry. We have had endorsement of the regime from outside, from the Brotherhood of St Laurence and others, who say that it is a very enlightened approach that we have taken.

Quite clearly, if we did reduce drastically the number of poker machines or banned them, we would be changing the nature of the community. That might be a good thing, but you have to know that that is what you would be doing. I do not think you are going to get a whole lot of people that like jazz or folk music actually supporting the industry that we have here now. As I said, that may or may not necessarily be a good situation by your standards, but let us be realistic when we actually talk about clubs and their role.

This bill is mainly about the casino and it is about, effectively, bringing legislation that governs the casino into line with that which governs the clubs so that we have a simpler regime of regulation. I think that the commission is to be congratulated on the work that it has done. Material that it has put forward has been through this house before. We have had plenty of time to look at what has been put forward. This is, in fact, just the implementation of matters that have been before the place before, and I thank members of the Assembly for their support.

To save time while I am on my feet, we will not be supporting the amendment in relation to a 10-year exclusion. At this stage, I do not know what is the opposition's advice, but I am advised that the Spent Convictions Act does not apply to the casino. This bill sets a five-year limitation but it is within the province of the casino to apply a further or longer period, depending on the judgment that they make, because they are not governed by the Spent Convictions Act; they are not embraced by it. In terms of limitations, my further advice is that no particular limit has been set in the major states of Victoria and New South Wales, unless that has changed in very recent times. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7.

MR STEFANIAK (Ginninderra) (5.16): I seek leave to move amendments 1 to 5 circulated in my name together.

Leave granted.

MR STEFANIAK: I move amendments 1 to 5 circulated in my name together *[see schedule 2 at page 89].* As I indicated earlier, this would amend proposed section 7 which deals with the period that is relevant for a disqualification ground. As the Treasurer said, it is five years in the act. I also indicated earlier that I would be seeking to increase that period to 10 years. That would apply also to bankrupts and corporations subject to winding-up orders. I have already indicated the importance of ensuring that the right individuals are involved in these organisations.

I appreciate that this five-year provision is basically the same provision as applies to clubs. Whilst there seems to be some relevance and a need for some commonality in relation to the clubs and poker machines and, to some extent, the casinos, obviously there is a big difference between casinos and clubs. For one thing, there are no poker machines in the casino in the ACT. Other jurisdictions have them, but the ACT has a different form of gambling in casinos compared to what goes on in clubs. That is one reason why we should not necessarily apply similar rules, especially when you are looking at employing eligible people. Around Australia there have been problems as the wrong

types of people have been associated with these activities. I said earlier that it is terribly important for the casino to ensure, as much as possible, that it is squeaky clean, that the right types of eligible people are employed and involved, and that probity and the proper checks and balances are there to ensure that that occurs.

I am also aware—and Mr Quinlan mentioned—that the five-year period is a minimum period and that regard can be had, if need be, to someone who has convictions past that five-year period. I accept that point as it is a sensible one. It would certainly go towards ensuring that probity is applied. It is crucially important that a proper minimum period is included to ensure that the right individuals are hired. We do not want someone who might well be a problem to be employed by a casino. Five years is far too short a period when we are dealing with people we do not want involved in a casino; that is, people who have been involved in fraud or dishonesty, people who have committed offences against a law about gaming, and people who have been convicted of indictable offences—effectively, anything that carries more than one year's imprisonment in any Australian jurisdiction or indeed overseas.

Referring to people who might well have been bankrupt in the past, we need a reasonable period before that requirement is mandated. I submit to this Assembly that 10 years is a reasonable period. I know that government members will vote against these amendments but we need to ensure that proper checks and safeguards are included in this legislation especially, and crucially, when it comes to ensuring an individual is an eligible person.

MR SESELJA (Molonglo) (5.20): I want to make some comments on this aspect of Mr Stefaniak's amendments because it is an important one. In my previous life, one of the areas in which I worked was in background checking of employees and those who go into restricted areas at airports. There are some parallels with those schemes. The commonwealth also had a scheme. If a person committed certain offences—and there was a long list of the types of offences; a bit longer than the list in this legislation—and he or she had been convicted of those types of offences there would be a seven-year period within which he or she could not work at an airport.

The commonwealth saw that there were lots of problems with that scheme and eventually amended it to the extent that it mirrored the spent convictions scheme. The Treasurer made the point that the spent convictions scheme does not apply to the casino. That simply means that the casino, as an employer, can take into account spent convictions that otherwise would not have been able to be taken into account. However, that scheme does not ensure that undesirable people who have committed serious offences are precluded from working at casinos, from having a casino licence or from being an owner of a casino. That is an important distinction to make, which is why this is a good amendment.

Whilst this provision does not mirror the spent convictions scheme at this point, it is something that should certainly be considered in the future. But extending this provision to 10 years is a good start. This provision is particularly important. Mr Stefaniak has already referred to the reputation of some casinos around the world. Not all casinos are tarred with the same brush, but we hope most casino operators operate in a scrupulous manner and that they have no criminal links. The experience around the world has been that that does happen and that is one of the reasons why we have laws like these.

I am concerned at the fact that we have such a small list of minor offences. If someone is convicted of an offence and the penalty is more than 12 months imprisonment that person will be precluded for five years. My concern is that there are very serious offences such as murder, racketeering and fraud, and after five years an offender certainly would not automatically be precluded from a position of importance at a casino—for example, an owner, a licensee, or an employee.

So these amendments are important. The public expects us to ensure that casinos are squeaky clean to the maximum extent possible. This five-year provision is simply not enough. I do not think many people would feel comfortable if someone who had been convicted of a serious offence was able, after just a few years, to be seriously involved with casinos. For those reasons I think these are important amendments. I commend Mr Stefaniak on moving these amendments, which I will be supporting.

DR FOSKEY (Molonglo) (5.23): I support these amendments which will change the time that a person is barred from being an owner of a casino if he or she has a criminal record for fraud, dishonesty, an incidence of bankruptcy, or other serious criminal offences have been committed. The bill proposes a bar of five years, and these amendments are proposing to increase that period to 10 years. There might be cases where 10 years could seem like a long time. However, the role of casinos historically and currently in supporting and disguising criminal behaviour is clearly understood. In placing limits on the ownership of these businesses it seems reasonable to err on the side of caution.

I make it clear that I do not want to imply that all casino owners support and disguise criminal behaviour; I just point out their potential for so doing. There certainly have been a number of cases. It is important to note that under this bill the minister or the commission can still declare such a person as being eligible to be an owner if they believe it is in the public interest. So I cannot see any problem with extending the period to 10 years, given the fact that the minister can override any decision if there are extenuating circumstances.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.25): I am shocked. In every debate that refers to a penalty, either tangentially or directly, I expect Mr Stefaniak to attempt to double it or make it harsher. If this bill had contained a 10-year provision I have no doubt he would have wanted to increase it to 15 or 20 years. But I do not forgive Dr Foskey.

Mr Seselja: For certain types of criminals.

MR QUINLAN: The point is that they might be former criminals. The government is happy with the legislation as it has been presented. Despite Dr Foskey's cogent argument, the government will not be changing it. As I said earlier, there are sufficient provisions in this bill to protect casino operators. I really do not think we need to follow that path. I concede today that members of the ACT Liberal Party are harder than I am. That will be borne out in spades over the next few years. We have in this house a very right-wing Liberal Party, which I think will repetitively manifest itself.

Mr Stefaniak: But the Greens supported it.

MR QUINLAN: I am shocked about that.

Question put:

> That **Mr Stefaniak's** amendments be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Dr Foskey	Mr Smyth	Mr Corbell	Ms Porter
Mr Mulcahy	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Mr Pratt		Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

Amendments negatived.

Clause 7 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Abortion

DR FOSKEY (Molonglo) (5.31): Today I want to contribute to the debate that is occurring in the federal parliament about whether ministerial discretion or an authoritative committee should decide whether or not a doctor can prescribe mifepristone, or RU486, to women and others in the Australian community. My speech comes from a paper presented by Professor Terence Hull at the launch of a booklet at Parliament House on 8 February. I found his talk very useful and note that it has not made its way into the media, as has a lot of much less informative material.

The establishment in 1963 of the Australian Drug Evaluation Committee occurred in the wake of the thalidomide tragedy. The ADEC was created specifically to make medical and scientific evaluations and remove such judgment calls from politics. The ADEC still exists and it is an expert committee of the TGA, or the Therapeutic Goods Administration. The ADEC's brief includes, first, assessment of the quality, risk-benefit, effectiveness and access within a reasonable time of any drug referred to it for evaluation; and, second, medical and scientific evaluations of applications for the registration of prescription drugs.

The members of the ADEC are appointed by the minister and are required to have professional qualifications in clinical medicine, pharmacology, toxicology, or general practice. The ADEC meetings last two days to consider a long list of drug or device applications, and the review process is exhaustive. It looks at all sides of the issue and examines the conditions of manufacture, the clinical impact and, of course, the safety of the drug.

On Monday, the Australian Federation of Right to Life Associations launched the results of its survey of Australians' attitudes to abortion. Anyone wishing to read that survey would need to go to the federation's website to get the data from which it drew its conclusions. However, members should not forget to take their calculators as they need to work out some of the more interesting findings that the sponsors did not include in their press release. Members also have to keep in mind that the survey was done in two stages, each of 1,200 respondents, by telephone, and that some of the questions changed between the two stages. Remember that these calls usually occur about dinnertime, and we all know our reaction to calls that interrupt us at that time.

Of the calls that were made—11,553 were actually connected—49 per cent of those answering refused to talk to the interviewer. The 2,400 respondents that did reply represented only 21 per cent of the connected calls. We might wonder why people might refuse to participate in such a survey and whether they would be more likely to be pro or anti abortion. A subsequent press release stated:

> 51% of Australians are opposed to abortion performed for financial or social reasons.

I do not know what "social" means in that context, but that is the word that was used. If we look at the report we see it shows that 59 per cent of all respondents and 63 per cent of 18-year-olds to 54-year-olds support "abortion for any reason whatsoever"; that is, abortion on demand. Only 37 per cent of respondents said no to abortion on demand. Articles in the press told us that 53 per cent opposed Medicare funding for abortion in those circumstances, but the report states:

> 53.6% of all respondents support "Medicare funding for any reason whatsoever, that is abortion on demand."

Given the prelude to that question, which I am very happy to show people later, it is a remarkable response because that prelude predisposed people to say otherwise.

Income tax cuts

MR MULCAHY (Molonglo) (5.36): The people of Canberra will not thank the soon-to-depart Treasurer for his declared opposition to federal income tax cuts. Federal Treasurer Costello declared earlier this year:

> The time is right to work on reducing the tax burden.

This was reported in the *Canberra Times* on 23 January. This is especially important for the people of Canberra because of the structure of incomes in the ACT.

Compared with all other jurisdictions, Canberrans have a lower reliance on business incomes and a much greater dependence on income from wages and salaries. Sixty-eight per cent of Canberra households rely on wages and salaries for their income, compared with an average of 57 per cent for the rest of Australia. That means that Canberra residents stand to benefit more than virtually any other Australian community from reductions in income tax.

But, of course, Mr Quinlan will not have a bar of it. The *Canberra Times* reports that he has called on the federal Treasurer to abandon plans to cut income tax. In fact, he wants the government to spend more money instead, which is typical. That was underlined today by the extraordinary midyear review figures that show what a bleak period we are heading into. No doubt those figures fully confirm the reason why he said it was time to head to the exit door.

Mr Quinlan cannot shake off the tired, old Labor Party mantra of higher taxes and more government spending. Even in this city, in which this government claims it has strong support, it is not willing to let the salaried population of Canberra benefit from improvements and reductions in income tax—a city in which fewer people benefit from business incomes. The outgoing Treasurer's problem is that he has not been able to restrain the ACT government when it comes to big spending.

Sadly, financial mismanagement has become the hallmark of this government. It causes opposition members no joy to see this happen but it has to be brought to the attention of the Canberra people. The government's financial statistics in its last budget papers show that ACT government spending will outstrip revenue by $356 million in 2005-06 and that the shortfall is estimated to be $249 million in 2008-09. In the latest statistics that came out today those figures have escalated considerably.

Under the revised figures, that 2008-09 figure has hurtled up to $332.6 million, and our unencumbered cash is down to less than $1 million. When all these things come home to roost, Mr Quinlan will be well out of the way and the legacy will be left with his Labor colleagues to try to defend. By 2008-09 the accumulated deficit, even on the old figures, was estimated to be of the order of $1,422 billion, or effectively $1.5 billion, as a consequence of the incapacity of this Treasurer and the territory government to make the hard decisions that are required in economic management.

Who will pay for that privilege? The people of Canberra will be faced with a decline in revenue growth through the government's mismanagement. Those problems will be resolved by imposing higher tax rates, thus impacting on the people of Canberra. It is no wonder that the Treasurer wants the federal government to bail him out of trouble by spending more money in areas where the ACT government has failed so miserably. Canberra taxpayers will soon feel the pain of the ACT government's lack of performance as they experience higher local taxes and charges to pay for Labor's profligacy. At the same time they will not see improvements in waiting times at the hospital, safety in the streets and amenities and improvements in shopping centres and the like.

If some of the current federal budget surplus could be returned to Canberrans as income tax cuts it might ease the pain of high and rising taxes and charges imposed by this ACT Labor government. Mr Quinlan, as one of his final salvos, says he is against the money

being passed back to the Australian taxpayer. Governments do not make money; governments collect taxes and spend money on our behalf.

When ordinary men, women and families have an opportunity to reduce their income tax from the high levels they are still suffering in this country it is an outrageous and miserable approach for the territory government's financial spokesman to say, "Let us deny that to the ordinary people of Canberra." Where more than anywhere else in Australia are people reliant on salary and income? I hope the Treasurer's successor will review the position that has been taken by this government.

Question on notice No 832
Yogie awards

MS MacDONALD (Brindabella) (5.41): I seek leave of the Assembly to table the answer to question No 832.

Leave granted.

MS MacDONALD: I present the following paper:

> Question on notice No 832—Answer.

I note Mr Mulcahy was concerned about this issue so I tabled that answer.

Tonight I draw to the attention of the house an important issue: recognising excellence in youth work. In December last year I was fortunate enough to represent the education minister at the annual Yogie awards. I did that on behalf of Minister Gallagher, who was unable to attend. The Yogie awards are a Youth Coalition initiative, rewarding excellence in youth work in the ACT and Queanbeyan. They ensure that outstanding achievements in the youth sector are formally recognised and celebrated both within the youth sector and in the wider community.

Many deserving people and organisations were rewarded for their dedication to the youth of the Canberra region. These include the Connection youth support service; the Centrelink Community Unit, area southwest; the ACT Health's Community Health and Mental Heath ACT units for their co-morbidity project; the peer research model of the Youth Coalition of the ACT and Morgan Disney and Associates; the Office of Children, Youth and Family Support; the Department of Disability, Housing and Community Services; the messengers program at the Tuggeranong Arts Centre; the Ted Noffs Foundation ACT; the YWCA Mura Lanyon Youth Centre; U-Turn Youth Services; Sexual Health and Family Planning ACT; the YWCA of Canberra for its board traineeship program; and the St Vincent de Paul Society for its St Nicholas young carers camps.

Also included are Mr Andy Mills, Dr Helen Watchirs, Mr Max Barker, Ms Kim Davison, Mr Michael Marriott, Ms Sindy Pearson, Ms Berenice Christusmeeum, Mr Peter Schwarz, Ms Rhonda Fuzzard, Ms Lisa Kelly, Ms Louisa Latukefa and Mr Tom Zinkel. I apologise if I have mispronounced anyone's name. Every individual and organisation that was awarded deserves commendation.

I highlight the work of a few. The messengers program won the collaboration for change award, which recognises programs, services or organisations that have demonstrated an outstanding and effective commitment to working collaboratively towards positive outcomes for young people. The program, which operates from the Tuggeranong Arts Centre, is a youth program initiative that utilises arts as a means of building resilience in young people. The messengers program collaborates with 42 schools—both government and non-government—youth services and community organisations.

Collaboration is integral to their success, with every government secondary school and a significant number of non-government schools and alternative education programs participating in the program. I have had the opportunity to meet with some of the workers and youth involved with the messengers program, and they are most deserving of their award.

The lifetime achievement award was presented to Kim Davison, Chief Executive Officer of Gugan Gulwan Aboriginal Youth Corporation, and Michael Marriott from the transition program. Ms Davidson was recognised for her tireless work with indigenous young people and families involved in the corporation. Mr Marriott has been working with young people in the youth sector in Canberra for 16 years and is known for his good humour, patience and belief in young people. They both deserve strong commendation for their many years of support and dedication to our youth.

Finally, I highlight the work of two people who received the unsung hero award. This award recognises an outstanding individual who works behind the scenes to improve the wellbeing of young people in the ACT. Sindy Pearson from the Woden Youth Centre was nominated by that centre for her motherly support. Over the years she has helped hundreds of young people, and many have kept in contact with her long after they have moved on.

The second winner, Berenice Christusmeeum, has made it her lifetime mission to help young people. She regularly brings food and clothing to U-turn Youth Services and other youth services in the ACT and never asks for anything in return. Congratulations go to the Youth Coalition on organising these awards. It is a great initiative.

Christmas lights
Tamil senior citizens aged persons units

MR SMYTH (Brindabella—Leader of the Opposition) (5.46): On 12 December last year, just before Christmas, Canberra had an unfortunate visit from the Christmas grinch. The grinch wanted to ruin Christmas for everyone. The ABC ran a story along these lines: “Late night Christmas light revellers irritate residents.” The story goes on to state:

> The ACT Government says it might need to regulate the use of outdoor Christmas lights in suburban Canberra.
>
> Labor MLA Mary Porter says she has received numerous complaints from residents about some lights remaining on until the early hours of the morning.

We were quite disturbed by this visit by the grinch. I asked the Minister for Urban Services a question upon notice to find out just how bad this problem was. We do not

want the grinch coming to Canberra, staying too long and ruining all the fun. I placed the following questions upon notice:

> Has the Minister's attention been drawn to an *ABC News Online* story entitled "Late night Christmas lights viewers irritate residents …

The minister's answer was yes.

My second question was:

> How many complaints regarding the use of outdoor Christmas lights have been made by residents of the ACT and in what suburbs have these complaints been made for the years (a) 2003-04, (b) 2004-05, and (c) 2005-06 to date …

The disturbing part about this issue relates to the use of the words "numerous complaints". The minister replied:

> The Environment Protection Authority, Canberra Connect and Urban Services Ranger Service have not received any complaints about Christmas lights in:
>
> (a) 2003-04
> (b) 2004-05 or
> (c) 2005-06 to date.

What is the government going to do to fix a problem that does not exist that has brought the grinch into our town? My third question was:

> Does the Government see a need to regulate the use of outdoor Christmas lights and what are the problems that have been identified which have led to the Government to possibly regulate the use of outdoor Christmas lights …

The minister said:

> No problems have been identified with Christmas lights. Should problems occur there are, under the *Environment Protection Act 1997*, mechanisms available to manage any genuine environmental nuisance they may cause.

My fourth question was:

> What will the Government do in order to regulate the use of outdoor Christmas lights …

The minister said:

> The Government has appropriate laws in place should Christmas lights become a problem. There is no need for any further regulation.

My fifth question was:

> Will there be penalties associated with a breach of any regulations that the Government establishes; if so, what will these penalties be.

How do we keep the grinch out of our city? The minister said:

> The Government is not establishing any new regulations.

No problem, no complaints and no new regulations. Thank God, once again the government has fought off the Christmas grinch.

Another issue that I address relates to the turning of the sod on Saturday for the Tamil seniors aged persons housing units. Minister Hargreaves, as the minister for housing, attended the ceremony and turned the sod, ably assisted by Annette Ellis, the federal member for Canberra, and me.

I congratulate Thamo Tharalingam, president of the Tamil Senior Citizens Aged Persons Housing Cooperative. That group of people identified a need in their community—the need for appropriate housing for older members of their community that is culturally sensitive to their needs, which is very important. As some people age, they are faced with the onset of debilitating diseases like Alzheimer's or dementia. They often forget things that happened recently in their lives but they remember very clearly where they were born, where they grew up and the first things they learned. So it is appropriate that we have culturally sensitive housing in the ACT. Tamil senior citizens have gone out of their way to ensure that that occurs.

The beauty and the simplicity of the morning was that there was a blessing of the event by a Hindu priest, which was warmly received by the community. Currently at Corpus Christi parish in Gowrie a priest is on secondment from a parish in southern India. He is learning in Australia. Father Baker came along with the Hindu priest and gave a joint blessing. The three local members, Mr Hargreaves, Ms Ellis and I, then joined in the turning of the sod. The priest and Father Baker did a fantastic job at wielding a mattock. Obviously they are no strangers to hard work. Then refreshments were had.

As a community, congratulations go to the Tamil senior citizens aged care units body on what they have done. It is fantastic that the government made the land available to them. We look forward to growing numbers of culturally sensitive aged retirement facilities in the ACT.

Government achievements

MR GENTLEMAN (Brindabella) (5.50): After returning from our parliamentary break, I became aware that the Christmas-new year period is a time for us all to be thankful for our lot in life and to realise how fortunate we are. It is a time to reflect on the past year and to consider how best to build on the efforts of 2005. The year 2005 was a great year for the Stanhope government and for me personally. We have seen the ongoing transformation of areas devastated by the 2003 bushfires, with the rebuilding of suburban homes and the reconstruction of our national resources. It has been a pleasure to walk through Tidbinbilla Nature Reserve and to picnic at the Cotter.

However, there is a lot more to be done. Under the Stanhope government, the road to recovery is in safe hands. Under the Stanhope government, ACTION Buses saw the milestone of 21,000 adult boardings in a single day. The government committed further

funding of $4.84 million to ACTION for an additional 11 new compressed natural gas buses. For me, 2005 marks 12 months in office. It marked a year as Chair of the Standing Committee on Planning and Environment and deputy chair of the Standing Committee on Education, Training and Young People.

The year 2005 also saw the formation of the Select Committee on Working Families in the ACT. Again, the ACT Legislative Assembly has led the way in supporting transparency of government and the legislation affecting ordinary Canberrans. I am very proud of my involvement with this committee. I am proud that we in this Assembly have given the people of Canberra the opportunity to voice their views about the greatest change to industrial relations since federation.

But what do our colleagues in the opposition have to be proud of in 2005? Mr Mulcahy can be proud of his position on Australian workplace agreements. Mr Mulcahy believes that Australian workplace agreements have "in fact been of huge benefit to workers". Mr Mulcahy should be aware that a small army of aircraft fitters at Boeing's Williamstown RAAF maintenance plant do not agree with him. On 31 December, as we were all preparing to count down to the new year, those workers were in their 221st day on the picket line. They are fighting for their right to an enterprise agreement to replace Mr Mulcahy's so-called "beneficial contract".

But wait, there is more! Mr Mulcahy was delighted to speak to a matter of public importance on the impact of the federal government's WorkChoices policy announcements on the Canberra community because "they are indeed welcome and positive in terms of the impact they will have, not only in the ACT community, but on the Australian community at large".

By contrast, his former frontbench colleague, Mrs Dunne, thought this opportunity, in the form of the Select Committee on Working Families in the ACT, was "just a rhetorical flourish by those opposite as an opportunity to bash the commonwealth". Those views were reiterated by committee member Mrs Burke who, by coincidence, now sits in Mrs Dunne's vacated position on the opposition's front bench. What proud moments for 2005! Slap after proverbial slap in the faces of working families by the opposition.

With such a commitment to the people of Canberra, it is little surprise that someone was left holding the bucket, or should I pronounce that "bouquet"? Mrs Burke's comments about this committee—the only chance for the people of Canberra to express their opinions on WorkChoices—pale by comparison with the opposition's treatment of its own members. If this is how it treats its own, why would the people of Canberra ever entrust it with their future?

Mrs Dunne can rest assured. In 2006 the government will continue to ensure that all workers are given a fair go at work, that they can get to work on public transport and that they and their families can enjoy the wonderful sights of Canberra. On a personal note—

Mrs Burke: On a point of order: I am not sure whether this is pre-empting an outcome of the select committee of which I am a member.

MR SPEAKER: There is no point of order.

MR GENTLEMAN: On a personal note, I would like to assist Mrs Dunne as a work colleague. I have downloaded a CPSU membership form should she want it. She might be able to ask Mr Mulcahy to join. She could nominate him as her workplace delegate. At the very least, I invite Mrs Dunne to make a submission to the Select Committee on Working Families in the ACT on the need for proper and fair dispute resolution procedures. The people of Canberra—and I include Mrs Burke—deserve the best. They deserve the opportunity to pursue their goals. I look forward to another year in government doing exactly that.

Question resolved in the affirmative.

The Assembly adjourned at 5.56 pm.

Schedules of amendments

Schedule 1

Civil Law (Wrongs) Amendment Bill 2005 (No 2)

Amendments moved by Mr Stefaniak

1
Clause 4
Proposed new section 121
Page 7, line 1—

omit

2
Clause 4
Proposed new section 135
Page 18, line 6—

omit proposed new section 135, substitute

135 Defence of truth and public benefit

It is a defence to the publication of defamatory matter if the defendant proves that—

(a) the defamatory imputations carried by the matter of which the plaintiff complains are substantially true; and

(b) it was for the public benefit that the matter should be published.

3
Clause 4
Proposed new section 136
Page 18, line 10

omit

Schedule 2

Casino Control Bill 2005

Amendments moved by Mr Stefaniak

1
Clause 7 (2) (a)
Page 5, line 9—

omit

5 years

substitute

10 years

2
Clause 7 (2) (b)
Page 5, line 13—

omit

5 years

substitute

10 years

3
Clause 7 (2) (c)
Page 5, line 16—

omit

5 years

substitute

10 years

4
Clause 7 (2) (d)
Page 5, line 20—

omit

5 years

substitute

10 years

5
Clause 7 (2) (e)
Page 5, line 23—

omit

5 years

substitute

10 years